

Meeting date: December 9, 2009

ADVISORY INFORMATION

Date: November 30, 2009

Subject: Adopting of the 2009, Payable 2010, Tax Levies for General Purposes, Livable Communities Demonstration Account, Livable Communities Tax Base Revitalization Account, Metropolitan Right-Of-Way Acquisition Loan Fund, Transit Debt Anticipation and Parks Debt Anticipation and the 2010 Unified Operating Budget (Resolutions 2009-34, 2009-35, 2009-36, 2009-37, 2009-38, 2009-39 and 2009-40)

**District(s),
Member(s):** All

**Policy/Legal
Reference:** Minnesota Statutes Section 275.07, Subdivision 1, Section 473.121 and Section 473.13, Subdivision 1

Prepared/Presented: Wes Kooistra, Chief Finance Officer (651) 602-1567

Division/Department: Regional Administration

Proposed Action

That the Metropolitan Council adopts the following resolutions:

- **2009-34:** Adopting the Council's 2009 Tax Levy for General Purposes for Certification to the County Auditors
- **2009-35:** Adopting the Council's 2009 Tax Levy for the Livable Communities Demonstration Account in the Metropolitan Livable Communities Fund
- **2009-36:** Adopting the Council's 2009 Tax Levy for the Tax Base Revitalization Account of the Livable Communities Act
- **2009-37:** Adopting the Council's 2009 Tax Levy for the Metropolitan Right-Of-Way Acquisition Loan Fund for the Purposes of Minnesota Statutes Section 473.167
- **2009-38:** Certifying the Council's 2009 Tax Levy for Debt Service on Future Transit Bonds
- **2009-39:** Certifying the Council's 2009 Tax Levy for Debt Service on Future Park Bonds

and

- **2009-40:** Adopting the Metropolitan Council's 2010 Unified Operating Budget

Rationale and Funding

- Under Minnesota Statutes 473.13, Subdivision 1, the Council must adopt the final budget covering anticipated receipts and disbursements for 2010 and decide upon the total amount necessary to be raised from ad valorem tax levies to meet its budget on or before December 20.

- Under Minnesota Statutes 275.07, Subdivision 1, and 473.13, Subdivision 1, the Council must certify final 2009, payable 2010 property tax levies to the county auditors on or before five working days after December 20.
- The attached resolutions are shown with the preliminary levy amounts adopted by the Council on August 26, 2009. The Council may not increase, but may elect to reduce, the preliminary levies.

<u>Levies Requiring Council Action</u>	<u>Preliminary Levies as Adopted</u>	<u>Resolution</u>
General Purposes	\$ 13,139,232	2009-34
Livable Communities Demonstration Account	8,184,070	2009-35
Livable Communities Tax Base Revitalization Acct	5,000,000	2009-36
Metropolitan Right-Of-Way Acquisition Loan Fund	3,531,797	2009-37
Transit Debt Service Anticipation	5,307,147	2009-38
Parks Debt Service Anticipation	876,404	2009-39
Total Levies Requiring Council Action	<u>\$ 36,038,650</u>	
<u>Levies Certified By Debt Issuance (Council Action Not Required)</u>		
Transit Debt Service Levy	\$ 36,424,733	
Parks Debt Service Levy	2,930,996	
Total Levies Not Requiring Council Action	<u>\$ 39,355,729</u>	
Total Levies	<u>\$ 75,394,379</u>	

- Resolution 2009-40: The 2010 Unified Operating Budget remains unchanged from the public comment draft dated October 14, 2009.

Known Support/Opposition

METROPOLITAN COUNCIL
390 Robert Street North, Saint Paul, Minnesota 55101
(651) 602-1000 TTY (651) 291-0904

RESOLUTION NO. 2009-34

**RESOLUTION ADOPTING THE METROPOLITAN COUNCIL'S
2009 TAX LEVY FOR GENERAL PURPOSES
FOR CERTIFICATION TO THE COUNTY AUDITORS**

