

RESOLUTION NO. \_\_-22

A RESOLUTION EXTENDING THE DEADLINE FOR ISSUANCE OF USAFA VISITORS CENTER BUSINESS IMPROVEMENT DISTRICT SERIES A, B AND C BONDS PREVIOUSLY AUTHORIZED BY RESOLUTION NOS. 103-19, 94-20 AND 18-21

WHEREAS, by Resolution No. 9-06, the City Council approved the Special District Policy on January 24, 2006, a City Financial Policy Regarding the Use of Districts (the "Policy"), providing for certain financial and other limitations in the use of special districts as an available method in financing public infrastructure; and

WHEREAS, pursuant to the provisions of Title 31, Colorado Revised Statutes, and pursuant to proper notice having been provided as required by law, the City Council held a public hearing and approved the formation and an initial operating plan and budget (the "Operating Plan and Budget") of the USAFA Visitors Center Business Improvement District (the "District") by Ordinance 18-77 on August 24, 2018; and

WHEREAS, the Operating Plan and Budget has been subsequently been updated and approved annually by City Council, most recently on October 26, 2021.

WHEREAS, both the Policy and the Operating Plan and Budget require that prior to the District issuing bonds or similar indebtedness, it must first obtain City Council approval of the proposed issue and that City Council review of such indebtedness for compliance with the Operating Plan and Budget and all applicable laws; and

WHEREAS, the District originally submitted for review, and City Council reviewed, various related debt instrument documents, including draft bond resolutions, indentures, financial projections, and a preliminary opinion of the District's general counsel, (the "Bond Documents"); and

WHEREAS, City Council considered the Bond Documents as well as all other testimony and evidence presented at a October 22, 2019 City Council meeting; and

WHEREAS, City Council originally authorized issuance of this debt in the form of Resolution No. 103-19; and

WHEREAS, on October 27, 2020, City Council approved Resolution No. 94-20 which specifically extended the deadline to issue this debt to no later than October 21, 2021; and

WHEREAS, both Resolution No. 103-19 and Resolution No. 94-20 established a maximum par amount for the combined Series A, B and C bonds of no more than \$80,000,000 for all three combined issuances; and

WHEREAS, on February 9, 2021, City Council approved Resolution No. 18-21 which established a maximum par amount for the combined Series A, B and C bonds of no more than \$90,000,000 for all three combined issuances and specifically extended the deadline to issue this debt to no later than December 31, 2021; and

WHEREAS, it is anticipated that the deadlines for issuance of these bonds established by both the United States Air Force Site Development Lease and the Colorado Economic Development Commission will be extended to no later than February 28, 2022, and it is therefore prudent and efficient to synchronize the City Council debt issuance deadline with this date; and

WHEREAS, the District, having presented evidence that it has satisfied the conditions of approval and other prerequisites of the District's most recent approved Operating Plan and Budget, requests approval of an extension of time for the issuance of this indebtedness in a structure substantially similar to and consistent with the Bond Documents.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:**

Section 1. The above and foregoing recitals are incorporated herein by reference and are adopted as findings and determinations of the City Council.

Section 2. In reliance on the information presented by the District, Council hereby finds that the issuance of indebtedness by the District in a structure substantially similar to and consistent with the Bond Documents continues to comply with current Operating Plan and Budget of the District, and all applicable laws.

Section 3. Issuance of indebtedness by the District in the form of Limited Tax General Obligation Bonds, as further described in the Bond Documents, is hereby approved provided, however, that such indebtedness shall be solely an obligation of the District, and the City shall have no liability or other responsibility therefore.

Section 4. If the District desires to issue this debt any time after February 28, 2022, or in a form substantially different from the Bond Documents as reviewed and approved in association with Resolution Nos. 103-19, 94-20 and 18-21, a new City Council approval will be required.

Section 5. This Resolution shall be effective upon its approval by City Council.

DATED at Colorado Springs, Colorado, this \_\_\_\_ day of \_\_\_\_\_ 2022.

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Council President

ATTEST:

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Sarah Johnson, City Clerk