

CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: City Attorney
AGENDA DATE: October 15, 2019
CONTACT PERSON/PHONE: Karla M. Nieman (915) 212-1115
DISTRICT(S) AFFECTED: All
STRATEGIC GOAL: No. 6 – Set the Standard for Sound Governance and Fiscal Man
SUBGOAL: 6.8 Support transparent and inclusive government

SUBJECT:

Approve a resolution/ordinance /lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

Discussion and action on a Resolution to authorize the Mayor to sign a Certificate of Approval of the Highest Elected Official attached to this Resolution for the sole purpose of compliance with Section 147(f) of the Internal Revenue Code of 1986.

BACKGROUND / DISCUSSION:

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

Section 147(f) of the Internal Revenue Code of 1986 requires that before the bonds are issued, the issuance of such tax exempt bonds must be approved by the highest elected official of the local governmental unit having jurisdiction over the area in which such facility is located after a public hearing following reasonable notice to the public.

Coronado Health Facilities Authority published a Notice of Public Hearing in the El Paso Times as required by Section 147(f) of the Internal Revenue Code on October 3, 2019, and a public hearing will be held on Thursday, October 11, 2019.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

Yes. Item was approved by Council on June 2, 2015.

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the Item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

N/A

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD: _____

RESOLUTION

WHEREAS, the Colorado Health Facilities Authority (the "Authority"), is in the process of issuing Health Facilities Revenue Bonds and Revenue Refunding Bonds (The Evangelical Lutheran Good Samaritan Society Project), Series 2019 (the "Bonds") in aggregate principal amount not to exceed \$480,000,000, a portion of which will be used to finance the Evangelical Lutheran Good Samaritan Society—Facilities located in El Paso, Texas (the "Project");

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986 requires that before the bonds are issued, the issuance of such tax exempt bonds must be approved by the highest elected official of the local governmental unit having jurisdiction over the area in which such facility is located after a public hearing following reasonable notice to the public;

WHEREAS, the Authority published a Notice of Public Hearing in the El Paso Times as required by Section 147(f) of the Internal Revenue Code on October 3, 2019, and held a public hearing on Tuesday, October 11, 2019;

WHEREAS, Alamito now requests that the Mayor sign a Certificate of Approval of the Highest Elected Official.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the Certificate of Approval of the Highest Elected Official attached to this Resolution for the sole purpose of compliance with Section 147(f) of the Internal Revenue Code of 1986.

APPROVED this ____ day of _____, 2019.

(Signatures on the following page)

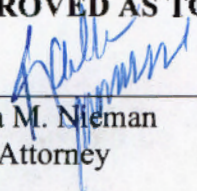
CITY OF EL PASO, TEXAS

Dee Margo
Mayor

ATTEST

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Karla M. Nieman
City Attorney

APPROVED AS TO CONTENT:

Merwan M. Bhatti
Issuer's Counsel

APPROVAL OF HIGHEST ELECTED OFFICIAL

WHEREAS, a public hearing was held by the Colorado Health Facilities Authority on October 11, 2019 after publication of a Notice of Public Hearing (the "Notice") in the *El Paso Times*, as described in the Affidavit of Publication attached hereto as Exhibit A, and members of the public were given the opportunity to appear at such public hearing, as shown in the Minutes of the Public Hearing attached hereto as Exhibit B (the "Minutes"); and

WHEREAS, it is necessary for the undersigned as the Mayor and highest elected official of the City of El Paso to approve the issuance by the Issuer, of its revenue bonds in one or more series in an aggregate principal amount not to exceed \$480,000,000 (the "Series 2019 Bonds").

NOW, THEREFORE, based upon the evidence presented to me, for the sole purpose of satisfying the requirements of Section 147(f) of the Internal Revenue Code of 1986, as amended, and for no other purpose, I, the undersigned Mayor of the City of El Paso, hereby approve the issuance, sale, execution and delivery of the various issues and series of the Series 2019 Bonds of the aggregate principal amount not to exceed \$480,000,000. The issuance of the Bonds for the purposes stated in the Notice. The City of El Paso shall never make any payments on or in connection with the Bonds, payment on which are the sole responsibility of Sanford and The Evangelical Lutheran Good Samaritan Society.

