

Bill No. 4133-08

No. 31-08-RE

A RESOLUTION

A Resolution approving a project for the benefit of Robert Morris University (the "University"), to be financed by the Allegheny County Higher Education Building Authority by the issuance of the Authority's tax-exempt or taxable bonds, to be issued in one or more series, in the aggregate principal amount not expected to exceed \$22,000,000, provided that the taxing power of the County of Allegheny, Pennsylvania, shall not be obligated in any way with respect to the Bonds (hereinafter defined), and determining that the purpose of the financing will be to benefit the health and welfare of the citizens of Allegheny County, Pennsylvania.

Whereas, the University, a nonprofit corporation organized under the laws of the Commonwealth of Pennsylvania, desires to undertake a project, as hereinafter defined, to be financed through the issuance of one or more series of tax-exempt or taxable bonds in an aggregate principal amount not expected to exceed \$22,000,000 (the "Bonds") by the Allegheny County Higher Education Building Authority (the "Authority"), and

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

(a) construction, equipping and furnishing of various master plan projects at the University's main campus; and

(b) miscellaneous capital expenditures now being incurred and expected to be incurred at the University's main campus and downtown Pittsburgh campus (the projects described in clauses (a) and (b) are referred to collectively as the "Capital Projects" and the facilities at which the Capital Projects will be located are referred to collectively as the "Project Facilities"); and

(c) funding any necessary reserves; and

(d) the costs relating to the 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, Section 5607(a)(15) of the Municipality Authorities Act (the "Act") provides that the Authority may finance buildings and facilities of private non-profit colleges and universities if the municipality creating the Authority approves said buildings and facilities by resolution or ordinance and the approval does not obligate the taxing power of the municipality in any such way; 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 furthered 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 Capital Projects and the Project Facilities) to be leased to or financed with loans to private, nonprofit, nonsectarian secondary schools, colleges and universities, state-related universities and community colleges serving the public, such as the University, may be financed by an authority created under the Act, 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; and

Whereas, the location of the facilities included in the Project are at various addresses throughout Allegheny County all of which are owned by the University; and

Whereas, the following resolution is 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 resolves as follows:

Section 1. Incorporation of Preamble.

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

Section 2. Terms Defined.

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

Section 3. 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 declares that:

- A. The Project and the financing of the Project financed through the issuance of the Bonds are hereby approved, and such approval shall not obligate the taxing power of the County of Allegheny in any way; and
- B. It is desirable for the health, safety and welfare of the people of the County of Allegheny to have the Project financed through the Authority.


Section 4. 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 5. 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 1st day of July, 2008.


Council Agenda No. 4133-08


Rich Fitzgerald
President of Council

Attest: 
John Mascio
Chief Clerk of Council

Chief Executive Officer  July 7, 2008

Approved: 
Dan Onorato
Chief Executive

Attest: 
Donna Beltz
Executive Secretary

SUMMARY OF LEGISLATION
ROBERT MORRIS UNIVERSITY
SUBMITTED FOR COUNCIL MEETING JUNE 17, 2008

On behalf of Robert Morris University (the "University"), a non-profit corporation, the Allegheny County Higher Education Building Authority (the "Authority") intends to issue tax-exempt or taxable bonds (the "Bonds") in an aggregate principal amount not expected to exceed \$22,000,000. The Bonds will finance the costs of the following:

(a) construction, equipping and furnishing of various master plan projects at the University's main campus; and

(b) miscellaneous capital expenditures now being incurred and expected to be incurred at the University's main campus and downtown Pittsburgh campus.

Additionally, the proceeds will fund any necessary reserves and pay all or a portion of the costs of issuance, including the costs of obtaining credit enhancement for the Bonds.

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

ALLEGHENY COUNTY COUNCIL

FROM: James M. Flynn, Jr.
County Manager

'08 JUN 12 AM 11:11

DATE: June 12, 2008

RE: Proposed Resolution

Attached is a Resolution approving a project for the benefit of Robert Morris University (the "University"), to be financed by the Allegheny County Higher Education Building Authority by the issuance of the Authority's tax-exempt or taxable bonds, to be issued in one or more series, in the aggregate principal amount not expected to exceed \$22,000,000, provided that the taxing power of the County of Allegheny, Pennsylvania, shall not be obligated in any way with respect to the Bonds (hereinafter defined), and determining that the purpose of the financing will be to benefit the health and welfare of the citizens of Allegheny County, Pennsylvania.

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.