

Comm Workshop 2014.  
5/24/06/jz

RESOLUTION NO. 14-2006  
OF THE BOARD OF COUNTY COMMISSIONERS  
OF DAUPHIN COUNTY, PENNSYLVANIA

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF DAUPHIN COUNTY, PENNSYLVANIA, GENERALLY RELATING TO AN ISSUANCE OF TAX-EXEMPT OBLIGATIONS BY THE DAUPHIN COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY AND A LOAN OF THE PROCEEDS THEREFROM TO HERSHEY CHRISTIAN SCHOOL ASSOCIATION (THE "CORPORATION"), A PENNSYLVANIA NONPROFIT CORPORATION, TO FINANCE A PORTION OF THE COSTS OF A PROJECT CONSISTING OF THE ACQUISITION AND CONSTRUCTION OF AN APPROXIMATELY 105,600 SQUARE FOOT EDUCATIONAL FACILITY LOCATED IN THE TOWNSHIP OF DERRY, DAUPHIN COUNTY, PENNSYLVANIA, AND SPECIFICALLY: (1) RATIFYING THE HOLDING THROUGH DAUPHIN COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY, AS THE DESIGNEE OF THE COUNTY, OF A PUBLIC HEARING ON BEHALF OF THE COUNTY AS REQUIRED UNDER SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; (2) RATIFYING THE PUBLICATION OF A LEGAL ADVERTISEMENT PROVIDING PUBLIC NOTICE OF THE PUBLIC HEARING IN COMPLIANCE WITH SAID SECTION 147(f); (3) AUTHORIZING THE EXECUTION OF AN APPROVAL CERTIFICATE WITH RESPECT TO THE PROJECT; AND (4) PROVIDING FOR AN EFFECTIVE DATE, A GENERAL REPEALER AND AN AMENDMENT.

WHEREAS, the Dauphin County Industrial Development Authority (the "Authority") is a public instrumentality and a body politic and corporate organized and existing under the laws of the Commonwealth of Pennsylvania (the "Commonwealth"), having been duly organized by the County of Dauphin, Pennsylvania (the "County"), pursuant to the provisions of the Act of August 23, 1967, P.L. 251, of the Commonwealth, as amended and supplemented, known as the Economic Development Financing Law (the "Act"); and

WHEREAS, the Act specifies, *inter alia*, that the purpose of the Authority shall be for "acquiring, holding, constructing, improving, maintaining, owning, financing and leasing, either in the capacity of lessor or lessee, projects, which include 'commercial facilities,' including education facilities; and

WHEREAS, in furtherance of the public purposes of the Act, the Authority, desires to undertake the issuance of its tax-exempt obligations in an amount not to exceed \$8,000,000 and to make a loan of the proceeds therefrom to the Hershey Christian School Association (the "Corporation"), a Pennsylvania nonprofit corporation, pursuant to a loan agreement (the "Loan Agreement") between the Authority, as lender, and the Corporation, as borrower; and

WHEREAS, the Corporation will utilize the amounts loaned pursuant to the Loan Agreement to undertake a project (the "Project"), consisting of the acquisition and construction of an approximately 105,600 square foot educational facilities, including classrooms for kindergarten through 12th grade, a cafeteria, a library, a gymnasium and other related and necessary appurtenances located in the Township of Derry, Dauphin County, Pennsylvania; and

WHEREAS, such tax-exempt obligations shall not be secured by any pledge of assets, moneys, revenues or taxing power of the County of Dauphin, the Commonwealth of Pennsylvania or any political subdivision thereof; and

WHEREAS, in accordance with Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), a public hearing (the "Public Hearing"), following notice duly given, must be conducted by the governmental unit or its designee having jurisdiction over the area in which any facility, with respect to which financing is to be provided from the proceeds of the Authority's tax-exempt obligations, is located; and

WHEREAS, in compliance with Section 147(f) of the Code, the Authority, on behalf of the County, has heretofore caused the publication of a legal notice advertising said Public Hearing; and

WHEREAS, on May 22, 2006, a duly-advertised Public Hearing in compliance with Section 147(f) of the Code was conducted through the Authority, as the designee of the County.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of the County of Dauphin, that:

1. The Public Hearing required under Section 147(f) of the Code conducted through the Authority, on behalf of the County, is hereby ratified.

2. The publication by the Authority of a legal notice advertising the Public Hearing is hereby ratified.

3. The proper officer or officers of the Board of County Commissioners are hereby authorized to execute a Certificate of Approval indicating the Board of County Commissioners' approval of the Project for purposes of Section 147(f) of the Code.

4. This Resolution shall become effective immediately upon its adoption. Any ordinances or resolutions to the extent inconsistent herewith are hereby repealed. This Resolution may be amended from time to time by appropriate action of the Board of Commissioners of the County of Dauphin.

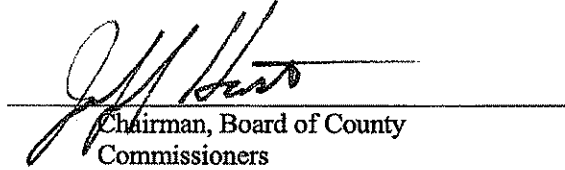
*[The remainder of this page intentionally left blank]*

DULY RESOLVED AND ADOPTED this 24<sup>th</sup> day of 2006, 2006 at a regular meeting of the Board of County Commissioners of Dauphin County, Pennsylvania, in lawful session duly assembled.

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF  
DAUPHIN COUNTY, PENNSYLVANIA

  
Chief Clerk

  
Chairman, Board of County  
Commissioners


  
Commissioner

  
Commissioner

CERTIFICATE

I, the undersigned, Chief Clerk of the County of Dauphin, Pennsylvania (the "County"), hereby certify that: (a) attached to this Certificate is a true, correct and complete copy of a Resolution (the "Resolution") which was duly adopted at a meeting of the Board of County Commissioners of the County on 5/24, 2006, at which a quorum was present and acting throughout, and which was at all times open to the public; (b) the County met the advance notice requirements of the Sunshine Act, 65 Pa. C.S § 701 *et seq.*, as amended by advertising the date of the meeting and posting a notice of the meeting at the public meeting place of the Board of County Commissioners; (c) said Resolution was adopted by an aye or nay vote; (d) said Resolution and the vote thereon showing how each member voted have been recorded in the minutes of said Board of County Commissioners; and (e) said Resolution remains in effect, unaltered and unamended as of the date of this Certificate.

WITNESS my hand and the seal of the County on May 24, 2006.

By   
Chief Clerk

[SEAL]