

COUNTY COMMISSIONERS' MINUTES
WEDNESDAY, MARCH 9, 2016
DENVER BOROUGH MUNICIPAL BUILDING
501 MAIN STREET DENVER, PENNSYLVANIA

The Board of County Commissioners met in a nightly Commissioners' Meeting.

Present at today's meeting were:

Dennis P. Stuckey, Chairman
Joshua G. Parsons, Vice Chairman
Craig E. Lehman
BOARD OF COUNTY COMMISSIONERS

Robert Still
CHIEF CLERK

Lisa Johnson
ASSISTANT CHIEF CLERK

Also present were:

Joseph Byorick, III, Treasurer
LANCASTER GENERAL HEALTH

Jonathan Cox, Esquire, Special Counsel
LANCASTER GENERAL HEALTH

Blake S. Daub, Council President
DENVER BOROUGH

Michael Hession, Borough Manager/Secretary
DENVER BOROUGH

Robert Macina, Esquire, Executive V. P., Chief Administrative/Legal Officer & Corporate Secretary
LANCASTER GENERAL HEALTH

James Noel, Esquire, Solicitor
LANCASTER COUNTY HOSPITAL AUTHORITY

Todd Stewart
Denver Borough Council Member

Jennifer Wiggin, Major Gift Officer
LANCASTER COUNTY CHAPTER AMERICAN RED CROSS

Commissioner Stuckey called the meeting to order at 7:02 p.m. followed by the Pledge of Allegiance.

Commissioner Stuckey announced to postpone approval of February 17, 2016 Commissioners' Meeting Minutes and March 2, 2016 Commissioners' Meeting Minutes.

Commissioner Stuckey re-announced there will be no Work Session held on Tuesday, March 15, 2016.

Denver Borough Presentation

Mr. Daub thanked the Board for coming and gave some fun facts including that Denver Borough is second largest Denver in the United States and is known as the mile wide town. Mr. Daub explained their biggest challenge currently is that they have been working for the last two years to purchase their street lights but as of January PPL decided not to sell. Mr. Hession noted potential savings to the Borough would be approximately \$50,000 per year. Mr. Stewart said there are approximately 650 municipalities in the PPL service territory with an estimated revenue of about \$30 million.

Introduction of Chief Clerk Robert Still

Commissioner Stuckey introduced Mr. Still, noting this is his third day on the job. Mr. Still said it is his pleasure to work for the Commissioners and he is proud to serve the County.

Presentation of Proclamation – "American Red Cross Month"

Commissioner Stuckey read the proclamation and presented it to Ms. Wiggin who thanked the Board. Commissioner Stuckey noted that on the night of the tornado volunteers went to Salisbury Township to dispatch aid and they should be commended for their dedication to helping those in need.

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Wednesday, March 9, 2016

RESOLUTION NO. 30 OF 2016

On motion of Commissioner Parsons, seconded by Commissioner Lehman:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF LANCASTER, APPROVING THE FINANCING BY LANCASTER COUNTY HOSPITAL AUTHORITY OF CERTAIN PROJECTS TO BE UNDERTAKEN WITH RESPECT TO THE LANCASTER GENERAL HOSPITAL AND THE UNIVERSITY OF PENNSYLVANIA HEALTH SYSTEM; DECLARING THAT IT IS DESIRABLE FOR THE HEALTH, SAFETY, AND WELFARE OF THE PEOPLE IN THE AREA SERVED BY SUCH FACILITIES TO HAVE SUCH FACILITIES PROVIDED BY OR FINANCED THROUGH SUCH AUTHORITY; GIVING APPROVAL FOR THE USE OF TAX-EXEMPT FINANCING FOR THE PROJECT; AND AUTHORIZING OTHER NECESSARY AND APPROPRIATE ACTION.