- WHEREAS,** Minnesota Statutes, Section 473.121, Subdivision 2, defines the Metropolitan Area as including only the Counties of Anoka, Carver, Dakota excluding the City of Northfield, Hennepin excluding the Cities of Hanover and Rockford, Ramsey, Scott excluding the City of New Prague and Washington; and
- WHEREAS,** Minnesota Statutes, Section 473.13, Subdivision 1, requires that on or before December 20, the Council shall adopt a final budget and shall decide upon the total amount necessary to be raised from ad valorem tax levies to meet its budget; and
- WHEREAS,** Minnesota Statutes, Section 473.13, Subdivision 1, requires that no later than five working days after December 20, the Council shall certify to the county auditors the property tax levy for taxes payable in the following year; and
- WHEREAS,** Minnesota Statutes Section 473.13, Subdivision 1, requires that the share of the tax to be levied within each county by the Council must be an amount bearing the same proportion to the total final levy agreed on by the Council as the net tax capacity of the county bears to the net tax capacity of the metropolitan area; and
- WHEREAS,** Minnesota Statutes Section 473.249, Subdivision 1, authorizes the Council to levy a tax on all taxable property in the Metropolitan Area to provide funds for the general purpose of carrying out the Council's responsibilities as provided by law.

NOW, THEREFORE, BE IT RESOLVED:

THAT the amount to be raised from ad valorem taxes levied in 2009, for collection during 2010, for general purposes is \$ 13,139,232.

Adopted this 9th day of December 2009.

Peter Bell, Chair

Pat Curtiss, Recording Secretary

METROPOLITAN COUNCIL
390 Robert Street North, Saint Paul, Minnesota 55101
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RESOLUTION NO. 2009-35

**RESOLUTION ADOPTING A 2009 TAX LEVY FOR THE
LIVABLE COMMUNITIES DEMONSTRATION ACCOUNT IN THE
METROPOLITAN LIVABLE COMMUNITIES FUND**

- WHEREAS,** Minnesota Statutes, Section 473.121, Subdivision 2, defines the Metropolitan Area as including only the Counties of Anoka, Carver, Dakota excluding the City of Northfield, Hennepin excluding the Cities of Hanover and Rockford, Ramsey, Scott excluding the City of New Prague and Washington; and
- WHEREAS,** Minnesota Statutes, Section 473.13, Subdivision 1, requires that on or before December 20, the Council shall adopt a final budget and shall decide upon the total amount necessary to be raised from ad valorem tax levies to meet its budget; and
- WHEREAS,** Minnesota Statutes, Section 473.13, Subdivision 1, requires that no later than five working days after December 20, the Council shall certify to the county auditors the property tax levy for taxes payable in the following year; and
- WHEREAS,** Minnesota Statutes Section 473.13, Subdivision 1, requires that the share of the tax to be levied within each county by the Council must be an amount bearing the same proportion to the total final levy agreed on by the Council as the net tax capacity of the county bears to the net tax capacity of the metropolitan area; and
- WHEREAS,** Minnesota Statutes Section 473.253, Subdivision 1, authorizes a property tax levy for the Livable Communities Demonstration Account in the Metropolitan Livable Communities Fund.

NOW, THEREFORE, BE IT RESOLVED:

THAT the amount to be raised from ad valorem taxes levied in 2009, for collection during 2010, for the Livable Communities Demonstration Account in the Metropolitan Livable Communities Fund is \$ 8,184,070.

Adopted this 9th day of December 2009.

Peter Bell, Chair

Pat Curtiss, Recording Secretary

METROPOLITAN COUNCIL
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RESOLUTION NO. 2009-36

