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COUNTY OF DAUPHIN
COMMONWEALTH OF PENNSYLVANIA

RESOLUTION NO. 1-2012

A RESOLUTION BY THE BOARD OF COMMISSIONERS OF DAUPHIN COUNTY, PENNSYLVANIA, GENERALLY RELATING TO AN ISSUANCE OF TAX-EXEMPT OBLIGATIONS BY THE DAUPHIN COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY (THE "AUTHORITY") AND A LOAN OF THE PROCEEDS THEREFROM TO THE GRANTVILLE VOLUNTEER FIRE COMPANY, A PENNSYLVANIA NONPROFIT CORPORATION (THE "CORPORATION"), TO FINANCE AN NEW CENTRAL FIRE STATION; RATIFYING A PUBLIC HEARING CONDUCTED THROUGH THE AUTHORITY, AS THE DESIGNEE OF THE COUNTY, AS REQUIRED UNDER SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; RATIFYING THE PUBLICATION OF A LEGAL ADVERTISEMENT PROVIDING PUBLIC NOTICE OF THE PUBLIC HEARING; AUTHORIZING THE EXECUTION OF AN APPROVAL CERTIFICATE BY "APPLICABLE ELECTED REPRESENTATIVE" WITH RESPECT TO THE AUTHORITY'S ISSUANCE OF SAID TAX-EXEMPT OBLIGATIONS, ALL AS REQUIRED UNDER SECTION 147(f); AND PROVIDING FOR AN EFFECTIVE DATE AND A GENERAL REPEALER

WHEREAS, the County of Dauphin, Pennsylvania (the "County"), pursuant to the provisions of the Economic Development Financing Law, Act of August 23, 1967, P.L. 251, as amended and supplemented (the "Act"), heretofore organized the Dauphin County Industrial Development Authority (the "Authority"); and

WHEREAS, the Authority exists and operates as a public instrumentality of the Commonwealth of Pennsylvania (the "Commonwealth") for, among other things, acquiring, holding, constructing, improving, maintaining, owning, financing and leasing, either in the capacity of lessor or lessee, projects, which include public facilities and facilities to protect the health, safety and general welfare of the people of the Commonwealth by providing for basic services; and

WHEREAS, the Grantville Volunteer Fire Company (the "Corporation"), a nonprofit corporation, organized and existing under the laws of the Commonwealth and a charitable organization under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), has requested the assistance of the Authority in connection with the financing of a project (the "Project") consisting of (i) construction and equipping a 15,000 sq. ft., two-story central fire station that will have 7 vehicle bays, sleeping quarters for men and women, modern emergency communications room, and necessary facilities for equipment storage and repair, emergency personnel operations, and administrative functions, to be located on an approximately 6-acre site at the corner of Allentown Boulevard and Hill Street situated in the Township of East Hanover, Dauphin County, Pennsylvania and (ii) paying the costs of issuance; and

WHEREAS, the Authority, upon request of the Corporation, desires to undertake the issuance of a tax-exempt obligation, in the principal amount not to exceed \$2,800,000, which obligation is intended to constitute an issue of "qualified 501(c)(3) bonds", as such term is defined in the Code, the interest on

which will be exempt from federal income tax under Section 103(b) of the Code (the “**Proposed Obligation**”); and

WHEREAS, proceeds of the Proposed Obligation will be loaned by the Authority to the Corporation and applied for and toward costs and expenses of the Project; and

WHEREAS, the Proposed Obligation shall not be secured by any pledge of assets, moneys, revenues or taxing power of the County, the Commonwealth or any political subdivision thereof except, however, the Township of East Hanover, Dauphin County which has agreed to guarantee the Proposed Obligation; and

WHEREAS, in order for interest on an issue of private activity bonds, such as the Proposed Obligation, to qualify for the exemption from federal income tax under Section 103(b) of the Code, Section 147(f) of the Code requires the approval of such issue by (i) the “governmental unit”, as such term is defined in Section 147 of the Code, on behalf of which such private activity bonds are issued and (ii) each “governmental unit” having jurisdiction over the area in which any facility, with respect to which financing is to be provided from the proceeds of such private activity bonds, is located (except that if more than one governmental unit has jurisdiction over the area in which such facility is located, only one such unit need approve); and

WHEREAS, Section 147(f) of the Code provides, further, that an issue shall be treated as having been approved by any governmental unit if such issue is approved by the “applicable elected representative” of such governmental unit after a public hearing following reasonable public notice, the “applicable elected representative” being the elected legislative body of such unit or designated member of such legislative body; and

WHEREAS, the County is the “governmental unit” and the Board of Commissioners of the County is the “applicable elected representative,” as such terms are defined in the Code, with respect to approving issuance by the Authority of the Proposed Obligation; and

WHEREAS, the Authority, in order to provide for compliance with Section 147(f) of the Code, on behalf of itself and the County, has heretofore caused the publication of a legal notice advertising a public hearing as aforesaid with respect to issuance of the Proposed Obligation to finance the Project (the “**Public Hearing**”); and

WHEREAS, on December 28, 2011, a duly-advertised Public Hearing was conducted through the Authority, as the designee of the County.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the County of Dauphin, that:

1. The publication by the Authority of a legal notice advertising the Public Hearing hereby is ratified and the Public Hearing conducted through the Authority on behalf of the County hereby is ratified.

2. The undertaking of the Project by the Authority as a public project hereby is approved by the County for purposes of Section 147(f) of the Code. The Chairman of this Board of County Commissioners is hereby designated as the “applicable elected representative” and directed to execute a Certificate of Approval indicating this Board of County Commissioners’ approval of the Project for purposes of Section 147(f) of the Code. The Board of Commissioners intends that delivery of a certified counterpart or copy of a certified counterpart of this Resolution together with delivery by its Chairman of

said approval of the “applicable elected representative” shall constitute the “approval by a government unit” required by Section 147(f) of the Code.

3. The *Proposed Obligation* if and when issued by the Authority shall not be secured, or construed to be secured, by any pledge of assets, moneys, revenues or taxing power of the County.


4. This Resolution shall become effective immediately upon its adoption. Any ordinances or other resolutions to the extent inconsistent herewith hereby are repealed. This Resolution may be amended from time to time by appropriate action of the Board of Commissioners of the County

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DULY RESOLVED AND ADOPTED this 18 day of January, 2012, at a regular meeting of the Board of Commissioners of Dauphin County, Pennsylvania, in lawful session duly assembled.

ATTEST:

BOARD OF COMMISSIONERS OF
DAUPHIN COUNTY, PENNSYLVANIA




Chief Clerk



Chairman, Board of Commissioners

(SEAL)



Commissioner



Commissioner

CERTIFICATE

I, the undersigned, Chief Clerk of the County of Dauphin, Pennsylvania (the "County"), hereby certify that: (a) attached to this Certificate is a true, correct and complete copy of a Resolution (the "Resolution") which was duly adopted at a meeting of the Board of Commissioners of the County on January 18, 2012, at which a quorum was present and acting throughout, and which was at all times open to the public; (b) the County met the advance notice requirements of the Sunshine Act, 65 Pa. C.S. § 701 *et seq.*, by advertising the date of the meeting and posting a notice of the meeting at the public meeting place of the Board of Commissioners; (c) said Resolution was adopted by an aye or nay vote; (d) said Resolution and the vote thereon showing how each member voted have been recorded in the minutes of said Board of Commissioners; and (e) said Resolution remains in effect, unaltered and unamended as of the date of this Certificate.

WITNESS my hand and the seal of the County on January 18, 2012.

By: 
Chief Clerk

(SEAL)