



## Legislation Details (With Text)

<b>File #:</b>	15-1365	<b>Version:</b>	1	<b>Name:</b>	11/16/15 Resolution Calling a Public Hearing for Issuance of Bonds by the Wisconsin Public Finance Authority for Internet2
<b>Type:</b>	Resolution	<b>Status:</b>			Passed
<b>File created:</b>	11/16/2015	<b>In control:</b>			City Council
<b>On agenda:</b>	11/16/2015	<b>Final action:</b>			11/16/2015
<b>Enactment date:</b>	11/16/2015	<b>Enactment #:</b>			R-15-379

**Title:** Resolution Calling a Public Hearing Concerning the Issuance of Bonds by the Wisconsin Public Finance Authority for the Benefit of the University Corporation for Advanced Internet Development (a/k/a Internet2)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. EXHIBIT A - Notice of Public Hearing on Issuance of Bonds - Internet2.pdf

Date	Ver.	Action By	Action	Result
11/16/2015	1	City Council	Approved	Pass

Resolution Calling a Public Hearing Concerning the Issuance of Bonds by the Wisconsin Public Finance Authority for the Benefit of the University Corporation for Advanced Internet Development (a/k/a Internet2)

The Public Finance Authority (PFA), has been approached by Internet2 to assist in financing property in Ann Arbor, located at 100 Phoenix Drive, Suite 111. The existing property is one out of 63 locations within a multi-state improvement project, in which the internet networks that consist of fiber optical cables, routers and supporting equipment will be added to improve the transmission of data over the internet. This portion of the project is currently expected to be \$350,000 out of a \$20,000,000 project.

The PFA is a political subdivision of the State of Wisconsin authorized to issue taxable and tax-exempt bonds for public benefit project nationwide. The PFA was formed and is sponsored by the National League of Cities and National Association of Counties. More information on the PFA can be found at [www.pfauthority.org](http://www.pfauthority.org) <<http://www.pfauthority.org>>. In order to complete the financing the local agency where the project is proposed must approve the PFA financing. The following is a brief discussion relating to this public hearing process under the Tax and Equity Fiscal Responsibility Act of 1982 ("TEFRA").

The TEFRA hearing process is a public accountability procedure involving the legislative body of the local agency in which the proposed project is located. During such process, the legislative body conducts a public hearing providing members of the community the opportunity to speak on behalf of or against the nature and location of the proposed project to be financed with tax-exempt bonds. Notice of such hearing must be published in a newspaper of general circulation at least 14 days prior to the date of the public hearing.

The City of Ann Arbor will be asked to adopt a resolution approving of the issuance of tax-exempt

bonds for the financing of the proposed project. It is anticipated that this resolution will be on the Council agenda for December 21, 2015. Such approval is required for compliance with the federal tax laws under TEFRA, as well as the Wisconsin statutes requiring local approval. This approval will not constitute any other approval of the local agency. Each financing completed by the PFA has been structured so that the local agency completing the TEFRA hearing process has no liability with respect to the issuance of bonds or the repayment of any debt service relating to such bonds. More importantly, the local agency completing the TEFRA hearing process is not a party to any of the financing documents relating to the issuance of the bonds nor is it named in any of the disclosure documents describing the bonds or the proposed financing.

Prepared by: Matthew V. Horning, Treasurer

Reviewed by: Tom Crawford, Chief Financial Officer

Approved by: Steven D. Powers, City Administrator

**CITY COUNCIL  
OF THE  
CITY OF ANN ARBOR**

**(UNIVERSITY CORPORATION FOR  
ADVANCED INTERNET DEVELOPMENT)**

**RESOLUTION CALLING PUBLIC HEARING  
CONCERNING THE ISSUANCE OF BONDS BY  
THE WISCONSIN PUBLIC FINANCE AUTHORITY  
FOR THE BENEFIT OF THE UNIVERSITY CORPORATION  
FOR ADVANCED INTERNET DEVELOPMENT (A/K/A INTERNET2)**

Minutes of a regular meeting of the City Council of the City of Ann Arbor, County of Washtenaw, Michigan (the "City") held on November \_\_, 2015, at 7:00 o'clock P.M., Michigan Time.

Present: Members:

Absent: Members:

The following preamble and resolution were offered by Member \_\_\_\_\_ and supported by Member \_\_\_\_\_.

**WHEREAS**, the University Corporation for Advanced Internet Development (aka Internet2), a nonprofit corporation of international reputation, with offices located at 100 Phoenix Drive, Suite 111, Ann Arbor, Michigan, provides nationwide and international internet infrastructure for higher education, government and industry, to assist, among other things, in the movement of research data and information on the internet; and

**WHEREAS**, Internet2 has developed a financing plan for the improvement of its network throughout the United States, which plan will be implemented through the issuance of tax-exempt bonds in the maximum principal amount of \$1,100,000.00 (the "Bonds") by the Public Finance Authority of the State of Wisconsin (the "Wisconsin Public Finance Authority") to finance certain furniture, fixtures and equipment for the benefit of Internet2, with a maximum estimated cost of \$1,100,000.00, to be located at Internet2's offices in the City of Ann Arbor (the "Project"); and

**WHEREAS**, the Internal Revenue Code of 1986, as amended (the “Code”), requires that, as a condition precedent to the issuance of tax-exempt bonds for a non-governmental project, the municipality in which the project is located must approve the issuance of bonds for the project following a public hearing thereon; and

**WHEREAS**, this City Council has determined that assisting Internet2 by holding a public hearing and approving the Bonds will serve and constitute a public purpose; and

**WHEREAS**, the Code further requires that a notice of public hearing be published approximately two weeks before the public hearing, and bond counsel for the Wisconsin Public Finance Authority, Clark Hill PLC, of Birmingham, Michigan, has prepared an appropriate form of such notice, which is attached as Exhibit A;

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. Pursuant to the request of Internet2 and the Wisconsin Public Finance Authority, the City Council shall meet on December 21, 2015, at 7:00 o'clock P.M., at which time it shall conduct a public hearing on the issuance by the Wisconsin Public Finance Authority of the Bonds.

2. The Clerk be and is hereby directed to give notice of such public hearing by publishing a notice thereof in the *Washtenaw County Legal News*, a newspaper of general circulation in the City, which notice shall be published and given at least fourteen (14) full days prior to the date set for the hearing.

3. The notice shall be in substantially the form set forth in Exhibit A hereto.

4. The City Council does hereby determine that the foregoing form of notice and the manner of publication directed is adequate notice to the citizens of the City of Ann Arbor and is well calculated to inform them of the intention of the City to hold a public hearing and the purpose of the public hearing.

5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

YEAS:                      Members:

NAYS:                      Members:

ABSENT:                      Members:

ABSTENTIONS:      Members:

RESOLUTION DECLARED ADOPTED:

City Clerk

STATE OF MICHIGAN            )  
  ) SS.  
COUNTY OF WASHTENAW        )

I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of the City of Ann Arbor, Michigan, held on \_\_\_\_\_, 2015, the original of which is on file in my office. Public notice of said meeting was given pursuant to and in compliance with Act No. 267 of the Michigan Public Acts of 1976, as amended.

City Clerk

Dated: \_\_\_\_\_