

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: May 17, 2011

Consent Regular

Public Hearing

Department

Submitted By: COUNTY ATTORNEY

Submitted For:

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 revenue bonds in an amount not to exceed \$12,000,000 (the "Bonds") by the Palm Beach County Educational Facilities Authority (the "Authority").

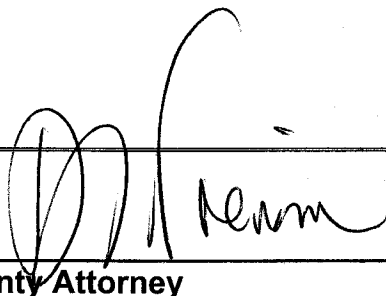
Summary: If issued, the Bonds will be in the form of a finance lease under which the Authority will lease the financed assets (the "Assets") from a lessor and will then sublease such Assets to Lynn University, Inc. (the "University"). The Assets will consist of a new central chilled water plant, replacements of deteriorating infrastructure associated with the chilled water system, existing building retrofits for energy efficiency, improvements to electrical infrastructure on campus and metering of existing buildings to trend performance the University's educational facilities located at 3601 North Military Trail, Boca Raton, Florida. All Assets will be owned and operated by the University. Approval by an elected body 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 Palm Beach County Educational Facilities Authority was created pursuant to Chapter 243, Florida Statutes and by Resolution No. R-79-1493 adopted by the Board of County Commissioners on October 23, 1979. The Authority is governed by a seven member governing body whose members are appointed by the County Commission. The Internal Revenue Code requires that certain tax exempt bonds be approved by an elected governmental entity after a public hearing. Members of the Authority are appointed by the Board. Therefore, it is necessary for bond issues by the Authority to be approved by the Board. This approval does not in any way obligate the County on the bonds or imply that the County has determined that the bonds are credit-worthy or serve a public purpose. This approval has been given in the past for other bond issues of the Educational Facilities Authority, including for Lynn University.

Attachments:

- 1. Resolution.

Recommended by:



County Attorney

4/19/11

Date

Approved by:

N/A

Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2010	2011	2012	2013	2014
Capital Expenditures	<u>0</u>	_____	_____	_____	_____
Operating Costs	<u>0</u>	_____	_____	_____	_____
External Revenues	<u>0</u>	_____	_____	_____	_____
Program Income (County)	<u>0</u>	_____	_____	_____	_____
In-Kind Match (County)	<u>0</u>	_____	_____	_____	_____
NET FISCAL IMPACT	<u>0</u>	_____	_____	_____	_____
# ADDITIONAL FTE					
POSITIONS (Cumulative)	<u>0</u>	_____	_____	_____	_____

Is Item Included in Current Budget? Yes ___ No X

Budget Account No.: Fund ___ Department ___ Unit ___ Object ___
Reporting Category ___

B. Recommended Sources of Funds/Summary of Fiscal Impact:

C. Departmental Fiscal Review: All costs to be borne by the Authority. No fiscal impact to the County.

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development and Control Comments:

OFMB 4/21/11
 Contract Development and Control 4/21/11

B. Legal Sufficiency:

Assistant County Attorney

C. Other Department Review:

Department Director

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

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RESOLUTION NO. R-2011-_____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA APPROVING THE ISSUANCE BY THE PALM BEACH COUNTY EDUCATIONAL FACILITIES AUTHORITY OF REVENUE BONDS IN AN AMOUNT NOT TO EXCEED \$12,000,000 AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on April 27, 2011 a public hearing was held by the Palm Beach County Educational Facilities Authority (the "Authority") with regard to the issuance of the Authority's revenue bonds in a principal amount not to exceed \$12,000,000 (the "Bonds"); and

WHEREAS, if issued, the Bonds will be in the form of a finance lease under which the Authority will lease the financed assets (the "Assets") from a lessor and will then sublease such Assets to Lynn University, Inc. (the "University"). The Assets will consist of a new central chilled water plant, replacements of deteriorating infrastructure associated with the chilled water system, existing building retrofits for energy efficiency, improvements to electrical infrastructure on campus and metering of existing buildings to trend performance the University's educational facilities located at 3601 North Military Trail, Boca Raton, Florida. All Assets will be owned and operated by the University; and

WHEREAS, the Bonds will not be an obligation of the County, and will 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 Bonds 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 Bonds solely to satisfy the requirements of the Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY THAT:

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

Section 2. This Resolution shall take effect immediately upon its adoption.

The foregoing Resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Commissioner Karen T. Marcus - Chair	_____
Commissioner- Shelley Vana - Vice Chair	_____
Commissioner Paulette Burdick	_____
Commissioner Burt Aaronson	_____
Commissioner Steven L. Abrams	_____
Commissioner Jess R. Santamaria	_____
Commissioner Priscilla A. Taylor	_____

The Chair thereupon declared the Resolution duly passed and adopted this _____ day of _____, 2011.

[SEAL]

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

SHARON R. BOCK, CLERK AND COMPTROLLER

By: _____
Deputy Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By Paul F. J.
County Attorney