



Travis County Commissioners Court Agenda Request

Meeting Date: August 28, 2012

Prepared By/Phone Number: Andrea Shields, Manager/854-9116

Elected/Appointed Official/Dept. Head: Leslie Browder, County Executive, Planning and Budget/854-9106

Commissioners Court Sponsor: Samuel T. Biscoe, County Judge

AGENDA LANGUAGE:

1. Public Hearing on behalf of Health Facilities Development Corporation of Central Texas, Inc. regarding issuance of Health Facilities Development Corporation of Central Texas, Inc. Revenue Bonds (Lutheran Social Services of the South Obligated Group Project), Series 2012 related to the financing of certain administrative offices of Lutheran Social Services of the South.

2. Consider and take appropriate action to approve Resolution Approving the Issuance of Health Facilities Development Corporation of Central Texas, Inc. Revenue Bonds (Lutheran Social Services of the South Obligated Group Project), Series 2012.

BACKGROUND/SUMMARY OF REQUEST AND ATTACHMENTS: See attached backup.

STAFF RECOMMENDATIONS: Staff recommends approval.

ISSUES AND OPPORTUNITIES: None.

FISCAL IMPACT AND SOURCE OF FUNDING: None.

AGENDA REQUEST DEADLINE: All agenda requests and supporting materials must be submitted as a pdf to Cheryl Aker in the County Judge's office, Cheryl.Aker@co.travis.tx.us by Tuesdays at 5:00 p.m. for the next week's meeting.

REQUIRED AUTHORIZATIONS: Andrea Shields, Manager/854-9116; Leroy Nellis, Budget Director, Planning and Budget/854-9066; Leslie Browder, County Executive, Planning and Budget/854-9106

AGENDA REQUEST DEADLINE: All agenda requests and supporting materials must be submitted as a pdf to Cheryl Aker in the County Judge's office, Cheryl.Aker@co.travis.tx.us by Tuesdays at 5:00 p.m. for the next week's meeting.

**Travis County Corporations
700 Lavaca, Suite 1560
Austin, Texas 78701
Telephone: (512) 854-9116
Fax: (512) 854-4210**

Memo

August 28, 2012

To: Board of Directors

From: Andrea Shields, Manager

Re: Consider and take appropriate action to approve Resolution Approving the Issuance of HFDC of Central Texas, Inc. Revenue Bonds (Lutheran Social Services of the South Obligated Group Project), Series 2012

Lutheran Social Services of the South, a Texas non-profit corporation, has its headquarters here in Travis County. They are refinancing facilities in seven different jurisdictions in Texas, including the corporate and administrative office in Travis County (on Cross Park Drive). It is far more cost-efficient to use one issuer rather than seven different bond issues with seven different issuers. For the bonds to be tax-exempt, the Internal Revenue Code requires the approval of Travis County after a public hearing. These corporate offices were financed by the HFDC of Central Texas, Inc. with 2004 Bonds and are being refinanced. Travis County granted approval for the initial financing back in 2004.

Attachments are (1) requested resolution, (2) Affidavit of Publication for publication of Notice of Public Hearing in the Austin American-Statesman, and (3) copy of approving resolution from original 2004 financing.

cc: County Commissioners
Leslie Browder, County Executive, Planning and Budget
Leroy Nellis, Manager, Planning and Budget

CERTIFICATE FOR RESOLUTION

**THE STATE OF TEXAS
COUNTY OF TRAVIS**

I, the undersigned County Clerk of TRAVIS COUNTY, TEXAS (the "County"), hereby certify as follows:

1. The Commissioners Court (the "Court") of the County convened in REGULAR MEETING ON THE 28TH DAY OF AUGUST, 2012, at its regular meeting place at Austin, Texas (the "Meeting"), and the roll was called of the duly constituted officers and members of the Court.

