

Bill No. 02-1164

No. 55-02

A RESOLUTION

Resolution of the County of Allegheny (the "County") acknowledging that the required public notice of the County's desire to enter into lease rental debt has been duly published in a newspaper of general circulation and that the County ratifies Ordinance 38-02 in accordance with the Local Government Unit Debt Act, which Ordinance provides for the incurrence of lease rental debt in an aggregate principal amount not to exceed sixty five million dollars (\$65,000,000) by entering into a Guaranty Agreement (the "Guaranty Agreement") with the Allegheny County Industrial Development Authority (the "Authority"): determining that such lease rental debt shall be evidenced by the Guaranty Agreement by which the County agrees to guaranty the debt service on the Allegheny County Industrial Development Authority bonds to be issued by the Authority in one or more series of bonds in an aggregate principal amount of up to \$65,000,000; authorizing and directing the proper officers of the County (a) to prepare to certify and to file the debt statement required by section 8110 of the Pennsylvania Local Government Unit Debt Act; and (b) to execute, to attest and to deliver, as appropriate, the Guaranty Agreement between the County and said Authority; approving the form of said Guaranty Agreement; specifying the maximum amount of the County obligation pursuant to said Guaranty Agreement and the sources of payment of such guaranty obligation and pledging the full faith, credit and taxing power of the County in support of such debt obligation; providing for proper officers of the County to take all other required, necessary or desirable related action in connection with said project and said Guaranty Agreement; providing for the effectiveness of this ordinance; providing for the severability of provisions of this ordinance: and providing for repeal of all inconsistent ordinances or resolutions or parts of ordinances or resolutions.

Whereas, the County of Allegheny acknowledging that the required public notice of the County's desire to enter into lease rental debt has been duly published in a newspaper of general circulation and hereby ratifies Ordinance 38-02 in accordance with the Pennsylvania Local Government Unit Debt Act; and

Whereas, Ordinance 38-02 authorized and directed the proper office of the County of Allegheny to prepare, certify and file the debt statement required by Section 8110 of the Pennsylvania Local Government Unit Debt Act.

The Council of the County of Allegheny enacts as follows:

Section 1. Allegheny County Council acknowledges that the required public notice of the County's desire to enter into lease rental debt has been duly published in a newspaper of general circulation and hereby ratifies Ordinance 38-02 in accordance with the Pennsylvania Local Government Unit Debt Act.

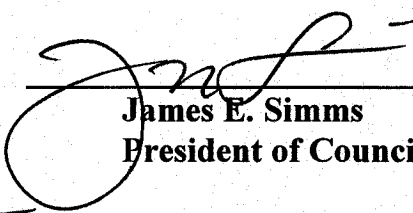
Section 2. Ordinance 38-02, attached hereto and a part hereof, authorizes (i) the incurrence of lease rental debt in the form of a County Guaranty in the maximum amount of \$65,000,000, (ii) pledges the County's full faith, credit and taxing power to secure such lease rental debt, (iii) provides that the useful life of the construction of an office building for County use in excess of 40 years, (iv) the appropriate County officer to prepare, certify and file the debt statement under Section 8110 of the Debt Act, (v) execute and deliver the Guaranty, and all other necessary action, (vi) to prepare and file statements to qualify the lease rental debt as self liquidating or subsidized debt, (vii) to execute any lease or other agreement, annual or semi-annual payment to be paid thereunder, and (viii) covenants to budget, appropriate and pay the amounts payable with respect to the Guaranty, in such maximum annual amounts as attached hereto as Exhibit A.

Section 3. *If any provision of this Resolution shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Resolution which shall be in full force and effect.*

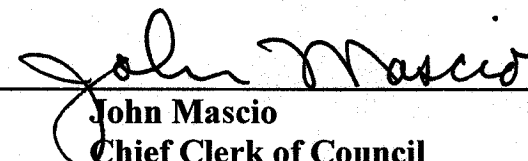
Section 4. *Any Resolution or Ordinance or part thereof conflicting with the provisions of this Resolution is hereby repealed so far as the same affects this Resolution.*

