



Text File

Introduced: 5/11/2010

Bill No: 2010-0456, **Version:** 1

Committee: Committee on Urban Recreation

Status: Passed Finally

Presented by Mr. Peduto

Resolution authorizing the Mayor to enter into an Agreement or Agreements with The Allegheny Regional Asset District, The Carnegie Library of Pittsburgh, and Allegheny County to further amend the existing Amended and Restated Cooperation and Support Agreement (Operating) between the parties.

WHEREAS, the Allegheny Regional Asset District (the "District"), the Carnegie Library of Pittsburgh (the "Regional Asset"), Allegheny County (the "County") and the City (collectively the "Parties") entered into a Cooperation and Support Agreement for the benefit of the Regional Asset dated March 20, 1995 (the "Original Cooperation Agreement") pursuant to which the District agreed to provide a minimum level of financial support to the Regional Asset through the 2004 fiscal period of the District; and

WHEREAS, subsequently, at the request of the Regional Asset, the Allegheny County Industrial Development Authority (the "Authority") authorized and approved the financing of a capital improvement project (the "2002 Project") involving certain renovations of the Main Branch and other branch libraries (Brookline, Homewood, Squirrel Hill, Woods Run and either Mt. Washington or West End) and issued \$14,510,000 in aggregate principle amount of bonds (the "2002 Bonds") under and pursuant to a Trust Indenture between it and National City Bank of Pennsylvania ("Trustee"); and

WHEREAS, the proceeds of the 2002 Bonds were loaned to the Regional Asset under a Loan Agreement, dated as of November 1, 2002, between the Authority and the Regional Asset; and

WHEREAS, pursuant to Resolution No. 17, effective February 8, 2002, City Council authorized the Mayor to enter an Agreement or Agreements with the remaining Parties as needed to facilitate the 2002 Project and the corresponding bond financing plan; and

WHEREAS, in order to provide security for the Regional Asset's loan obligations, the Parties amended the Original Cooperation Agreement through an Amendment to Cooperation and Support Agreement for the Carnegie Library of Pittsburgh dated as of November 1, 2002, to: 1) extend the period by which the District agreed to provide the Regional Asset annual grants through the District's 2028 Fiscal Year and 2) have the District designate a portion of such annual grants (the "Assigned Receipts") as being allocated to the payment of debt service on the bonds and to disburse said amounts directly to the Trustee through November 15, 2027; and

WHEREAS, thereafter, the Parties to the Original Cooperation Agreement entered into an Amended and Restated Cooperation and Support Agreement in 2004 for the purpose of setting forth the terms under which the District agreed to provide additional operating funds to the Regional Asset through December 31, 2009 as well

as the aforementioned Assigned Receipts through November 15, 2027; and

WHEREAS, thereafter, the Parties further amended the Amended and Restated Cooperation and Support Agreement to set forth the terms under which the District agreed to provide additional operating funds to the Regional Asset through 2014 as well as the aforementioned Assigned Receipts through December 31, 2028 (referred to as the "Minimal Level of Financial Support to the Regional Asset"); and

WHEREAS, at the request of the Regional Asset, the Authority has now determined that it is economically beneficial to refund the 2002 Bonds and to issue approximately Thirteen (13) Million Dollars (\$13,000,000.00) in aggregate principal amount of bonds to be designated as its "Regional Asset District Revenue bonds, Refunding Series of 2010" (the "2010 Bonds") under and pursuant to a First Supplemental Indenture of Trust between the Authority and U.S. bank National Association (the "2010 Trustee"); and

WHEREAS, the proceeds of the 2010 Bonds are to be loaned to the Regional Asset under an Amended Loan Agreement between the Authority and the Regional Asset; and

WHEREAS, said proceeds of the 2010 Bonds are to be used to refund the 2002 Bonds; to fund various capital projects of the Regional Asset (the "2010 Project"), which includes a complete renovation of the East Liberty Branch; to pay municipal bond insurance and debt service reserve fund surety bond premiums (as applicable); and to pay all other costs of issuing the 2010 Bonds (collectively, the "Amended Project"); and

WHEREAS, to provide security for its obligations under the Amended Loan Agreement, the Regional Asset wishes to enter into Amendment No. 2 to the Amended and Restated Cooperation and Support Agreement with the Parties to, *inter alia*, document the District's willingness to continue its Minimum Level of Support to the Regional Asset and to have the District designate a portion of the "Assigned Receipts" to the payment of debt service on the 2010 Bonds and to disburse said amounts directly to the 2010 Trustee; and

WHEREAS, the parties to the Amended and Restated Cooperation and Support Agreement seek to permit such amendment.

Be it resolved by the Council of the City of Pittsburgh as follows:

Section 1. The Mayor is authorized to enter into Amendment No. 2 to the Amended and Restated Cooperation and Support Agreement (Operating) with Carnegie Library of Pittsburgh and into such additional Agreement or Agreements with the Allegheny Regional Asset District, the Carnegie Library of Pittsburgh, and Allegheny County as are needed to facilitate the Amended Project and the corresponding financing plan described in *Section 1* herein. Any and all Agreements must be approved as to form and substance by the City Solicitor.

Returned from Mayor Ravenstahl not signed, June 2, 2010.