

251

BOARD OF COUNTY COMMISSIONERS
COUNTY OF BUCKS
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 82

APPROVING THE FINANCING BY THE SAINT MARY HOSPITAL
AUTHORITY OF A PROJECT FOR SAINT JOSEPH HOSPITAL
AND HEALTH CARE CENTER, CITY OF LANCASTER, LANCASTER
COUNTY, PENNSYLVANIA AND DELEGATING UNDER THE
INTERGOVERNMENTAL COOPERATION ACT THE RESPONSIBILITY
TO MAKE CERTAIN FINDINGS IN CONNECTION THEREWITH

WHEREAS, St. Mary Hospital Authority (the "Authority") was incorporated under the Pennsylvania Municipality Authorities Act of May 2, 1945, P.L. 382, as amended (the "Authorities Act") pursuant to resolutions of the Board of County Commissioners of Bucks County, Pennsylvania; and

WHEREAS, the Authorities Act vests the Authority with power, among other powers, to acquire, hold, construct, finance, improve, maintain, own, operate and lease, either as lessor or lessee, hospitals and health centers; and

WHEREAS, St Joseph Hospital and Health Center, a general acute care, non-profit hospital located in the City of Lancaster, Lancaster County (the "Hospital") serving the public, has requested that the Authority undertake as a project (the "Project") the financing of (i) construction of a new building of approximately 48,000 square feet containing a new surgical suite and outpatient facilities, and (ii) renovation of approximately 52,000 square feet of the existing building for direct patient care services, including various laboratory services and administrative areas, both of which facilities (the "Project Facilities") are to be located at 250 College Avenue, City of Lancaster, Lancaster County, Pennsylvania and are and will be owned by the Hospital; and

WHEREAS, the Authority has indicated its willingness to issue a series of hospital bonds (the "Bonds") in a maximum aggregate principal amount not to exceed \$15,500,000 to pay the costs, including financing expenses, of the Project; and

WHEREAS, the Authorities Act states that none of the powers granted by the Authorities Act may be exercised in the financing, improvement, maintenance, extension or operation of any project which in whole or part duplicates or competes with existing enterprises serving substantially the same purposes, but further provides that the above limitation shall not apply to the exercise of the powers granted under the Authorities Act for hospital projects leased to, or financed with loans to, non-profit hospital corporations serving the public if each municipality organizing an Authority for such project shall declare by resolution or ordinance that 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, an Authority; and

WHEREAS, pursuant to the provisions of the "Act Relating to Intergovernmental Cooperation" (Act of July 12, 1979, P.L. 180), as amended (the "Cooperation Act"), this Board of County Commissioners of Bucks County, Pennsylvania has the power to delegate its responsibility to make the determination described above required by the Act; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), requires that any project financed with tax-exempt bonds be approved by the elected legislative body or chief elected executive officer of the governmental unit on behalf of which

such bonds were issued, following a public hearing with respect to the financing of the Project through the issuance of the Bonds; and

WHEREAS, a public hearing has been held in accordance with the Code and a transcript of the proceedings has been presented to this Board of Commissioners; and

WHEREAS, this Board of County Commissioners has determined that it is desirable that the Project be undertaken for the benefit of the Hospital;

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. The undertaking of the Project by the Authority is hereby approved.

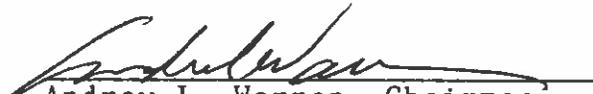
Section 2. Pursuant to the Cooperation Act, this Board of Commissioners hereby (i) delegates to the Board of Commissioners of Lancaster County, Pennsylvania its power and responsibility to make a finding that it is desirable for the health, safety and welfare of the people in the area served by the Hospital to have the Project Facilities financed through the Authority, and (ii) specifies the following: (a) it is appropriate that a governmental unit whose residents are directly served by the Hospital make the required health, safety and welfare determination required by the Authorities Act; (b) the delegation of responsibility made hereby shall remain in effect so long as any of the bonds issued to finance the Project remain outstanding; (c) the purpose and objective of this delegation is to allow the governmental unit where the majority of persons served by the Hospital reside make the required health, safety and welfare determination; (d) no financing will be provided by either Bucks County or Lancaster County as a result of this delegation; (e) no organizational structure is necessary to implement this delegation; (f) no real or personal property will be acquired, managed, licensed or disposed of under this delegation; and (g) no entity is being created through this delegation.

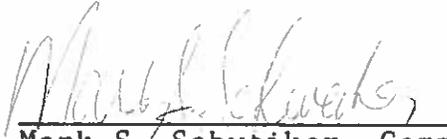
Section 3. The approvals and declarations in this Ordinance shall in no way pledge or otherwise obligate the credit or taxing power of Bucks County, nor shall Bucks County be liable for the payment of principal of or interest or premium, if any, on any obligations issued to finance the Project nor shall Bucks County have any obligation or liability with respect to the Project or the Project Facilities.

Section 4. This Ordinance shall take effect on the date of adoption hereof.

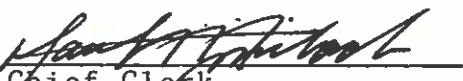
ADOPTED at a regular meeting of the Board of Commissioners of Bucks County held September 4, 1991.

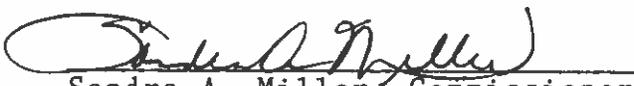
COUNTY OF BUCKS BY:


Andrew L. Warren, Chairman


Mark S. Schweiker, Commissioner

ATTEST:


Chief Clerk


Sandra A. Miller, Commissioner