Enacted in Council, this 8th day of October, 2002

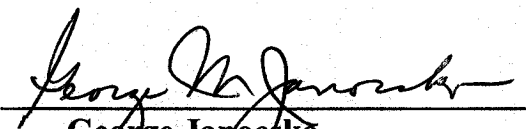
Council Agenda No. 02-1164


James E. Simms
President of Council

Attest:

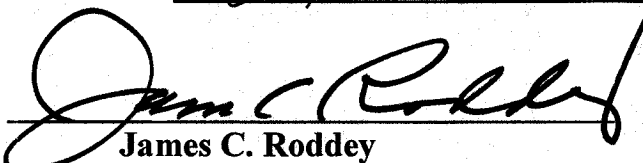

John Mascio
Chief Clerk of Council

Approved as to form:


George Janocsko
Acting County Solicitor

Chief Executive Office October 10, 2002.

Approved:


James C. Roddey
Chief Executive

Attest:

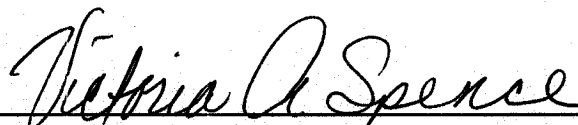

Victoria Spence
Executive Secretary

EXHIBIT A

Allegheny County
Maximum Annual Lease Payments

Year	FISCAL TOTAL
-	-
2003	-
2003	4,555,000.00
2004	-
2004	3,904,700.00
2005	-
2005	5,084,400.00
2006	-
2006	5,083,300.00
2007	-
2007	5,083,000.00
2008	-
2008	5,083,200.00
2009	-
2009	5,083,600.00
2010	-
2010	5,083,900.00
2011	-
2011	5,083,800.00
2012	-
2012	5,083,000.00
2013	-
2013	5,086,200.00
2014	-
2014	5,082,600.00
2015	-
2015	5,082,800.00
2016	-
2016	5,085,600.00
2017	-
2017	5,085,600.00
2018	-
2018	5,082,500.00
2019	-
2019	5,086,000.00
2020	-
2020	5,085,200.00
2021	-
2021	5,084,800.00
2022	-
2022	5,084,200.00
2023	-
2023	5,082,800.00
2024	-
2024	5,085,000.00
2025	-
2025	5,084,900.00
2026	-
2026	5,081,900.00
2027	-
2027	5,085,400.00
2028	-
2028	5,084,200.00
2029	-
2029	5,082,700.00
Total	-

DEPARTMENT OF BUDGET AND FINANCE



County of Allegheny

RECEIVED

Carmen J. Torockio
Director

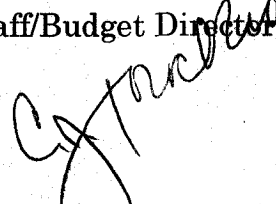
225 COURTHOUSE ♦ 436 GRANT STREET
PITTSBURGH, PA 15219
PHONE (412) 350-5131 ♦ FAX (412) 350-3041

OCT 01 2002

COUNTY COUNCIL

INTEROFFICE MEMORANDUM

To: Guy A. Tumolo, Chief of Staff/Budget Director
From: Carmen Torockio, Director
Subject: Resolution Enclosed
Date: October 1, 2002



I hereby request that the enclosed Resolution be placed on the Agenda for the County Council meeting of October 8, 2002 for consideration by County Council. This Resolution is necessary to comply with the Local Government Unit Debt Act requirements in ratifying the previously adopted Ordinance 38-02 authorizing the incurrence of County lease rental debt for the proposed jail annex project. The Ordinance, as adopted, was not properly advertised for Debt Act purposes. The Resolution has been advertised for Debt Act purposes. Without a ratification of the Ordinance, the State Department of Community and Economic Development will not approve the County's Guaranty as properly authorized and incurred lease rental debt. Consequently, the County Industrial Development Authority Bonds issued for the jail annex project, will not be saleable as they will qualify for a bond rating without the County Guaranty. The enclosed Resolution will rectify this situation.

If you have any questions or require any further information, please contact me or Warren Finkel of my office. Your assistance in this matter is greatly appreciated.

COHEN & GRIGSBY, P.C.

