



## Legislation Text

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**File #:** RES 21-449, **Version:** 1

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Consenting to the sale of General Obligation Library Refunding Bonds, Series 2021D to be issued by the Saint Paul Public Library Agency for the refunding of prior bonds and levying a tax for the payment thereof.

WHEREAS, the Saint Paul Public Library Agency (the "Library Agency") has been granted the responsibility for all libraries and library operations within the City of Saint Paul, Minnesota (the "City") pursuant to a special law enacted by the Minnesota Legislature in 2002 (Laws of Minnesota 2002, Chapter 390, Section 36-38 (the "Library Act"); and

WHEREAS, the Board of Commissioners (the "Library Board") of the Library Agency is the City Council of the City acting as the Library Board; and

WHEREAS, may issue general obligation bonds payable from the full faith and credit and taxing power of the City as authorized by the Library Act and Minnesota Statutes, Chapter 475, as amended (the "Municipal Debt Act" and together with the Library Act, the "Act"); and

WHEREAS, the Library Board of the Library Agency has heretofore determined that it is necessary and expedient to issue its General Obligation Library Refunding Bonds, Series 2021D (the "Series 2021D Bonds"), in order to secure funds to finance: (i) the current refunding of the Library Agency's Taxable General Obligation Library Bonds (Recovery Zone Economic Development Bonds - Direct Pay), Series 2010H (the "Series 2010H Bonds"), in the original aggregate principal amount of \$3,700,000 and outstanding in the principal amount of \$3,700,000; and (ii) certain costs of issuance relating to the Series 2021D Bonds; and

WHEREAS, Baker Tilly Municipal Advisors, LLC (the "Municipal Advisor") on behalf of the Library Agency solicited proposals for the purchase of the Series 2021D Bonds; and

WHEREAS, pursuant to Resolution No. 21-459 adopted by the Board of Commissioners of the Library Agency on April 7, 2021 (the "Library Agency Resolution"), the Library Agency established a pricing committee (the "Pricing Committee") for the receipt of proposals for the Series 2021D Bonds and the approval of the winning proposal within the parameters set forth in the Library Agency Resolution; and

WHEREAS, on the date hereof, proposals for the purchase of the Series 2021D Bonds were received by the Municipal Advisor on behalf of the Library Agency and the Pricing Committee awarded the sale of the Series 2021D Bonds to the lowest winning bidder (the "Purchaser") and set forth the terms of such award pursuant to a certificate of the Pricing Committee (the "Pricing Committee Certificate"); and

WHEREAS, in compliance with the provisions of the Act, the City has previously adopted Ordinance No. 21-7 (the "Ordinance"), pledging the full faith, credit and resources of the City to the Series 2021D Bonds and the time frame for opposition to such ordinance has passed; and

WHEREAS, the bylaws of the Library Agency provide for the execution of instruments, including the Series 2021D Bonds, in the manner provided in Chapter 86 of the Saint Paul Administrative Code, by the Mayor and the Director, Office of Financial Services; and

WHEREAS, the Series 2021D Bonds have been coordinated by the City's Treasurer, as a member of the Joint Debt Advisory Board, as provided in the Agency's bylaws and in Section 14.06 of the City's

Legislative Code; and

WHEREAS, the City is required by the Library Agency Act and the Ordinance to levy a tax for the payment of the Series 2021D Bonds.

NOW THEREOFRE, BE IT RESOLVED by the Council of the City of Saint Paul, Minnesota, as follows:

Section 1. Amount and Interest Rates; City Consent. The City Council hereby acknowledges and accepts the amount of the Series 2021D Bonds and the interest rate for each maturity of the Series 2021D Bonds as set forth on Exhibit A hereto and approved by the Pricing Committee pursuant to the Pricing Committee Certificate. The City Council also hereby consents to the issuance of the Series 2021D Bonds by the Library Agency upon the terms set forth in the Library Agency Resolution and the Pricing Committee Certificate.

Section 2. Filing of Resolution. The Director, Office of Financial Services is authorized and directed to file a certified copy of this Resolution with the Auditor of Ramsey County (the "County") (or the official of the County performing the functions of the Auditor of the County) and to obtain the certificate required by Section 475.63 of the Municipal Debt Act, as amended.

Section 3. Tax Levy.

