

## ORDINANCE/RESOLUTION REQUEST

Please email requests to the Mayor's Legislative Team  
at [MileHighOrdinance@DenverGov.org](mailto:MileHighOrdinance@DenverGov.org) by **3:00pm on Monday**.

*\*All fields must be completed.\**

*Incomplete request forms will be returned to sender which may cause a delay in processing.*

Date of Request: April 11, 2011

Please mark one:  Bill Request or  Resolution Request

1. Has your agency submitted this request in the last 12 months?

Yes  No

If yes, please explain:

2. **Title:** Confirmation of the Mayor as the "Applicable Representative" for the City of Denver to take all and any actions as per IRS code for the purposes of meeting the necessary conditions to issue tax-exempt bonds.

3. **Requesting Agency:** Finance

4. **Contact Person:**

- **Name:** Andrew Johnston, Debt Administrator for Special Districts and Conduit - Finance
- **Phone:** 720-913-9372
- **Email:** Andrew.Johnston@denvergov.org

5. **Contact Person:**

- **Name:** Andrew Johnston, Debt Administrator for Special Districts and Conduit - Finance
- **Phone:** 720-913-9372
- **Email:** Andrew.Johnston@denvergov.org

6. **General description of proposed ordinance including contract scope of work if applicable:** This resolution will confirm Mayor Vidal as the Applicable Representative for purposes of section 147(f)(2)(E) of the Internal Revenue Code of 1986, as amended (the "Tax Code"), to take any and all actions required therein as Mayor. Such confirmation is requested in order to permit the Mayor's office of the City and County of Denver (the "City") to continue to accommodate the "public approval requirement" of section 147(f)(2) of the Tax Code until the next elected mayor of the City is sworn in.

The requirement is a process established in the Tax Code that requires an elected representative of a governmental unit, such as an elected mayor of the City, to provide for a hearing and approval as a condition to the issuance by an issuer (which may be the City or another issuer) of tax-exempt bonds. In the event the office of the elected mayor is vacated, the Tax Code provides that the individual who is appointed to take the place of the mayor is deemed the replacement "Applicable Representative." Such individual, however, must also be confirmed by the legislative body of the City. This resolution of the City Council provides such confirmation of Mayor Vidal for purposes of the public approval requirement of the Tax Code.

- a. **Contract Control Number:** N/A
- b. **Duration:** Upon completion of the Mayor Vidal's term in office.
- c. **Location:** N/A
- d. **Affected Council District:** N/A
- e. **Benefits:** Allows the un-elected Mayor to act as the applicable representative on tax-exempt issuances.
- f. **Costs:** N/A

7. **Is there any controversy surrounding this ordinance? Please explain.**

No Controversy.

*To be completed by Mayor's Legislative Team:*

SIRE Tracking Number: \_\_\_\_\_

Date Entered: \_\_\_\_\_

## Executive Summary

This resolution will confirm Mayor Vidal as the Applicable Representative for purposes of the Internal Revenue Code to take any and all actions required therein as Mayor. Such confirmation is requested in order to permit the Mayor's office of the City and County of Denver (the "City") to continue to accommodate the "public approval requirement" of section 147(f)(2) of the Tax Code until the next elected mayor of the City is sworn in.

The requirement is a process established in the Tax Code that requires an elected representative of a governmental unit, such as an elected mayor of the City, to provide for a hearing and approval as a condition to the issuance by an issuer (which may be the City or another issuer) of tax-exempt bonds. In the event the office of the elected mayor is vacated, the Tax Code provides that the individual who is appointed to take the place of the mayor is deemed the replacement "Applicable Representative." However, such an individual must also be confirmed by the legislative body of the City. This resolution of the City Council provides such confirmation of Mayor Vidal for purposes of the public approval requirement of the Tax Code.

---

*To be completed by Mayor's Legislative Team:*

SIRE Tracking Number: \_\_\_\_\_

Date Entered: \_\_\_\_\_