ATTORNEYS AT LAW

11 STANWIX STREET
15TH FLOOR

PITTSBURGH, PENNSYLVANIA 15222-1319

TELEPHONE (412) 297-4900

FAX (412) 209-0672

Direct Dial: (412) 297-4949
E-mail: phealy@cohenlaw.comDirect Fax: (412) 394-4240
URL: <http://www.cohenlaw.com>

October 1, 2002

VIA FACSIMILE TRANSMISSION
AND VIA U.S. REGULAR MAILGuy A. Turnolo
Chief of Staff/Budget Director
119 Courthouse
436 Grant Street
Pittsburgh, PA 15219Re: **2002 IDA Jail Annex Bonds**

Dear Guy:

Enclosed herein is a proposed description for the Agenda in connection with the Resolution ratifying the Ordinance adopted September 10, 2002 in connection with the County Guaranty of the County Industrial Development Authority Bonds for the jail annex project. The description of the Ordinance was taken directly from the Agenda for the meeting of September 10th. My desire was to adequately describe the underlying Ordinance that was being ratified to the satisfaction of Ms. Barattini at DCED. Please let me know if this text is acceptable.

Sincerely,

COHEN & GRIGSBY, P.C.


Patrick S. Healy

PSH/d

Enclosure

cc: Carmen Torockio (w/encl. - via facsimile)
C. Talbot Heppenstall, Jr. (w/encl. - via facsimile)
R. Darryl Ponton, Esquire (w/encl. - via facsimile)
Charles R. Brodbeck, Esquire (w/encl.)

684625_2

684899_1

Proposed Agenda Description

Resolution of the County of Allegheny (the "County") acknowledging that the require public notice of the County's desire to enter into lease rental debt has been duly published in a newspaper of general circulation and that the County ratifies Ordinance 38-02 in accordance with the Local Government Unit Debt Act, which Ordinance provides for the incurrence of lease rental debt in an aggregate principal amount not to exceed sixty five million dollars (\$65,000,000) by entering into a Guaranty Agreement (the "Guaranty Agreement") with the Allegheny County Industrial Development Authority (the "Authority"): determining that such lease rental debt shall be evidenced by the Guaranty Agreement by which the County agrees to guaranty the debt service on the Allegheny County Industrial Development Authority bonds to be issued by the Authority in one or more series of bonds in an aggregate principal amount of up to \$65,000,000; authorizing and directing the proper officers of the County (a) to prepare to certify and to file the debt statement required by section 8110 of the Pennsylvania Local Government Unit Debt Act; and (b) to execute, to attest and to deliver, as appropriate, the Guaranty Agreement between the County and said Authority; approving the form of said Guaranty Agreement; specifying the maximum amount of the County obligation pursuant to said Guaranty Agreement and the sources of payment of such guaranty obligation and pledging the full faith, credit and taxing power of the County in support of such debt obligation; providing for proper officers of the County to take all other required, necessary or desirable related action in connection with said project and said Guaranty Agreement; providing for the effectiveness of this ordinance; providing for the severability of provisions of this ordinance: and providing for repeal of all inconsistent ordinances or resolutions or parts of ordinances or resolutions.

346097

COHEN & GRIGSBY, P.C.
11 STANWIX STREET, 15TH FLOOR
PITTSBURGH, PENNSYLVANIA 15222
TELEPHONE (412) 297-4900
FAX (412) 209-0672

FAX COVER SHEET

DATE: October 3, 2002
TO: John Mascio
FIRM/COMPANY: Allegheny County
PHONE NUMBER: 412-350-6495

FAX NUMBER**412-350-6499**

FROM: Kelly R. Vehec, Esq.
TELEPHONE: 412-297-4665

NUMBER OF PAGES (INCLUDING COVER PAGE): 2

CLIENT/MATTER NO.: 4818.0038

COMMENTS:

John – Per our telephone conversation, this is the Exhibit A referenced in the resolution I e-mailed to you. Please call if you have any questions.

IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL 412/297-4939

The information contained in this transmission is confidential and may be attorney-client privileged. It is intended only for the use of the individual or entity named above. Unauthorized use, disclosure or copying of the information contained in this transmission is strictly prohibited and may be unlawful. If you have received this communication in error, please immediately notify us at (412) 297-4900 and return the original message to us at the above address via the United States Postal Service. We will reimburse any costs you incur in notifying and returning this message to us. Thank you.