(2)

CITY OF DANBURY

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

DENA DIORIO
DIRECTOR OF FINANCE

(203)797-4652
FAX: (203)796-1526

MEMORANDUM

TO: Hon. Mark D. Boughton via the Common Council

FROM: Dena Diorio, Director of Finance and Personnel Dena

RE: **ORDINANCE - $500,000 FOR PUBLIC IMPROVEMENTS**

DATE: March 29, 2005

Attached you will find an ordinance and a sheet of proceedings which will require a Public Hearing and Common Council approval. This ordinance is being presented in conjunction with the Mayor's 2005-2006 budget whereby we will issue $500,000 worth of notes to fund the various Capital projects outlined in the attached resolution. As in the past, these notes will be paid back in an annual appropriation over a 4-year period.

Should you need any additional information, feel free to give me a call.

DD/jg

Attach.

NoteOrd

ROBINSON & COLE LLP

S. FRANK D'ERCOLE

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March 24, 2005

VIA E-MAIL AND FEDERAL EXPRESS

Dena Diorio
Director of Finance
City of Danbury
155 Deer Hill Avenue
Danbury, CT 06810

RE: An Ordinance Appropriating $500,000 For Public Improvements In The 2005-2006 Capital Budget And Authorizing The Issuance Of $500,000 Bonds Of The City To Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose

Dear Dena:

Enclosed please find the captioned ordinance and proceedings to be followed in connection with its adoption by the City.

The Notice of Public Hearing on the ordinance must be published within the period of 5 to 15 days prior to the public hearing. Pursuant to the Charter, the ordinance must be approved by the affirmative vote of at least 2/3 of the members of the Common Council. In addition the entire text of the ordinance must be published following its enactment.

By copy of this letter, I am requesting the City Clerk to send me three certified copies of all the proceedings as they appear in the City Record Book, and two newspaper affidavits of the publication of the Notice of Public Hearing, and the Notice of Enactment of Ordinance.

Very truly yours,

S. Frank D'Ercole

SFD:sk
Enclosures

cc: Mark D. Boughton, Mayor
Eric L. Gottschalk, Corporation Counsel
Jean Natale, City Clerk
Jimetta Samaha, Assistant City Clerk
Susan Kreutzer

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HART1-1010290-3

AN ORDINANCE APPROPRIATING $500,000 FOR PUBLIC IMPROVEMENTS IN THE 2005-2006 CAPITAL BUDGET AND AUTHORIZING THE ISSUANCE OF $500,000 BONDS OF THE CITY TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF DANBURY:

Section 1. The sum of $500,000 is appropriated for the public improvements hereinafter listed:

Project	Estimated Cost
Circulation Machine	$ 65,000
Vehicles	125,000
Carpeting- Library	135,000
Replace Pager/Alert System- Fire	16,000
Roof Study-Fire Facilities	23,000
Stump Removal	80,000
West Street Streetscape	56,000
Total	$ 500,000

Section 2. To meet said appropriation $500,000 bonds of the City are hereby authorized to be issued maturing not later than the fifth year after their date. Said bonds may be issued in one or more series as determined by the Mayor and the Director of Finance provided that the total amount of bonds to be issued shall not be less than an amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, printing and legal costs of issuing the bonds. The bonds shall be in the denomination of $1,000 or a whole multiple thereof, be issued in bearer form or in fully registered form, be executed in the name and on behalf of the City by the facsimile or manual signatures of the Mayor, and the City Treasurer, bear the City seal or a facsimile thereof, be certified by a bank or trust company, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company, and be approved as to their legality by Robinson & Cole LLP, Attorneys-at-Law, of Hartford. The bonds shall be general obligations of the City and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and interest thereon. The aggregate principal amount of the bonds of each series to be issued, the annual installments of principal, redemption provisions, if any, the certifying, registrar and transfer agent and the paying agent, the date, time of issue and sale and other terms, details and particulars

of such bonds including the rate or rates of interest shall be determined by the Mayor and the Director of Finance.

Section 3. The bonds of each series shall be sold by the Mayor in a competitive offering or by negotiation, in his discretion. If sold in a competitive offering, the bonds shall be sold at not less than par and accrued interest on the basis of the lowest net or true interest cost to the City. A notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale shall be published at least five days in advance of the sale in a recognized publication carrying municipal bond notices and devoted primarily to financial news and the subject of state and municipal bonds.

Section 4. The City Treasurer is authorized to make temporary borrowings in anticipation of the receipt of the proceeds of said bonds. Notes evidencing such borrowings shall be signed by the Mayor and the City Treasurer, have the seal of the City affixed, be payable at a bank or trust company designated by the City Treasurer, be approved as to their legality by Robinson & Cole LLP, Attorneys-at-Law, of Hartford, and be certified by a bank or trust company designated by the City Treasurer pursuant to Section 7-373 of the General Statutes of Connecticut, as amended. They shall be issued with maturity dates which comply with the provisions of the General Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general obligations of the City and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 5. The appropriation may be expended with the approval of the Mayor and the Director of Finance to meet the actual cost of any of the projects set forth in Section 1, including actual costs which may exceed the estimated costs thereof, provided that the total amount of the appropriation is not exceeded.

Section 6. The City hereby expresses its official intent pursuant to §1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and anytime after the date of passage of this ordinance in the maximum amount and for the capital projects defined in Section 1 with the proceeds of bonds, notes, or other obligations ("Bonds") authorized to be issued by the City. The Bonds shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the project, or such later date the Regulations may authorize. The City hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Mayor or his designee is authorized to pay project expenses in accordance herewith pending the issuance of reimbursement bonds, and to amend this declaration. This declaration shall be made available in the office of the Clerk for public inspection within thirty days of its passage, and any amendment shall be made available for public inspection within thirty days of such amendment.

Section 7. The Director of Finance is hereby authorized, on behalf of the City of Danbury, to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to nationally recognized municipal securities information repositories or state based information repositories (the "Repositories") and to provide notices to the Repositories of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this ordinance. Any agreements or representations to provide information to Repositories made prior hereto are hereby confirmed, ratified and approved.

Enacted by the Common Council: _____

Approved by the Mayor: _____ Date:_____

Operative And In Effect: _____