3.01. Pledge of Tax Levy. For the purpose of paying the principal of and interest on the Series 2021D Bonds, there is levied a direct annual irrepealable ad valorem tax (the "Tax") upon all of the taxable property in the City, to be spread upon the tax rolls and collected with and as part of other general taxes of the City. The Tax will be credited to the Series 2021D General Obligation Library Refunding Bonds Debt Service Fund (the "Series 2021D Debt Service Fund") provided in the Library Agency Resolution providing for the terms of the sale of the Series 2021D Bonds and shall be established by the Director, Office of Financial Services as financial staff for the Library Agency. The Tax shall be levied and collected in the years and in the amounts as follows:

<u>Levy Year</u>	<u>Collection Year</u>	<u>Amount</u>
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(See attached EXHIBIT B)

3.02. Overlevy Requirement. It is determined that the estimated collection of the foregoing Tax will produce at least five percent (5%) in excess of the amount needed to meet, when due, the principal and interest payments on the Series 2021D Bonds. The Tax so levied herein will be irrepealable until all of the Series 2021D Bonds are paid, provided that at the time the City makes its annual tax levies the Director, Office of Financial Services may certify to the Auditor of the County (or the official of the City performing the functions of the Auditor of the County) the amount available in the Series 2021D Debt Service Fund to pay principal and interest due during the ensuing year, and the Auditor of the County will thereupon reduce the levy collectible during such year by the amount so certified.

3.03. General Obligation Pledge. If amounts on deposit in the Series 2021D Debt Service Fund are not sufficient to pay principal and interest on the Series 2021D Bonds, as the same become due, the full faith and credit and taxing powers of the City shall be and are hereby irrevocably pledged. If the balance in the Series 2021D Debt Service Fund is ever insufficient to pay all principal and interest then due on the Series 2021D Bonds payable therefrom, the deficiency shall be promptly paid out of any other funds of the City which are available for such purpose, including the general fund of the City, and such other funds may be reimbursed with or without interest from the Series 2021D Debt Service Fund when a sufficient balance is available therein.

Section 4. Continuing Disclosure. In order to satisfy the continuing disclosure requirements of Rule 15c2-12(b)(5), 17 CFR §240.15c2-12, promulgated by the Securities Exchange Commission under the Securities Exchange Act of 1934, as amended, the appropriate officials of the City are hereby authorized and directed to execute and deliver a continuing disclosure undertaking substantially in the form of the Continuing Disclosure Certificate (the "Continuing Disclosure Certificate") relating to the Series 2021D Bonds as set forth in Appendix C of the Official Statement (as defined below). The Continuing Disclosure Certificate is hereby approved with such changes, modifications, additions, and deletions as shall be necessary and appropriate and approved by the Director, Office of Financial Services and Ballard Spahr LLP, bond counsel to the City.

Section 5. Official Statement. There have been submitted to this City Council the form of the Preliminary Official Statement for the Series 2021D Bonds (the "Preliminary Official Statement"). The use and distribution of the Preliminary Official Statement and of a final Official Statement (the "Official Statement"), by the Purchaser in connection with the offer and sale of the Series 2021D Bonds is hereby approved. The Mayor, City Clerk, and Director, Office of Financial Services, or their appropriate designees, are authorized and directed to certify that they have examined the Preliminary Official Statement and the Official Statement, and that to the best of their knowledge and belief the Preliminary Official Statement was and the Official Statement is a complete and accurate representation of the facts and representations made therein as of the date of the Official Statement and that the Official Statement does not, at the date of closing, and did not, as of its date, contain any untrue statement of a material fact or omit to state any material fact necessary in order to make the statements made therein, in light of the circumstances under which they were made, not misleading.

Section 6. Severability. If any section, paragraph, or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity, or unenforceability of such section, paragraph, or provision shall not affect any of the remaining provisions of this Resolution.

Section 7. Headings. Headings in this Resolution are included for convenience of reference only and are not a part hereof, and shall not limit or define the meaning of any provision hereof.

Section 8. Furnishing of Documents. The officers of the City are authorized and directed to prepare and furnish to the Municipal Advisor and to Ballard Spahr LLP, as bond counsel to the Library Agency and the City, certified copies of proceedings and records of the City relating to the Series 2021D Bonds and to the financial condition and affairs of the City, and such other certificates, affidavits and transcripts as may be required to show the facts within their knowledge or as shown by the books and records in their custody and under their control, relating to the validity and marketability of the Series 2021D Bonds, and such instruments, including any heretofore furnished, will be deemed representations of the City as to the facts stated therein.

Section 9. Cancellation of Prior Tax Levies. Upon the redemption and prepayment of the Series 2010H Bonds on the redemption date set forth in the Library Agency Resolution, the tax levy with respect to the Series 2010H Bonds shall be cancelled.