

Bill No. 2718-06

No. 30-06-RE

A RESOLUTION

Approving a Project for the benefit of Carnegie Mellon University to be financed by the Allegheny County Higher Education Building Authority by the issuance of the Authority's University Revenue Bonds (Carnegie Mellon University) Series 2006 to be issued in aggregate principal amount not in excess of \$165,000,000, provided that the taxing power of the County of Allegheny, Pennsylvania, shall not be obligated in any way with respect to the Bonds, and determining that the purpose of the financing will be to benefit the health and welfare of the citizens of Allegheny County, Pennsylvania, and constituting the elected official approval required by Section 147 of the Internal Revenue Code of 1986, as amended.

Whereas, Carnegie Mellon University ("University") has requested that the Allegheny County Higher Education Building Authority ("Authority") finance the "Project" hereafter described by the issuance of the Authority's University Revenue Bonds (Carnegie Mellon University) Series 2006 ("Bonds") in an aggregate principal amount not in excess of \$165,000,000; and

Whereas, the Project ("Project") shall consist of all or any portions (as determined by the University) of the following:

(a) capital projects including construction or improvement of new and existing University facilities including the Gates Center for Computer Science and related parking garage, the University Center, Wean Hall, the East Campus Garage, University Technology Development Center, Cyert Hall, the Physical Plant Building and Doherty Hall; acquisition of and renovations to 300 South Craig Street; land improvements to the area around Mellon Institute and the School of Computer Science; information technology upgrades and various other capital improvements and equipment acquisitions for the University's Oakland campus and other locations, all in the City of Pittsburgh; and

(b) a refunding project consisting of the refunding (on a current or advance refunding basis, as the case may be) of all or portions of the Allegheny County Higher Education Building Authority University Revenue Bonds (Carnegie Mellon University), Series 2002; and

(c) payment of issuance, credit and liquidity support, if any, and other costs related to the issuance of the 2006 Bonds described above; and

Whereas, the location of the facilities included in the Project is at the campus of Carnegie Mellon University, 5000 Forbes Avenue, the Mellon Institute of the University, Fifth Avenue and Bellefield Streets, the Pittsburgh Technology Center, 700 Technology Drive and 300 South Craig Street, all in Pittsburgh, Pennsylvania; and

Whereas, Section 147 of the Internal Revenue Code of 1986, as amended ("Code") requires that elected officials of a governmental unit having jurisdiction of the area in which any facility of the Project is located approve the same for the purposes of that Section; and

Whereas, the County Council is an applicable elected representative, within the meaning of Section 147 of the Code, the Authority has conducted a hearing on August 11, 2006, with respect to the Bonds and the Project after reasonable public notice, and the Authority has approved the Project and the Bonds at its public meeting on July 26, 2006, duly called with notice thereof published as required by law; and

Whereas, the following resolutions are also adopted to give effect to the provisions of the Municipality Authorities Act, Act No. 22 of 2001, as amended by Act No. 110 of 2001, 53 Pa.C.S. Section 5601 et seq., including without limitation Section 5607(a)(15) thereof; and

Whereas, neither the Bonds nor the approval granted hereby shall obligate taxing power of the County of Allegheny in any way, and shall be limited obligations of the Authority, payable solely from the revenues pledged by the Authority for such payment.

The Council of the County of Allegheny hereby enacts as follows:

Section 1. Terms Defined

Terms used in the Recitals to these Resolutions are herein used as therein defined.

Section 2. Approval of Project and Bonds

For the purposes set forth in the Recitals, and subject to the limitations set forth in the last Recital stated above, the County of Allegheny, Pennsylvania, acting by and through its County Council, hereby approves the Project and the Bonds.

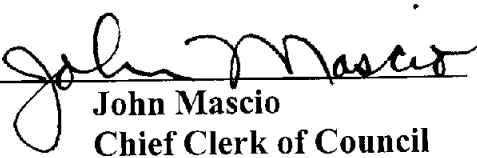
Section 3. Severability. If any provision of this Resolution shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Resolution which shall be in full force and effect.

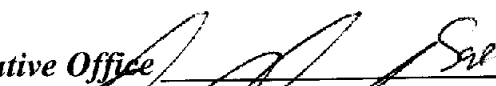
Section 4. Repealer. Any resolution or ordinance or part thereof conflicting with the provisions of this Resolution is hereby repealed so far as the same affects this Resolution.


Enacted in Council, this 29th day of August, 2006,


Council Agenda No. 2718-06


Rich Fitzgerald
President of Council

Attest: 
John Mascio
Chief Clerk of Council

Chief Executive Office  September 1, 2006.

Approved: 
Dan Onorato
Chief Executive

Attest: 
Donna Beltz
Executive Secretary

SUMMARY
CARNEGIE MELLON UNIVERSITY RESOLUTION
SUBMITTED FOR COUNCIL MEETING 8/22/06

On behalf of Carnegie Mellon University (the "University"), a non-profit corporation, the Allegheny County Higher Education Building Authority (the "Authority") intends to issue \$165,000,000 of Tax-Exempt Revenue Bonds (the "Bonds").


The Bonds will finance the costs of the following:

- (a) construction or improvement of new and existing University facilities including the Gates Center for Computer Science and related parking garage, the University Center, Wean Hall, the East Campus Garage, University Technology Development Center, Cyert Hall, the Physical Plant Building and Doherty Hall; acquisition of and renovations to 300 South Craig Street; land improvements to the area around Mellon Institute and the School of Computer Science; information technology upgrades and various other capital improvements and equipment acquisitions;
- (b) advanced refunding project consisting of the refunding of all or portions of the Allegheny County Higher Education Building Authority University Revenue Bonds (Carnegie Mellon University), Series 2002; and
- (c) payment of issuance, credit and liquidity support, if any, and other costs related to the issuance of the 2006 Bonds hereafter described.

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 revenue from the University.

MEMORANDUM
OFFICE OF THE COUNTY MANAGER

TO: John Mascio
Chief Clerk

FROM: James M. Flynn, Jr. 
County Manager

DATE: August 17, 2006

RE: Proposed Resolution

ALLEGHENY COUNTY COUNCIL

'06 AUG 18 PM 4:13

Attached is a Resolution approving a Project for the benefit of Carnegie Mellon University to be financed by the Allegheny County Higher Education Building Authority by the issuance of the Authority's University Revenue Bonds (Carnegie Mellon University) Series 2006 to be issued in aggregate principal amount not in excess of \$165,000,000, provided that the taxing power of the County of Allegheny, Pennsylvania, shall not be obligated in any way with respect to the Bonds, and determining that the purpose of the financing will be to benefit the health and welfare of the citizens of Allegheny County, Pennsylvania, and constituting the elected official approval required by Section 147 of the Internal Revenue Code of 1986, as amended.

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.