Agenda Item #: 5C-2

## PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date:	June 16, 2009	[ ] Consent [ ] Public Hearin	[X] Regular
Department:	County Attorney		
Submitted For:	Educational Facilities Au	uthority	

### I. EXECUTIVE BRIEF

**Motion and Title: Staff recommends motion to**: adopt a Resolution of the Board of County Commissioners of Palm Beach County, Florida approving the issuance of Educational Facilities Revenue Bond (Lynn University Project) Series 2009 ("the Bond") in an amount not to exceed \$5,500,000 by the Palm Beach County Educational Facilities Authority (the "Authority").

**Summary**: The proceeds of the Bond will be used by the Authority to make a loan to Lynn University, Inc. to acquire, construct and improve certain new property, to provide improvements to the existing post-secondary educational facilities of the University and to refinance debt incurred for such purposes. Approval by the Board is required by the Internal Revenue Code, however, adoption of this Resolution does not in any way obligate the County. Neither the taxing power nor the faith and credit of the County, nor any County funds, shall be pledged to pay principal or redemption premiums, if any, or interest on the Bonds. District 5. (PFK)

Background and Policy Issues: The Authority was created pursuant to Chapter 243, Florida Statutes and by Resolution No. R-79-1493, adopted by the Board on October 23, 1979. The Authority is governed by a seven member governing body whose members are appointed by the Board. The Internal Revenue Code requires that certain tax exempt bonds be approved by an elected governmental entity after a public hearing. The Board's approval of the Bond does not in any way obligate the County on the Bond or imply that the County has determined that the Bond is credit-worthy or serve a public purpose. This approval has been given in the past for other bond issues of the Authority, including for Lynn University. Neither the taxing power nor the faith and credit of the County, nor any County funds, shall be pledged to pay principal or redemption premiums, if any, or interest on the Bonds.

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County Attorney	Date	
N/A	Doto	
	County Attorney	County Attorney Date

## II. FISCAL IMPACT ANALYSIS

A.	Five Year Summary	of Fiscal Ir	npact:			
	Fiscal Years	2009	2010	2011	2012	2013
-	al Expenditures ating Costs			·		
Prog	rnal Revenues ram Income (County nd Match (County)					
NE.	T FISCAL IMPACT		***		<del></del>	*****************
	DDITIONAL FTE SITIONS (Cumulative	e)		***************************************		and the same to
Is Ite	m Included in Currer	nt Budget?	Yes_	No	_	
Budg	et Account No.:	Fund	Department	Unit_	Object_	<del>.,</del>
		Reporting C	ategory			
B.	Recommended Sou	ırces of Fur	nds/Summary	of Fiscal Im	ipact:	
C.	Departmental Fisca	ıl Review: _				
		III. <u>REV</u>	IEW COMME	NTS		
Α.	OFMB Fiscal and/o	r Contract E	Development	and Control	Comments:	
	S OFMB	2409 5/149 5/2	Contr	act Develop	ment and Co	A5/27/2
B.	Legal Sufficiency:	,	•			
	Assistant Coun		<u>-121 log</u>			9
C.	Other Department F	Review:				
	Department I	Director	····			

THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.

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#### **RESOLUTION NO. R-2009-**

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, APPROVING THE ISSUANCE BY THE PALM BEACH COUNTY EDUCATIONAL FACILITIES AUTHORITY OF AN EDUCATIONAL FACILITIES REVENUE BOND IN AN AMOUNT NOT TO EXCEED \$5,500,000.

WHEREAS, on May 27, 2009 a public hearing was held by the Palm Beach County Educational Facilities Authority (the "Authority") with regard to the issuance of the Authority's Educational Facilities Revenue Bond (Lynn University Project), Series 2009 in an amount not to exceed \$5,500,000 (the "Bond"); and

WHEREAS, the proceeds of the Bond will be used by the Authority to make a loan to Lynn University, Inc. (the "University") for the primary purposes of (i) paying the cost of acquiring, constructing, renovating and/or equipping a residence for the President of the University located at 2829 Banyan Blvd Circle NW, Boca Raton, Florida, (ii) refinancing the Authority's Educational Facilities Revenue Bond, Series 2009 (Lynn University Project) (the "Refunded Bonds"), (iii) paying the cost of capital expenditures with respect to the University's educational facilities located at 3601 North Military Trail, Boca Raton, Florida and (iv) paying the cost of issuance of the Bond (collectively, the "Project"). Proceeds of the Refunded Bonds were used to (i) renovate a dormitory for the University's post-secondary educational facilities located at 3601 North Military Trial, Boca Raton, Florida (the "Campus"), (ii) refinancing certain indebtedness of the University incurred for the purpose of renovating another dormitory at the Campus and (iii) paying the cost of issuance of the Refunded Bonds; and

WHEREAS, the Bond will not be an obligation of the County, and will be payable from funds of the University; and

WHEREAS, pursuant to the requirements of the Internal Revenue Code of 1986, as amended (the "Code"), as a prerequisite to the issuance of the Bond it is necessary that the Board of County Commissioners of Palm Beach County approve the issuance thereof after said public hearing; and

WHEREAS, the Board of County Commissioners desires to evidence its approval of the issuance of the Bond solely to satisfy the requirements of the Code.

# NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Section 1. The Board of County Commissioners hereby approves the issuance of the Bond solely for purposes of Section 147(f) of the Code.

issuance of the bond solely for	pulposes of Section 147(I) of the	e Code.		
Section 2. This	Resolution shall take effect imme	ediately upon its ado	ption	
The foregoing Resolution was offered by Commissioner				
moved its adoption. The motion	was seconded by Commission	er	_, and	
upon being put to a vote, the vo	te was as follows:			
Commissioner Bui Commissioner Kai Commissioner She Commissioner Ste Commissioner Jes District 7	elley Vana even L. Abrams	- - - - - -	onted	
this day of	·	uuiy passeu and add	prec	
	PALM BEACH COUNTY, FLO BOARD OF COUNTY COMM	IISSIONERS		
	By:	& COMPTRULLER		
APPROVED AS TO FORM				