**RESOLUTION ADOPTING A 2009 TAX LEVY FOR THE
TAX BASE REVITALIZATION ACCOUNT
OF THE LIVABLE COMMUNITIES ACT**

- WHEREAS,** Minnesota Statutes, Section 473.121, Subdivision 2, defines the Metropolitan Area as including only the Counties of Anoka, Carver, Dakota excluding the City of Northfield, Hennepin excluding the Cities of Hanover and Rockford, Ramsey, Scott excluding the City of New Prague and Washington; and
- WHEREAS,** Minnesota Statutes, Section 473.13, Subdivision 1, requires that on or before December 20, the Council shall adopt a final budget and shall decide upon the total amount necessary to be raised from ad valorem tax levies to meet its budget; and
- WHEREAS,** Minnesota Statutes, Section 473.13, Subdivision 1, requires that no later than five working days after December 20, the Council shall certify to the county auditors the property tax levy for taxes payable in the following year; and
- WHEREAS,** Minnesota Statutes Section 473.13, Subdivision 1, requires that the share of the tax to be levied within each county by the Council must be an amount bearing the same proportion to the total final levy agreed on by the Council as the net tax capacity of the county bears to the net tax capacity of the metropolitan area; and
- WHEREAS,** The Hennepin County Auditor has certified an amount of \$ 7,876,457.50 under Minnesota Statutes, Section 473F.08, Subdivision 3b(b); and
- WHEREAS,** Minnesota Statutes, Section 473F.08, Subdivision 3b(c), provides that the Metropolitan Council may annually certify to the Ramsey County auditor the amount certified by the Hennepin County auditor under Minnesota Statutes, Section 473F.08, Subdivision 3b(b), but not to exceed \$ 5,000,000, to be used to provide funds for the cleanup of polluted lands in the metropolitan area.

NOW, THEREFORE, BE IT RESOLVED:

THAT the amount to be raised from ad valorem taxes levied in 2009, for collection during 2010, as an addition to the area wide levy under the Metropolitan Revenue Distribution Act and credited to the Tax Base Revitalization Account within the Metropolitan Livable Communities Fund is \$ 5,000,000.

Adopted this 9th day of December 2009.

Peter Bell, Chair

Pat Curtiss, Recording Secretary

METROPOLITAN COUNCIL
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RESOLUTION NO. 2009-37

**RESOLUTION ADOPTING A 2009 TAX LEVY FOR THE
METROPOLITAN RIGHT-OF-WAY ACQUISITION LOAN FUND
FOR THE PURPOSES OF MINNESOTA STATUTES SECTION 473.167**

- WHEREAS,** Minnesota Statutes, Section 473.121, Subdivision 2, defines the Metropolitan Area as including only the Counties of Anoka, Carver, Dakota excluding the City of Northfield, Hennepin excluding the Cities of Hanover and Rockford, Ramsey, Scott excluding the City of New Prague and Washington; and
- WHEREAS,** Minnesota Statutes, Section 473.13, Subdivision 1, requires that on or before December 20, the Council shall adopt a final budget and shall decide upon the total amount necessary to be raised from ad valorem tax levies to meet its budget; and
- WHEREAS,** Minnesota Statutes, Section 473.13, Subdivision 1, requires that no later than five working days after December 20, the Council shall certify to the county auditors the property tax levy for taxes payable in the following year; and
- WHEREAS,** Minnesota Statutes Section 473.13, Subdivision 1, requires that the share of the tax to be levied within each county by the Council must be an amount bearing the same proportion to the total final levy agreed on by the Council as the net tax capacity of the county bears to the net tax capacity of the metropolitan area; and
- WHEREAS,** Minnesota Statutes Section 473.167, Subdivision 3, authorizes the Council to levy property taxes on all taxable property in the Metropolitan Area for the Metropolitan Right-of-Way Acquisition Loan Fund.

NOW, THEREFORE, BE IT RESOLVED:

THAT pursuant to Minnesota Statutes Section 473.167, Subdivision 3, the amount to be levied in 2009, for collection during 2010, for the Metropolitan Right-of-Way Acquisition Loan Fund is \$ 3,531,797.

Adopted this 9th day of December 2009.