All members of the Court were present, except the following: _____ thus constituting a quorum, whereupon among other business, the following was transacted at the Meeting, a written:

RESOLUTION APPROVING THE ISSUANCE OF HFDC OF CENTRAL TEXAS, INC. REVENUE BONDS (LUTHERAN SOCIAL SERVICES OF THE SOUTH OBLIGATED GROUP PROJECT), SERIES 2012

(the "Resolution") was duly introduced for the consideration of the Court. It was then duly moved and seconded that the Resolution be adopted; and, after due discussion, such motion, carrying with it the adoption of the Resolution prevailed and carried by the following votes:

AYES: _____

NOES: _____

ABSTENTIONS: _____

2. A true, full, and correct copy of the Resolution adopted at the meeting described in the above and foregoing paragraph is attached to and follows this Certificate; the Resolution has been recorded in the Court's minutes of the Meeting pertaining to the adoption of the Resolution; the members of the Court were duly and sufficiently notified officially and personally, in advance, of the time, place, and purpose of the Meeting, and that the Resolution would be introduced and considered for adoption at the Meeting and each such officers and members consented, in advance, to the holding of the Meeting for such purpose; and the Meeting was open to the public, and public notice was given, all as required by Chapter 551, Texas Government Code.

SIGNED AND SEALED THIS _____ DAY OF AUGUST, 2012.

County Clerk
TRAVIS County, Texas

[SEAL]

RESOLUTION NO. _____

RESOLUTION APPROVING THE ISSUANCE OF HFDC OF CENTRAL TEXAS, INC. REVENUE BONDS (LUTHERAN SOCIAL SERVICES OF THE SOUTH OBLIGATED GROUP PROJECT), SERIES 2012

WHEREAS, the Health Facilities Development Act, Chapter 221, Texas Health and Safety Code (the "Act"), authorizes and empowers the HFDC of Central Texas, Inc. (the "Issuer") to issue revenue bonds on behalf of the City of Hubbard, Texas (the "Issuing Unit") to finance and refinance the costs of health facilities found by the Board of Directors of the Issuer to be required, necessary or convenient for health care, research and education, any one or more, within the State of Texas and in furtherance of the public purposes of the Act; and

WHEREAS, Lutheran Social Services of the South, Inc., a Texas nonprofit corporation (the "User") proposes to obtain financing and refinancing from the Issuer from a portion of the proceeds of the Issuer's Revenue Bonds (Lutheran Social Services of the South Obligated Group Project), Series 2012 (the "Bonds") issued pursuant to the Act for the costs of certain health facilities consisting of a 40,000 square foot building that houses the corporate offices of the User, including executive, accounting, human resources, risk management and information systems staff, located at 8305 Cross Park Drive, Austin, Texas, 78754 (the "Project"); and

WHEREAS, the Project will be located within Travis County, Texas (the "County") and outside the limits of the Issuing Unit; and

WHEREAS, the Borrower has requested Travis County, Texas (the "County") to give its approval with regard to the issuance of the Bonds solely for the purpose of satisfying the provisions of Section 147(f) of the Internal Revenue Code of 1986 as amended and Section 221.030 of the Act and for no other purposes whatsoever; and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986 as amended requires that the consent of a governmental unit in which the Project is located be obtained prior to use the of bond proceeds to finance or refinance the Project; and

WHEREAS, the County is willing to consider the Borrower's request in order that the Bonds may be issued; and

WHEREAS, a public hearing was conducted on August 28, 2012, following a publication of notice thereof in the Austin American-Statesman, a newspaper of general circulation in the County, at least 14 days prior to the date of the public hearing; and

WHEREAS, the County now desires to approve the issuance by the Issuer of the Bonds;
and

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS COURT OF TRAVIS COUNTY, TEXAS:

1. Solely for the purpose of satisfying the provisions of Section 147(f) of the Internal Revenue Code of 1986 as amended, and Chapter 221.030 of the Act, the County hereby approves the issuance of the Bonds.
2. This Resolution is passed based on the express understanding and representation by the User that the Bonds do not and will not constitute in any way a liability or obligation of the County in any manner whatsoever.
3. This Resolution shall take effect immediately from and after its adoption and accordingly it is so ordered.

