

From the Director, Department of Administrative Services, requesting authorization to amend the Marcus Center for the Performing Arts (MCPA) 2016 Contribution Agreement to effectuate cost sharing between Milwaukee County and the MCPA for bond refinancing, and thereby reducing Milwaukee County's 2026 capital contribution by the same amount, by recommending adoption of the following:

### A RESOLUTION

WHEREAS, the Milwaukee County Board of Supervisors (County Board) has determined that it is necessary, desirable, and in the best interest of Milwaukee County (the County) to raise funds for the public purpose of paying the cost of refinancing certain obligations (Refunded Obligations) related to the Marcus Center for the Performing Arts (MCPA) pursuant to File No.18-491; and

WHEREAS, the County previously issued the Refunded Obligations for the purpose of financing or refinancing improvements to the Marcus Center; and

WHEREAS, the Refunded Obligations were issued as tax-exempt bonds, and therefore, are subject to certain provisions of the United States Internal Revenue Code of 1986, as amended, and any applicable United States Treasury regulations that restrict the use of the assets, such as the MCPA, which are financed by tax-exempt bonds; and

WHEREAS, the County Board has deemed it necessary, desirable, and in the best interest of the County to refund the Refunded Obligations on a taxable basis for the purpose of eliminating the requirement for the MCPA to comply with specific provisions of the United States Internal Revenue Code of 1986 (such as the Private Activity rules and regulations), which thereby will permit the MCPA to engage in additional fundraising activities pursuant to File No. 18-491; and

WHEREAS, the MCPA has agreed to cover half of the additional costs by reducing the 2026 capital contribution due from the County to the MCPA pursuant to the 2016 Contribution Agreement; and

WHEREAS, the Committee on Finance and Audit, at its meeting of July 19, 2018, recommended adoption of File No. 18-544 (vote 7-0); now, therefore,

BE IT RESOLVED, the Milwaukee County Board of Supervisors hereby authorizes the County Executive, County Comptroller, and Corporation Counsel to enter into an amendment to the 2016 Contribution Agreement with the Marcus Center for the Performing Arts, Inc., to reduce the 2026 capital support by 50 percent of the actual additional cost of the Refunding as determined by the Milwaukee County Comptroller.