

WS 4/17/19
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COUNTY OF DAUPHIN, PENNSYLVANIA

RESOLUTION NO. 7-2019

AUTHORIZING THE APPROVAL IN ACCORDANCE WITH SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, OF A PLAN OF FINANCING OF THE DAUPHIN COUNTY GENERAL AUTHORITY; DECLARING THAT IT IS DESIRABLE FOR THE HEALTH, SAFETY AND WELFARE OF THE PEOPLE IN THE AREA TO BE SERVED BY SUCH FACILITIES TO HAVE SUCH FACILITIES PROVIDED BY, OR FINANCED THROUGH, THE DAUPHIN COUNTY GENERAL AUTHORITY.

WHEREAS, the Dauphin County General Authority (the "Authority") is a body corporate and politic organized and existing under the Pennsylvania Municipality Authorities Act, 53 Pa. Cons. Stat. §§ 5601-5622 (2005) (the "Act") by the Board of Commissioners of the County of Dauphin, Pennsylvania (the "County"), for the purpose of undertaking projects of the kind and character authorized and permitted by, and also limited by, provisions of the Act; and

WHEREAS, The Harrisburg University of Science and Technology (the "University") has represented to the Authority that it is a Pennsylvania not-for-profit corporation and an organization described in Section 501(c)(3) of the United States Internal Revenue Code of 1986, as amended (the "Code"); and

WHEREAS, the University desires to expand its science and technology educational and student services facilities and has acquired for future development land located at 222 Chestnut Street and land and improvements located at 24, 26 and 28 South Third Street, City of Harrisburg, Pennsylvania (collectively, the "Project Site");

WHEREAS, at the request of the Borrower, the Authority has determined to undertake in accordance with the Act a project (the "Project") consisting generally of (a) the construction and development on the Project Site of a health sciences educational and mixed-use project, which is expected to include a health sciences teaching campus and related educational facilities, related student services facilities and ancillary uses (the "Capital Project"); (b) the provision of capitalized interest; (c) the funding of a debt service reserve fund; and (d) payment of all or a portion of the costs of issuance of the Bonds (hereinafter defined); and

WHEREAS, the University has presented to the Authority a plan of financing for the Project that contemplates the issuance by the Authority of one or more series of its tax-exempt University Revenue Bonds, payable solely and exclusively from the income and revenues derived by the Authority from its financing of the Project, in the maximum aggregate principal amount of \$100,000,000 (the "Bonds") and the lending of the proceeds of the Bonds by the Authority to the University for use by the University for financing the Project; and

WHEREAS, the Capital Project being financed with the proceeds of the Bonds are located on the Project Site for the benefit of the University having a mailing address of

Harrisburg University of Science and Technology, 326 Market Street, Harrisburg, Pennsylvania 17101; and

WHEREAS, the Authority after due and proper advertisement thereof being duly given according to law conducted a public hearing on April 17, 2019 (the "TEFRA Hearing") on behalf of itself, as the issuer of the Bonds, and on behalf of the County, where the project facilities are located and as the governmental unit on behalf of which the Authority acts, as required by and in accordance with Section 147(f) of the Code; and

WHEREAS, minutes of the TEFRA Hearing were taken and a transcript thereof has been provided to the County Commissioners and incorporated in the records of the County in order for the County to issue its approval of the Bonds as required by the Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF DAUPHIN, PENNSYLVANIA, as follows:

1. The Authority's undertaking of the Project and its issuance of the Bonds to finance the costs thereof are hereby approved, it being understood that such approval shall not, directly or indirectly, obligate the taxing power of the County or otherwise obligate the County in any way whatsoever. Such approval is given for the purpose of complying with the provisions of the Act and the Code relating to the undertaking of the Project by the Authority.

2. It is hereby declared desirable for the health, safety and welfare of the people in the area served by the facilities of the University to have the Project financed through the Authority, and the Authority is hereby authorized to undertake the Project.

3. The County Commissioners hereby authorize the approval pursuant to Section 147(f) of the Code the issuance of the Bonds proposed by the Authority.

4. The County Commissioners hereby acknowledge the undertaking by the Authority of the TEFRA Hearing on behalf of itself as the issuer of the Bonds, and on behalf of the County. The County Commissioners hereby acknowledge and confirm that a transcript of the TEFRA Hearing was provided to this Board for the record.

5. The proper officers and representatives of the County are hereby authorized, directed and empowered on behalf of the County to execute any and all documents, including the Certificate of Approval as it relates to the TEFRA Hearing in the form attached hereto as Exhibit A, and to do or cause to be done any and all acts and things necessary or proper for the carrying out of the purposes of this Resolution, including, but not limited to, the approval of the issuance of the Bonds.

6. The Board of Commissioners of the County intends that this resolution and the subsequent execution and delivery of the Certificate of Approval by any proper officer shall constitute the governmental unit approval required by Section 147(f) of the Code. Such approval shall be limited in effect and operation to the extent, and only to the extent, required by Section 147(f) of the Code.

7. Under this arrangement there exists no liability whatsoever, financially or otherwise, on the part of the County in passing this Resolution.

8. All resolutions or parts of resolutions inconsistent herewith are hereby rescinded, canceled and annulled.

DULY ADOPTED this 17th day of April, 2019, by the Board of Commissioners of Dauphin County, Pennsylvania, in lawful session dully assembled.

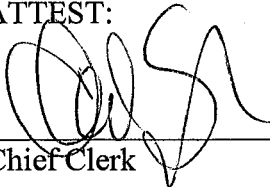
COUNTY OF DAUPHIN, PENNSYLVANIA

By: 
County Commissioner

By: 
County Commissioner

By: 
County Commissioner

ATTEST:


Chief Clerk

(SEAL)