

No. 05-16-RE

A RESOLUTION

A Resolution of the County of Allegheny approving a project benefitting Point Park University to be financed by the Allegheny County Higher Education Building Authority by the issuance of the Authority's tax-exempt and/or taxable revenue obligations to be issued in an aggregate principal amount not in excess of \$14,000,000, provided that the taxing power of the County of Allegheny, Pennsylvania, shall not be obligated in any way with respect to the obligations, and determining that the purpose of the financing will be to benefit the health and welfare of the citizens of Allegheny County, Pennsylvania.

Whereas, Point Park University, a Pennsylvania nonprofit corporation (the "University"), has requested that the Allegheny County Higher Education Building Authority (the "Authority") finance the "Project" hereinafter described by the issuance of the Authority's tax-exempt and/or taxable revenue obligations (the "Obligations") in an aggregate principal amount not in excess of \$14,000,000; and

Whereas, the Authority was created by the County of Allegheny, Pennsylvania (the "County") under the Municipality Authorities Act, Act No. 22 of 2001, 53 Pa. C.S.A. Section 5601 *et seq.*, 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 the Obligations in order to obtain funds to loan to the University for the following purposes; and

Whereas, the Project includes: (i) the new construction of an 80,000 sq. ft. facility which will house a proscenium/thrust stage theater for 560 people; a "transformational" theater for 205 people; and a black box theater for 100 people, with support spaces, a soundstage, scenery construction shop, and painting shop; (ii) the expansion and renovation of the existing library; and (iii) payment of certain costs of issuance of the Obligations (collectively, the "Project"); and

Whereas, 53 Pa. C.S.A Section 5607(b)(2)(iv) of the Act provides, among other things, that school building projects and facilities, such as the Project and the facilities at which the Project will be located, 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; and

Whereas, the Authority has determined that the University is an eligible institution under the Act.

Whereas, the following resolutions are adopted to give effect to the provisions of the Act, including without limitation Section 5607(a)(15) thereof; and

Whereas, neither the Obligations nor the approval granted hereby shall obligate the 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 University.

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 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 below in Section 3.B., the County of Allegheny, Pennsylvania, acting by and through its County Council, hereby declares;


- A. that 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 and hereby approves the Project and the Obligations; and
- B. that neither the Obligations nor the approval granted hereby shall obligate the 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 University.

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 8th day of March, 2016

Council Agenda No. 9474-16



John DeFazio
President of Council

Attest: 

Jared Barker
Chief Clerk of Council

Chief Executive Office March 9, 2016

Approved: 

Rich Fitzgerald
County Executive

Attest: 

Sonya Dietz
Executive's Secretary

SUMMARY OF LEGISLATION
POINT PARK UNIVERSITY
SUBMITTED FOR COUNCIL MEETING FEBRUARY 16, 2016

On April 7, 2015, County Council approved Resolution No. 9-15-RE (Bill No. 8837-15) authorizing the Allegheny County Higher Education Building Authority, on behalf of Point Park University, a Pennsylvania non-profit corporation, to issue up to \$12,000,000 of tax-exempt and/or taxable revenue obligations. However, the project was placed on hold for approximately one year; and consequently, with the project now moving forward the dollar amount has increased. Therefore, this Resolution repeals the aforesaid Resolution No. 9-15-RE (Bill No. 8837-15) and seeks authorization to issue up to \$14,000,000 of tax-exempt and/or taxable revenue obligations, which will finance the costs of the following:

- (a) the construction of a new 80,000 sq. ft. facility which will house a proscenium/thrust stage theater for 560 people; a “transformational” theater for 205 people; and a black box theater for 100 people, with support spaces, a soundstage, scenery construction shop, and painting shop;
- (b) the expansion and renovation of the existing library; and
- (c) payment of certain costs of issuance of the Obligations

As is typical with these transactions issued through the Authority, the Obligations will be limited obligations of the Authority, payable solely from the Project or revenues pledged by the University.

RECEIVED
ALLEGHENY COUNTY COUNCIL

MEMORANDUM

OFFICE OF THE COUNTY MANAGER

2016 FEB 11 AM 10:57

TO: Jared E. Barker
Allegheny County Council

FROM: William D. McKain CPA
County Manager

DATE: February 11, 2016

RE: Proposed Resolution

Attached is a Resolution approving a project benefiting Point Park University to be financed by the Allegheny County Higher Education Building Authority by the issuance of the Authority's tax-exempt and/or taxable revenue obligations to be issued in an aggregate principal amount not in excess of \$14,000,000, provided that the taxing power of the County of Allegheny, Pennsylvania, shall not be obligated in any way with respect to the obligations, 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.

I am requesting that this item be placed on the agenda at the next Regular Meeting of Council.