Peter Bell, Chair

Pat Curtiss, Recording Secretary

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RESOLUTION NO. 2009-38

**RESOLUTION CERTIFYING 2009 TAX LEVY FOR
FOR DEBT SERVICE ON FUTURE TRANSIT BONDS**

- WHEREAS,** The Council anticipates issuing general obligation transit bonds in 2009 and/or 2010 and making principal and interest payments on said bonds during the period from February 2, 2010 to February 1, 2011; and
- WHEREAS,** The Council may certify a tax levy in anticipation of the issuance of general obligation bonds in a manner and to the extent permitted by Minnesota Statutes Section 475.61, Subdivision 1; and
- WHEREAS,** Minnesota Statutes, section 473.4461 provides that notwithstanding any provision of section 473.446 or any other law, the Council may not levy a tax under section 473.446, subdivision 1, in any city not included in the transit taxing district as it existed on January 1, 2001, unless the Council and the governing body of that city have agreed on a transit service expansion plan; and
- WHEREAS,** The Council has reached agreement on a transit service expansion plan with each of the governing bodies of the Cities of Columbus, Forest Lake and Lakeville in accordance with the provisions of Minnesota Statutes, section 473.4461; and
- WHEREAS,** It has been determined that a tax levy in 2009, payable in 2010, is necessary to fund principal and interest payments on said bonds during the period from February 2, 2010 to February 1, 2011.

NOW, THEREFORE, BE IT RESOLVED:

THAT pursuant to the provisions of Minnesota Statutes Section 475.61, subdivision 1, the Chair of the Council is directed to authorize and direct the County Auditors of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington Counties to levy a tax of \$5,307,147 upon the Transit Taxing District as defined in Minnesota Statutes, section 473.446, subdivision 2, and upon the cities of Columbus, Forest Lake and Lakeville for debt service on general obligation transit bonds to be issued by the Council in 2009 and/or 2010.

Adopted this 9th day of December 2009.

Peter Bell, Chair

Pat Curtiss, Recording Secretary

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RESOLUTION NO. 2009-39

**RESOLUTION CERTIFYING 2009 TAX LEVY FOR
FOR DEBT SERVICE ON FUTURE PARKS BONDS**

- WHEREAS,** The Council anticipates issuing general obligation parks bonds in 2009 and/or 2010 and making principal and interest payments on said bonds during the period from February 2, 2010 to February 1, 2011; and
- WHEREAS,** The Council may certify a tax levy in anticipation of the issuance of general obligation bonds in the manner and to the extent permitted by Minnesota Statutes Section 475.61, Subdivision 1; and
- WHEREAS,** It has been determined that a tax levy in 2009, payable in 2010, is necessary to fund principal and interest payments on said bonds during the period from February 2, 2010 to February 1, 2011.

NOW, THEREFORE, BE IT RESOLVED:

THAT pursuant to the provisions of Minnesota Statutes Section 475.61, Subdivision 1, the Chair of the Council is directed to authorize and direct the County Auditors of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington Counties to levy a tax of \$ 876,404 for debt service on general obligation parks bonds to be issued by the Council in 2009 and/or 2010.

Adopted this 9th day of December 2009.

Peter Bell, Chair

Pat Curtiss, Recording Secretary

METROPOLITAN COUNCIL
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RESOLUTION NO. 2009-40

**RESOLUTION ADOPTING THE METROPOLITAN COUNCIL'S
2010 UNIFIED OPERATING BUDGET**

- WHEREAS,** Minnesota Statutes, Section 473.121 defines the Metropolitan area as including only the Counties of Anoka, Carver, Dakota excluding the City of Northfield, Hennepin excluding the Cities of Hanover and Rockford, Ramsey, Scott excluding the City of New Prague and Washington; and
- WHEREAS,** Minnesota Statutes, Section 473.13, Subdivision 1, requires that on or before December 20, the Council shall adopt a final budget and shall decide upon the total amount necessary to be raised from ad valorem tax levies to meet its budget; and
- WHEREAS,** The Council adopted the 2010 Unified Operating Budget for public comment on October 14, 2009; and
- WHEREAS,** Public comment on the 2010 Unified Operating Budget was accepted via phone, mail or email on or before 5:00 PM December 8, 2009; and
- WHEREAS,** Public comment on the 2010 Unified Operating Budget was allowed at 6:00 PM during the Metropolitan Council's regularly scheduled meeting on December 9, 2009.

NOW, THEREFORE, BE IT RESOLVED:

THAT the Metropolitan Council 2010 Unified Operating Budget is \$ 738,589,252 consisting of \$ 519,405,804 for Council operations, \$ 78,253,455 for pass-through grants and loans, and \$ 140,929,993 for debt service.

Adopted this 9th day of December 2009.

Peter Bell, Chair

Pat Curtiss, Recording Secretary