PASSED AND APPROVED this 28th day of August, 2012.

County Judge
TRAVIS County, Texas

ATTEST:

County Clerk
TRAVIS County, Texas

Austin American-Statesman

PO#:
Ad ID#: 5429866
Acct#: 5124790300
Account Name: NAMAN, HOWELL SMITH &
LEE

NAMAN, HOWELL SMITH & LEE
8310 CAP OF TX HWY N
SUITE 490
AUSTIN, TX 78731

AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS
COUNTY OF TRAVIS

Before me, the undersigned authority, a Notary Public in and for the County of Travis,
State of Texas, on this day personally appeared:

Carolyn Kline

Advertising Agent of the Austin American-Statesman, a daily newspaper published in said
County and State that is generally circulated in Bastrop, Bell, Blanco, Brazos, Burleson,
Burnet, Caldwell, Colorado, Comal, Coryell, Fayette, Gillespie, Gonzales, Guadalupe, Hays,
Kerr, Lampasas, Lee, Llano, Milam, Nueces, San Saba, Travis, Washington, and Williamson
Counties, who being duly sworn by me, states that the attached advertisement was published
at the lowest published rate for Classified advertising in said newspaper on the following
date(s), to wit:

First Published: 8/9/2012

Last Published: 8/9/2012

Times Published: 1

Classification: Legal Notices (9980)

Lines: 43

Cost: \$389.43

and that the attached is a true copy of said advertisement.

SWORN AND SUBSCRIBED TO BEFORE ME, this the 10 day of Aug, 2012



[Signature]
Notary Public in and for
TRAVIS COUNTY, TEXAS

Austin American-Statesman
305 South Congress Ave., P.O. Box 670, Austin, Texas 78767-0670 512-445-3832

Thursday, August 9, 2012 12:36 PM

RESOLUTION APPROVING THE FINANCING BY THE
HFDC OF CENTRAL TEXAS, INC.
OF A HEALTH FACILITY LOCATED WITHIN
TRAVIS COUNTY, TEXAS

WHEREAS, the Health Facilities Development Act, Chapter 221, Texas Health and Safety Code (the "Act"), authorizes and empowers HFDC of Central Texas, Inc. (the "Issuer") to issue revenue bonds on behalf of the City of Hubbard, Texas (the "Issuing Unit") to finance and refinance the costs of health facilities found by the Board of Directors of the Issuer to be required, necessary or convenient for health care, research and education, any one or more, within the State of Texas and in furtherance of the public purposes of the Act; and

WHEREAS, Section 221.030 of the Act provides that the Issuer may provide for the financing or refinancing of one or more health facilities located outside the limits of the Issuing Unit with the consent of each city, county or hospital district within which such health facility is or is to be located; and

WHEREAS, Lutheran Social Services of the South, Inc. (the "User"), a nonprofit Texas corporation, proposes to obtain financing and refinancing from the Issuer from a portion of the proceeds of the Issuer's bonds issued pursuant to the Act for the costs of certain health facilities consisting of a 33,000 square foot administrative office building of the User located at 8305 Cross Park, Austin, Texas 78754, which services the senior living, adoption and juvenile residential treatment centers of the User (the "Project"); and

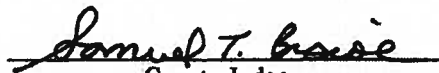
WHEREAS, the Project will be located within Travis County, Texas (the "County") and outside the limits of the Issuing Unit;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS' COURT OF TRAVIS COUNTY, TEXAS THAT:

Section 1. The County hereby consents to the financing by the Issuer of the Project for the purposes of Section 221.030 of the Act and approves the financing for the purposes of Section 147(f) of the Internal Revenue Code of 1986; provided that the County shall have no liability in connection with the financing of the Project and shall not be required to take any further action with respect thereto.

Section 2. This Resolution shall take effect immediately from and after its adoption and it is accordingly so ordered.

PASSED AND APPROVED, this the 27th day of July, 2004.


County Judge