This approval is not to be construed as (i) a representation or warranty by the City of El Paso or the undersigned that the Bonds will be paid or that any obligations assumed by any of the parties will, in fact, be performed, or (ii) a pledge of the faith and credit of or by the City of El Paso. Further, the fact that the undersigned has approved the Bonds as required by the Code may not, in any event, be used as a sales device with respect to the Bonds nor shall this approval be construed as a representation or warranty by the City of El Paso concerning the validity of the Bonds.

SIGNATURE TO FOLLOW

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WITNESS MY HAND this ____ day of October, 2019.

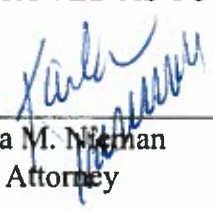
CITY OF EL PASO, TEXAS

Dee Margo
Mayor

ATTEST:

Laura D. Pine
Interim City Clerk

APPROVED AS TO FORM:



Karla M. Niehan
City Attorney

APPROVED AS TO CONTENT:

Merwan N. Bhatti
Issuer's Counsel

28.1

CITY CLERK DEPT
2019 OCT 11 PM4:20

EXHIBIT A
AFFIDAVIT OF PUBLICATION

El Paso Times

AFFIDAVIT OF PUBLICATION

Ad No.
0001255758-01

Miller Adv LGL- ELP
220 West 42nd St 12 Fl
New York, NY 10036

I, being duly sworn say: EL PASO TIMES, a daily newspaper of general circulation published in the City and County El Paso, State of Texas, which is a newspaper of general circulation and which has been continuously and regularly published for the period of not less than one year in the said County of El Paso, and that he/she was upon the dates herein mentioned in the EL PASO TIMES.

That the LEGAL copy was published in the EL PASO TIMES and online for the date(s) of such follows 1 DAY(s) to wit

10/3/2019

Watho

Legal Clerk

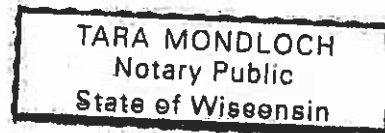
Subscribed and sworn before me this
3rd day of October 2019

Tara Mondloch

State of WI, County of Brown
NOTARY PUBLIC

8-6-21

My Commission Expires



Ad#: GC10282930
P O : R930017
of Affidavits : 0.00

EXHIBIT B

**COMMENTS AND DISCUSSIONS
WITH RESPECT TO THE BONDS AND THE FINANCING PURPOSES**

****There were no attendees to the public hearing****

MINUTES OF PUBLIC HEARING

Re: Colorado Health Facilities Authority
Revenue Bonds, Series 2019 (Sanford)
(the "Bonds")

I, Jerry Amerman, acting as a Hearing Officer for the City of El Paso, Texas (the "City"), called the public hearing concerning the issuance of the Bonds and the Financing Purposes described in the Notice of Public Hearing described below (the "Public Hearing") to order.

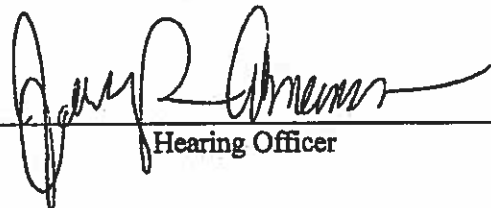
I declared that a Public Hearing, required under Section 147(f) of the Internal Revenue Code of 1986, was open for purposes of discussing the Bonds and the Financing Purposes located in the City for the benefit of The Evangelical Lutheran Good Samaritan Society.

I declared that the required Notice of the Public Hearing was published in the *El Paso Times* on October 3, 2019, being a newspaper of general circulation in El Paso, Texas, as evidenced by an Affidavit of Publication attached hereto as *Exhibit A*.

I proceeded to hold the Public Hearing. Comments and discussions with respect to the Bonds and the Financing Purposes are summarized in *Exhibit B* attached hereto.

After sufficient time was given for all present to make their comments with respect to the Bonds and the Financing Purposes, I declared the Public Hearing closed.

Dated: October 11, 2019.


Hearing Officer