

.....
May 4, 2009

Date

RESOLUTION WITH RESPECT TO PUBLIC HEARING
ON THE ISSUANCE OF NOT TO EXCEED \$15,895,000
GENERAL OBLIGATION BONDS FOR ESSENTIAL
CORPORATE PURPOSES

WHEREAS, pursuant to Section 384.25 of the City Code of Iowa, notice of the hearing on the issuance of not to exceed \$15,895,000 General Obligation Bonds and the proposed action by the City Council to institute proceedings for the issuance of said Bonds has been given for the purpose of paying costs of certain projects included within the 2009-2010 Capital Improvements Program budget of the City, including the construction, reconstruction, improvement and repair of bridges and viaducts; the acquisition of equipment for the Fire Department; the acquisition of emergency services communications equipment and radio system improvements; the rehabilitation and improvement of City parks, including the construction, acquisition and improvement of recreational facilities, equipment, recreation trails, buildings, and other park improvements, public space amenities or attractions located in City parks; the construction and repair of cemetery facilities and improvements; the construction, reconstruction and repair of sidewalks; the construction, reconstruction and repair of streets and related street, storm sewer and streetscape improvements and the acquisition of public rights of way for the same, including street widening, paving and intersection improvements; the acquisition, installation and repair of traffic control devices and signals; and the funding of programs to provide for or assist in the acquisition or restoration of housing, including public housing improvements; and

WHEREAS, the public meeting and hearing has been duly held at the time and place provided and in accordance with said notice, and oral or written objections were received and filed, including the following:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF DES MOINES, IOWA:

★ **Roll Call Number**

Agenda Item Number

54A

May 4, 2009

Date

That the time for receiving oral and written objections be closed and the proposal for the issuance of said Bonds and all objections thereto are taken under consideration by the Council.

Moved by: _____ to adopt.

Form approved:



DCORNELL/ 613632.1 /MSWord\10387.221

(Council Communication No. 09-261)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

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

54A-J

AHLERS & COONEY, P.C.

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Direct Dial:
(515)246-0332

April 24, 2009

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
for public hearings and proceedings taking
additional action

Dear Mr. McKinley:

With this letter I am enclosing suggested Roll Calls to be acted upon by the City Council on May 4, 2009, the date fixed for the hearings on the proposed issuance of General Obligation Bonds to accomplish the financing of projects included within the FY2010 CIP projects.

As you know, a total of ten (10) public hearings on the general obligation bond proposals have been scheduled. Two of those hearings relate to proposals to issue general obligation bonds for "essential corporate purpose" projects. The other eight hearings relate to proposals to issue general obligation bonds for "general corporate purpose" projects. As you know, however, one of the "essential corporate purpose" proposals involves urban renewal activities and therefore is subject to the same "reverse referendum" procedures applicable to the "general corporate purpose" projects.

For the sake of clarity, I will distinguish between each of these proposals and describe the related Roll Calls according to the procedures involved:

Not to exceed \$15,895,000
General Obligation Bonds (Misc. Essential Corporate Purpose Projects)

A public hearing is to be held on the above proposal, followed by Council action on two separate Roll Calls. The first Roll Call essentially closes the public hearing and documents the Council's receipt of any objections to the proposal. The second Roll Call institutes proceedings to take additional action for the authorization and issuance of the bonds being considered.

The first Roll Call therefore has been prepared to show the receipt of any oral or written objections from any resident or property owner to the proposed action of the Council to issue the bonds for the purposes described. A summary of objections received or made, if any, should be attached to the first Roll Call. After all objections have been received and considered, if the Council decides not to abandon the proposal to issue the bonds for the designated purposes, a second Roll Call follows to take additional action for the issuance of the bonds for that purpose.

The Council is required by statute to adopt the Roll Call instituting proceedings to issue the bonds at the hearing - or an adjournment thereof. If necessary to adjourn, the Roll Call should be revised to reflect that action.

In the event the Council decides to abandon the proposal to issue said bonds, then the form of resolution proposed should not be adopted. We would suggest that, in this event, a motion merely be adopted to the effect that such bond proposal is abandoned.

Section 384.25 of the Code of Iowa provides that any resident or property owner of the City may appeal the decision to take additional action to issue the bonds to the District Court of a county in which any part of the City is located, within fifteen days after such additional action is taken, but that the additional action is final and conclusive unless the court finds that the Council exceeded its authority.

In the event an appeal is filed by any resident or property owner, please see that we are notified immediately and, as soon as available, a copy of the notice of appeal should be furnished to our office for review.

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

General Obligation Bonds (General Corporate Purposes)

All of the above proposals are subject to the "reverse referendum" procedures, under which petitions may be filed prior to the hearing asking that the particular bond proposal be submitted to an election. As stated above, separate hearings are to be held on each of the above proposals. In each instance, two Roll Calls are again provided: the first Roll Call relates to the public hearing on the bond proposal and the second Roll Call institutes proceedings to take additional action for the authorization and issuance of the bonds being considered.

In each case, the first of these Roll Calls assumes that no petition has been received calling for an election on the proposed action of the Council to issue bonds for the purposes described. At the hearings, the Council should receive any oral or written objections to the proposal under consideration. If no petition has been filed with respect to the proposal, and the Council decides not to abandon the proposal to issue bonds for the purposes described, the Council then should proceed to adopt the second Roll Call instituting proceedings to take additional action for the issuance of the bonds under consideration.

In the event the Council decides to abandon a particular proposal to issue bonds for the specified purposes, then the second Roll Call with respect to the proposed bonds should not be adopted. We would suggest that, in this event, a motion merely be adopted to the effect that the particular bond proposal is abandoned.

If a petition has been received with respect to a particular proposal and if the Council decides not to abandon the proposal to issue said bonds for that purpose, a form of resolution should be introduced and adopted to adjourn the matter to permit preparation of the resolution to call an election.

April 24, 2009
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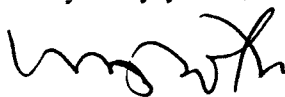
Please see that we are advised immediately if a petition is filed bearing signatures of a sufficient number of eligible electors.

* * * *

Following the Council's action on the date of the hearings, we would appreciate receiving certified copies of the enclosed Roll Calls for our transcript of the action taken. We also would appreciate receiving copies of the publisher's affidavits prepared with respect to the publication of the various notices of hearing once they become available.

Should any questions arise, please don't hesitate to contact us.

Very truly yours,



William J. Noth

WJN:dc
encl.

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