



Legislation Text

File #: R-04-16, Version: 1

Public Approval - For the purpose of providing public approval pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended, in connection with the issuance and sale by the by the Public Finance Authority (the “Authority”), a commission created pursuant to Sections 66.0301, 66.0303 and 66.0304 of the Wisconsin Statutes, of its Public Finance Authority Revenue Bonds (St. John's College Project) Series 2016 in one or more series (the “Series 2016 Bonds”), in a principal amount not to exceed \$30,000,000 with respect to St. John’s College Annapolis Facilities.

**CITY COUNCIL OF THE
City of Annapolis**

Resolution 4-16

Introduced by: Mayor Pantelides

**Referred to
Finance Committee
Rules and City Government Committee**

A RESOLUTION concerning

Public Approval Pursuant to Section 147(f) of the Internal Revenue Code of 1986

FOR the purpose of providing public approval pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended, in connection with the issuance and sale by the by the Public Finance Authority (the “Authority”), a commission created pursuant to Sections 66.0301, 66.0303 and 66.0304 of the Wisconsin Statutes, of its Public Finance Authority Revenue Bonds (St. John's College Project) Series 2016 in one or more series (the “Series 2016 Bonds”), in a principal amount not to exceed \$30,000,000 with respect to St. John’s College Annapolis Facilities.

WHEREAS, the City of Annapolis has been requested to provide public approval pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended, in connection with the issuance and sale by the by the Public Finance Authority (the “Authority”), a commission created pursuant to Sections 66.0301, 66.0303 and 66.0304 of the Wisconsin Statutes, of its Public Finance Authority Revenue Bonds (St. John's College Project) Series 2016 in one or more series (the “Series 2016 Bonds”), in a principal amount not to exceed \$30,000,000, the proceeds of which

will be loaned to St. John's College, a Maryland non-stock, nonprofit corporation and 501(c)(3) organization (the "Borrower") and utilized as part of a plan of finance for the purposes of (a) financing capital projects such as improvements in HVAC, plumbing, electrical, fire suppression and alarm systems, interior renovations, structural repairs, equipment, elevators, roofing exterior paint and brickwork on the Borrower's Annapolis educational campus located at 60 College Avenue, Annapolis, Maryland 21401 (the "Annapolis Campus"); (b) financing capital projects such as improvements in technology infrastructure, electrical, mechanical and plumbing system and interior and exterior renovations, including parking lots and interior roadways, on the College's Santa Fe educational campus located at 1160 Camino Cruz Blanca, Santa Fe, New Mexico 87505 (the "Santa Fe Campus" and together with the "Annapolis Campus," the "Facilities"); (c) current refunding the City of Annapolis, Maryland Economic Development Revenue and Revenue Refunding Bonds (St. John's College Facility), 1998 Series, the proceeds of which were used to finance and refinance certain educational facilities located on the Annapolis Campus; (d) advance refunding the City of Annapolis, Maryland Economic Development Revenue Bonds (St. John's College Facility) Series 2007B, the proceeds of which were used to finance and refinance certain educational facilities located on the Annapolis Campus; (e) current refunding the City of Santa Fe, New Mexico Educational Facility Revenue Bonds, Series 2011 (St. John's College Project), the proceeds of which were used to finance and refinance certain educational facilities located on the Santa Fe Campus (the facilities described in (a), (c) and (d) above are collectively referred to herein as the "Annapolis Facilities"); (f) paying certain issuance expenses of the Series 2016 Bonds (collectively, the "Project") (g) reserving certain rights; and (h) authorizing the Mayor of the City of Annapolis to specify, prescribe, determine, provide for or approve certain matters, details, documents or procedures; and specifying and describing various matters in connection therewith.

WHEREAS, pursuant to Section 66.0304(11)(a) of the Wisconsin Statutes, prior to their issuance, bonds issued by the Public Finance Authority must be approved by the governing body or highest ranking executive or administrator of the political jurisdiction within whose boundaries the project being financed or refinanced with such bonds is to be located.

WHEREAS, the Authority is expected to approved the issuance of Series 2016 Bonds and will loan the proceeds of the Series 2016 Bonds to the Borrower to finance or refinance the Project.

WHEREAS, the Borrower will be the owner and operator of the Facilities being financed and refinanced with the proceeds of the Series 2016 Bonds.

WHEREAS, pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended, and certain regulations promulgated thereunder, and Section 66.0304(11)(a) of the Wisconsin Statutes, the Authority and the Borrower have requested the City of Annapolis, Maryland to approve the Series 2016 Bonds with respect to the Annapolis Campus, after a public hearing concerning the proposed issuance of the Series 2016 Bonds at which a reasonable opportunity to be heard was provided for persons with differing views on both the issuance of the Series 2016 Bonds and the Annapolis Facilities, notice of which was provided at least fourteen (14) days in advance of the public hearing.

WHEREAS, the Bonds will be limited obligations of the Authority payable solely from the loan repayments to be made by the Borrower to the Authority and are not an obligation or liability of the City of Annapolis, Maryland, the State of Maryland or any other political subdivision of the State of Maryland.

WHEREAS, the City has determined to approve the issuance, sale and delivery of the Series 2016 Bonds.

NOW THEREFORE BE IT RESOLVED by the City Council of Annapolis, Maryland, that it is hereby found and determined as follows:

Section 1. That the City hereby approves the issuance, sale and delivery by the Authority of the Series 2016 Bonds, a portion of which may be used to finance or refinance the Annapolis Facilities, all in accordance with Section 147(f) of the Internal Revenue Code of 1986, as amended and the regulations promulgated thereunder, and 66.0304(11)(a) of the Wisconsin Statutes.

Section 2. That the provisions of this Resolution are severable, and if any provision, sentence, clause, section or part hereof is held to be illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Resolution or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Resolution would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Resolution or any part hereof is inapplicable had been specifically exempted therefrom.

Section 3. That this Resolution shall become effective on the date of its adoption by the City Council.

EXPLANATION

CAPITAL LETTERS indicate matter added to existing law.

~~Strikethrough~~ indicates matter stricken from existing law.

Underlining indicates amendments.