

Bill No. 2107-05

No. 36-05-RE

## A RESOLUTION

A Resolution of the Council of the County of Allegheny adopting and authorizing financing of a project by the Allegheny County Higher Education Building Authority on behalf of Duquesne University of the Holy Spirit as desirable for the health, safety, and welfare of the people in Allegheny County.

**Whereas**, Duquesne University of the Holy Spirit, a nonprofit corporation organized under the laws of the Commonwealth of Pennsylvania (the "University"), desires to undertake a project consisting of financing, through the issuance of one or more series of bonds in an aggregate principal amount not expected to exceed \$44,500,000 (the "Bonds") by the Allegheny County Higher Education Building Authority (the "Authority"), all or a portion of the costs of (i) constructing, furnishing and equipping an athletic/recreation complex to be located on Forbes Avenue, (ii) various capital expenditures, including, but not limited to, installation of air handling units at Mellon Hall and Duquesne Towers, a grandstand at Rooney Field, an HVAC system in Brottier Hall, enterprise resource planning software, and other miscellaneous capital expenditures, (iii) renovations of the A.J. Palumbo Center, (iv) renovations of St. Martin Hall, (v) the possible refinancing of the Authority's University Revenue Bonds (Duquesne University Project) Series A of 1996 (the "Prior Bonds"), (vi) funding any necessary reserves, and (vii) issuance of the Bonds, including, but not limited to, the costs of providing credit and/or liquidity enhancement for the Bonds (collectively, the "Project"); and

**Whereas**, the Prior Bonds were issued for the purpose of financing various capital projects, including construction of a co-generation plant, construction of parking facilities, acquisition of building and property which were used for pharmacy school classrooms and other University educational and administrative uses, construction of a student residence facility, and expansion of the existing student union including construction of approximately 12 office contiguous thereto (together, the "Prior Projects"), (the assets and facilities financed or to be financed with proceeds of the Bonds and the Prior Bonds are referred to collectively as the "Project Facilities"); and

**Whereas**, the Authority was created by the County of Allegheny, Pennsylvania (the "County") under the Municipality Authorities Act, as amended (the "Act"), and is authorized under the Act to issue its bonds for the purposes aforesaid, and the Authority has determined that the public interest will be served and that the purposes of the Act can be fulfilled by the Authority's issuance of bonds in order to obtain funds to loan to the University for the foregoing purposes; and

**Whereas**, Section 5607(b)(2)(iv) of the Act provides, among other things, that school building projects and facilities such as the Project Facilities to be financed with loans to private, nonprofit, nonsectarian universities such as the University may be financed by an authority created under the Act, notwithstanding that such projects and facilities may duplicate or compete with existing enterprises serving substantially the same purposes, if the municipality organizing such authority declares by resolution or ordinance that it is desirable for the health, safety and welfare of the people in the area served by such projects and facilities to have such projects and facilities provided by, or financed through, such authority.

***The Council of the County of Allegheny hereby resolves as follows:***

***SECTION 1 Incorporation of the Preamble.***

The provisions set forth in the preamble to this Ordinance are incorporated by reference as set forth in their entirety herein.

***SECTION 2. Declaration***

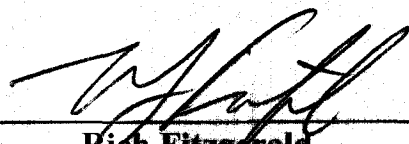
It is hereby declared that it is desirable for the health, safety and welfare of the people in the County to have the Project and the Project Facilities financed through the Authority.

***SECTION 3. Severability. 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. Repealer. 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 6<sup>th</sup> day of September, 2005

Council Agenda No. 2107-05



**Rich Fitzgerald**  
President of Council

Attest: John Mascio  
**John Mascio**  
Chief Clerk of Council

Chief Executive Officer [Signature] ~~September~~ 9, 2005

Approved: [Signature]  
**Dan Onorato**  
Chief Executive

Attest: Donna Beltz  
**Donna Beltz**  
Executive's Secretary

## SUMMARY OF LEGISLATION

On behalf of Duquesne University of the Holy Spirit (the "University"), a non-profit corporation, the Allegheny County Higher Education Building Authority (the "Authority") intends to issue \$44,500,000 of Tax-Exempt Bonds. The Bonds will finance the costs of the following:


- 1) constructing, furnishing and equipping an athletic/recreation complex to be located on Forbes Avenue;
- 2) various capital expenditures, including, but not limited to, installation of air handling units at Mellon Hall and Duquesne Towers, a grandstand at Rooney Field, an HVAC system in Brottier Hall, enterprise resource planning software, and other miscellaneous capital expenditures;
- 3) renovations of the A.J. Palumbo Center; and
- 4) renovations of St. Martin Hall.

Additionally, the proceeds of the Bonds will fund any necessary reserves and pay all or a portion of the costs of issuance, including the costs of providing credit enhancement for the Bonds. The Bonds may also fund the refinancing of Bonds outstanding from 1996.

As is typical with these transactions issued through the Higher Education Building Authority, the Bonds are limited obligations of the Authority payable solely from the project or from the University.

**MEMORANDUM**  
**OFFICE OF THE COUNTY MANAGER**

TO: John Mascio  
Chief Clerk

FROM: James M. Flynn, Jr.   
County Manager

DATE: August 18, 2005

RE: Proposed Resolution

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Attached is a Resolution adopting and authorizing financing of a project by the Allegheny County Higher Education Building Authority on behalf of Duquesne University of the Holy Spirit as desirable for the health, safety, and welfare of the people in Allegheny County.

The Allegheny County Law Department has reviewed this legislation prior to submitting it to Council.

Please place this on the next agenda for County Council approval.

Thank you.

ALLEGHENY COUNTY COUNCIL

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