

.....  
Date April 7, 2008

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RESOLUTION ELECTING CLASSIFICATIONS AND  
PROCEDURES FOR PROPOSED BOND PROJECTS

WHEREAS, this Council proposes to authorize the issuance of general obligation bonds under Chapter 384 of the Code of Iowa for the purpose of providing funds to pay the costs of the FY09 CIP projects listed in the Project Classifications and Hearings Summary prepared by the Finance Director attached hereto and made a part hereof; and

WHEREAS, the FY09 CIP projects consist of both essential corporate purposes and general corporate purposes, as those terms are defined in Section 384.24 of the Code of Iowa; and

WHEREAS, Section 384.28 of the Code of Iowa provides generally that the definitions of essential corporate purposes and general corporate purposes are not mutually exclusive, and that if a project or activity may be reasonably construed to be included in more than one classification, the Council may elect at any time between the classifications and the procedures respectively applicable to each classification; and

WHEREAS, the Finance Director has proposed that the FY09 CIP projects to be funded with the proposed general obligation bonds be classified for purposes of the applicable hearing procedures as set forth in the Projects Classifications and Hearings Summary attached hereto and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF DES MOINES, IOWA, that the classifications and procedures proposed in the Project Classifications and Hearings Summary attached hereto be and hereby are in all respects approved, and the City Council hereby elects the classifications and procedures set forth therein, as authorized by Section 384.28, for purposes of establishing the classifications and hearing procedures applicable to the proposed FY09 CIP project bonds.

★ **Roll Call Number**

**Agenda Item Number**

29A

.....  
 April 7, 2008

**Date** .....

Moved by: \_\_\_\_\_ to adopt.

Form approved: \_\_\_\_\_  
 Deputy City Attorney

DCORNELL/ 573761.1 /MSWord\10387.215

(Council Communication No. 08-177 )

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
<b>TOTAL</b>				

**CERTIFICATE**

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED

APPROVED

\_\_\_\_\_  
 Mayor

\_\_\_\_\_  
 City Clerk

29A-H

# AHLERS & COONEY, P.C.

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March 27, 2008

Mr. Allen McKinley  
Finance Director/Treasurer  
City of Des Moines  
400 Robert D. Ray Drive  
Des Moines, Iowa 50309

RE: General Obligation Bond Proposals -  
Roll Calls to set dates of hearings

Dear Mr. McKinley:

With this letter I am enclosing copies of suggested Roll Calls to elect project classifications and set dates of hearings on the bond proposals required to finance the FY2009 CIP projects described in your bond sizing memorandum (original copies are being forwarded directly to the City Clerk). According to the schedule proposed, these Roll Calls should be presented to the City Council at its meeting on April 7, 2008. Because a variety of projects are contemplated, and because the publication requirements differ, I will address each of the proposals separately below.

Each of the projects identified in your memorandum (except the East Side Parking Garage) has been allocated to one of seven (7) separate bond proposals. The Project Classifications and Hearings Summary (the "Summary") you have prepared indicates whether the various projects have been classified as an "essential corporate purpose" (ECP) or a "general corporate purpose" (GCP) under State law for purposes of the required hearings, and lists each of the projects included under a particular Roll Call. A separate Roll Call is enclosed for the purpose of approving the Summary and electing the proposed classifications and hearing procedures under Section 384.28 of the Iowa Code. I would suggest that this Roll Call be considered before the seven (7) others are acted upon.

**Not to exceed \$20,740,000**

**General Obligation Bonds (Misc. Essential Corporate Purpose Projects)**

In the case of this proposal, notice of the meeting must be published at least once in a legal newspaper, printed wholly in the English language, published at least once weekly, and having general circulation in the City. The date of publication is to be not less than four clear days nor more than twenty days before the date of said public meeting. In computing time, the date of publication should be excluded. If the last day falls on Sunday, the whole of the following Monday should be excluded.

**General Obligation Bonds  
(Urban Renewal Projects)**

**General Obligation Bonds (General Corporate Purposes)**

In the case of each of the other six (6) proposals, notice of the meeting must be published at least once in a legal newspaper, printed wholly in the English language, published at least once weekly, and having general circulation in the City. The date of publication is to be not less than ten clear days before the date of the public meeting on the issuance of the bonds. In computing time, the date of publication should be excluded. If the last day falls on Sunday, the whole of the following Monday should be excluded.

At any time before the date of the hearing, a petition may be filed with the City Clerk requesting that the issuance of bonds for these purposes be submitted to an election. To qualify, a petition must be signed by eligible electors equal to at least ten percent of the number who voted in the last regular municipal election (but not less than ten persons).

\* \* \* \*

Under the schedule proposed, all of the public hearings should be scheduled for the City Council's meeting on April 21, 2008. Because of the 10-day publication requirement applicable to most of these proposals, we would suggest that all of the notices of hearing be published sometime on or before Thursday, April 10, 2008. In each instance, we would suggest that a printer's proof of the notice be obtained and reviewed prior to publication to ensure accuracy.

March 27, 2008  
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Separate copies of the notices of hearing are enclosed to be completed by the City Clerk and delivered to the newspaper for publication purposes.

As always, we would appreciate having certified copies of the enclosed Roll Calls returned to us following the Council's action for our transcript of the action taken, as well as copies of the publisher's affidavits with respect to the publication of the notices involved once they become available.

If you have any questions concerning the enclosed proceedings, please don't hesitate to contact me.

Very truly yours,



William J. Noth

WJN:dc  
encl.

cc: Diane Rauh (w/original Roll Calls)  
Larry McDowell (w/encl.)  
Jon Burmeister (w/encl.)