WHEREAS, The Lancaster General Hospital ("LGH"), a corporation not-for-profit organized and existing under laws of the Commonwealth of Pennsylvania, owns and operates hospital facilities in the City of Lancaster, Lancaster County, Pennsylvania, known as The Lancaster General Hospital; and

WHEREAS, Lancaster County Hospital Authority (the "Authority"), a municipality authority organized by this County under the Pennsylvania Municipality Authorities Act of 1945, as amended, now the Municipality Authorities Act, 53 Pa.C.S. Chapter 56, as amended (the "Authorities Act"), proposes to act as a conduit in connection with the issuance of tax-exempt obligations in an aggregate principal amount not to exceed \$570,000,000 (the "Bonds") to finance the costs and expenses of the Project, as more particularly described in **Exhibit A** attached to this Resolution; and

WHEREAS, The financing of the Project will constitute the financing of a "health center" operated by a "nonprofit corporation," all within the meaning of the Authorities Act; and

WHEREAS, Under the Authorities Act, the Authority may undertake to finance a hospital or health center to be leased, or financed with a loan or loans, to a nonprofit corporation serving the public only if this County, as the governmental unit that organized the Authority, declares by resolution or ordinance that it is desirable for the health, safety and welfare of the people in the area served by such health center facilities to have such facilities provided or financed by the Authority; and

WHEREAS, The Authority has requested that this County, by resolution or ordinance, declare that it is desirable for the health, safety, and welfare of the people in the area served by the Project to have the Project financed by the Authority; and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), provides that tax-exempt obligations may not be issued for the benefit of persons other than state and local governments unless the issue is approved by a political subdivision within which the properties being financed or refinanced extend and the "applicable elected representatives" of the governmental unit which will issue the tax-exempt obligations or, if such governmental unit has no elected officials, then by the "applicable elected representatives" of the next higher governmental unit, following a public hearing of which reasonable public notice is given; and

WHEREAS, The Authority has no elected representative, and this County, as the incorporator of the Authority, is the next higher governmental unit with applicable elected representatives, within the meaning of the Code; and

WHEREAS, Notice of a public hearing with respect to the Project and the proposed issuance of the Bonds by the Authority as tax-exempt obligations was published on February 18, 2016 in the LNP, Lancaster, Pennsylvania, a newspaper of general circulation in the area to be served by the Project; and

WHEREAS, A public hearing with respect to the Project and the issuance of the Bonds was held on March 3, 2016, at the time and place set forth in such Notice; and

WHEREAS, A summary of the public hearing [for which there were no public questions and comments presented], has been presented to and reviewed by the Board of County Commissioners of this County.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THIS COUNTY AS FOLLOWS:

1. The Board of County Commissioners of this County does hereby find and declare that it is desirable for the health, safety, and welfare of the people in the area served by the Project to have the Project financed by the Authority.
2. The advertisement and holding of a public hearing as required by the Code with respect to the Bonds and the Project in the name of and on behalf of this County by the Authority, its Solicitor, or his or her delegate is hereby ratified, confirmed, and approved.
3. The Board of County Commissioners of this County designates and authorizes its Chairman or Vice Chairman to execute and deliver on behalf of this County a Certificate of Approval with respect to the Bonds, such Certificate of Approval to be substantially in the form attached hereto as **Exhibit A**.
4. The approval(s) granted or to be granted by this Resolution shall not, in any way, pledge or obligate the credit or taxing power of this County, nor shall this County be liable for the payment of the principal of, or interest on, any obligations issued by the Authority as contemplated herein.

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5. Nothing in this Resolution is intended to be, nor shall it be construed as, an approval of the Bonds or of the Project by this County for any purposes other than (1) the exception for hospital or health center projects set forth in Section 5607(b)(2)(iv) of the Authorities Act, 53 Pa.C.S. §5607(b)(2)(iv), and (2) the public approval requirement of Section 147(f) of the Code.

6. All prior actions of this County and of the Authority taken in conformity with the intent and purposes of this Resolution are ratified, confirmed, and approved.

7. All prior resolutions or parts of resolutions, insofar as such shall be inconsistent herewith, shall be and the same expressly are repealed.

8. This Resolution shall take effect immediately.

Motion passed unanimously.

On motion of Commissioner Lehman, seconded by Commissioner Parsons, the meeting adjourned at 7:40 p.m.

Motion passed unanimously.

Respectfully submitted,

Christine M. Carrigan, Executive Assistant
Commissioners' Office