

City of Fort Worth, Texas

# Mayor and Council Communication

DATE: 04/11/23 M&C FILE NUMBER: M&C 23-0275

LOG NAME: 13TAX NOTES SERIES 2023

SUBJECT

(ALL) Adopt Ordinance Authorizing Issuance and Sale of City of Fort Worth Tax Notes, Series 2023 in an Aggregate Principal Amount Not to Exceed \$20,000,000.00 and Enacting Other Provisions Related to the Subject; and Adopt Appropriation Ordinance

RECOMMENDATION:

It is recommended that the City Council:

1. Adopt the attached ordinance authorizing the issuance and sale of Tax Notes, Series 2023, in an aggregate principal amount not to exceed \$20,000,000.00; authorizing execution of all related documents; and approving the sale of the notes by competitive or negotiated sale as determined most advantageous based on current market conditions and subject to meeting certain parameters, as set forth in the ordinance; providing for levy, assessment and collection of a property tax sufficient to pay the interest on and principal of the notes if other revenues are not otherwise available and appropriated for those payments; and ordaining related matters; and
2. Adopt the attached ordinance increasing estimated receipts and appropriations in the Tax Note Series 2023 Fund in the amount of \$20,000,000.00, for the purpose of paying (i) contractual obligations incurred or to be incurred for the construction of public works and the purchase of materials, supplies, equipment, machinery, buildings, lands, and rights-of-way of identified projects and (ii) costs of issuance of the notes, with such appropriations subject to the sale of tax notes and receipt of proceeds and all identified amounts being subject to reduction to conform to final figures reflected in the note-closing documents and with any excess cost of issuance funds remaining after closing being transferred to the general debt service fund.

DISCUSSION:

The purpose of this Mayor and Council Communication (M&C) is to take actions associated with the issuance and sale of Series 2023 Tax Notes and appropriation of proceeds for the purpose of paying (i) costs related to certain capital projects and (ii) costs of issuance of the Notes.

The anticipated aggregate amount of proceeds from the sale of the Series 2023 Tax Notes is \$20,000,000.00. Proceeds from sale of the notes will be used to purchase fire apparatus and equipment, finance the construction of the Northwest Radio Tower, and pay for costs of issuance related to the sale of the Notes.

The schedule of project costs listed below:

Project Description	Amount
Fire Apparatus Replacement	\$13,720,000.00
Northwest Radio Tower	\$4,600,000.00
Cost of Issuance	\$1,680,000.00
Total	\$20,000,000.00

The City has used an Equipment Note Program for the City's Fire Department since at least 1999 (Ordinance No. 13701). On an annual recurring basis, tax notes are sold on the open market under a competitive process, and proceeds are used to finance the equipment replacement program for fire equipment and apparatus. In conjunction with the Fleet Management Division of the Property Management Department, the Fire Department manages a fleet rotation plan that annually identifies vehicles and equipment that have reached the end of their useful lives and are too old or costly to continue to utilize or maintain for public safety operations. A portion of the proceeds from sale of the notes will be used to acquire equipment replacements scheduled for Fiscal Year 2024.

The ordinance provides delegated authority to the City Manager and Chief Financial Officer, individually, to effect the sale of notes. This includes authority to seek not only competitive bids for the sale of the Notes authorized, but also a negotiated sale conducted as either a public offering negotiated through a purchase agreement with Underwriters. Staff is recommending that these notes be sold with the City Manager or the Chief Financial Officer having authority to approve the terms of the sale so long as those terms come within the parameters set forth in the Council-adopted ordinance. Key parameters include that the Notes must be rated in one of the four highest generic rating categories (BBB or higher); the maximum maturity is March 1, 2030; and the maximum net effective interest rate is 6.00%.

Rating agency calls with Moody's and S&P will be conducted prior to the sale of the notes. Ratings are anticipated to be received the week of May 1, 2023. Bids for the sale of the notes are scheduled to be submitted on May 10, 2023. Subsequent to accepting the best bid and awarding the sale of the notes, the City will seek approval of the debt transactions from the Texas Attorney General with an estimated closing date of June 8, 2023.

The attached appropriation ordinance reflects the maximum appropriation amount for note proceeds. Its structure accommodates variables

associated with sale of debt. To the extent numbers at closing are less than those reflected in the ordinance, the available appropriation amount will be reduced as needed to reflect final figures based on the closing documents to ensure appropriations do not exceed actuals. Similarly, to the extent there are any remaining proceeds after paying cost of issuance expense, those funds are to be moved to the General Debt Service Fund.

A Form 1295 is not required because: This M&C does not request approval of a contract with a business entity.

**FISCAL INFORMATION / CERTIFICATION:**

The Director of Finance certifies that upon adoption of the actions provided within this Mayor and Council Communication, the sale of the 2023 Tax Notes will proceed as necessary to provide funding in the Tax Notes Series 2023 Fund for the 2023 FD Apparatus Tax Note, NW Radio Tower and Cost of Issuance projects. Prior to any expenditures being incurred, the Property Management and Financial Management Services Departments have the responsibility to validate the availability of funds.

**Submitted for City Manager's Office by:**     Reginald Zeno     8517

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Expedited