

**Date:** November 8, 2012

**To:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

Agenda Item No. 10(A)(1)

**From:** Carlos A. Gimenez  
Mayor

Resolution No. R-928-12

**Subject:** Resolution Approving Issuance of Revenue Bonds by the Miami-Dade County Educational Facilities Authority on Behalf of the University of Miami

**Recommendation**

The attached resolution is being placed on the agenda for consideration by the Board of County Commissioners (Board) on behalf of the Miami-Dade County Educational Facilities Authority (EFA). The item approves the issuance of educational facilities revenue bonds by the EFA on behalf of the University of Miami (University) after a public hearing.

Details of the project are included in the accompanying memorandum submitted by the Chairperson of the EFA.

**Scope**

The projects are located at the University's Coral Gables and Rosenstiel School of Marine and Atmospheric Science Campus, which are located in Commission District 7, and the University's Medical Campus located in Commission District 3.

**Fiscal Impact/Funding Source**

Neither the EFA nor Miami-Dade County has any liability with respect to the repayment of the bonds. The principal and interest on the Bonds shall be payable solely from revenues of the University.

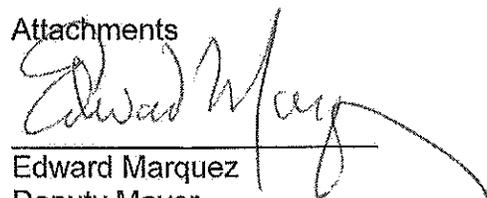
**Track Record**

Issuance of the bonds will be conducted and monitored by the Executive Director of the EFA.

**Background**

Section 147(f) of the Internal Revenue Code of 1986 ("TEFRA") requires that the Board approve the issuance of educational facilities revenue bonds after a public hearing has been held either by the EFA or the Board itself. For efficiency, the Board has allowed the EFA to conduct the public hearing subject to review and ratification by the BCC. The public hearing was held on October 11, 2012.

**Attachments**

  
Edward Marquez  
Deputy Mayor

# Memorandum



**Date:** November 8, 2012  
**To:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners  
**From:** Lisa Hogan, Chairperson *Lisa Hogan Law*  
Miami-Dade County Educational Facilities Authority  
**Subject:** Resolution Approving Issuance of Revenue Bonds by Miami-Dade County  
Educational Facilities Authority on Behalf of University of Miami for Purposes of 147(f)  
of Internal Revenue Code of 1986, as amended

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## RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) of Miami-Dade County (County) adopt the attached Resolution (Resolution) approving the issuance by the Miami-Dade County Educational Facilities Authority (Authority) of revenue bonds in an aggregate principal amount not to exceed \$155,000,000 (Series 2012 Bonds) on behalf of the University of Miami (the University) for purposes of Section 147(f) of the Internal Revenue Code of 1986, as amended (Code).

## FISCAL IMPACT/FUNDING SOURCE

The issuance of the Series 2012 Bonds will have no financial or fiscal impact on the County since the principal and interest shall not constitute a debt, liability or a general obligation of the Authority or the County. The interest and principal on the Series 2012 Bonds shall be paid solely from the revenues of the University of Miami.

## BACKGROUND

With the enactment of Ordinance No. 69-72 the Board created the Authority pursuant to Chapter 243, Part II, Florida Statutes, as amended, and empowered it to issue tax-exempt revenue bonds for the purpose of making loans to secondary educational institutions such as the University of Miami in order to provide financing for qualified educational facilities.

The University of Miami, a 501 (c)(3) not for profit Florida Corporation (University), has requested that the Authority issue in an aggregate principal amount not to exceed \$155,000,000 of revenue bonds, in one or more tax exempt and or taxable series, for purposes of financing or refinancing all or a part of the costs of (i) the acquisition, construction, renovation and equipping of educational, research, medical, healthcare, athletic, housing, parking and other facilities owned and operated by the University, including the grandstand, concessions, and seating for the Alex Rodriguez Park, a 119,000 square foot Student Activity Center, Phase I of an internal campus road and improvements to San Amaro Drive, a 308 car addition to the Pavia Garage, and the acquisition and installation of certain enterprise resource planning computer systems, all of which are located at the University of Miami, Coral Gables Campus which is bounded by Ponce de Leon Boulevard on the south, Red Road on the southwest, San Amaro Drive on the west, Campo Sano Avenue on the north, and Pisano Avenue and Granada Boulevard on the east in Coral Gables, Florida, (ii) the acquisition, construction, renovation and equipping of educational, research, medical, healthcare, parking and other facilities owned and operated by the University, including build-out of the 4<sup>th</sup> floor in the multi-story Clinical Research Building, the 168,000 square foot Biomedical Research Building, the 1,500

car ten story Parking Garage, the Chiller Plant located within the Parking Garage, and a 23,000 square foot Modular Research Laboratory, all of which are located at the University of Miami, Medical Campus which is bounded by State Road 836 on the south, N.W. 20th Street on the north, N.W. 14th Avenue on the west and N.W. 7th Avenue on the east, in Miami, Florida, (iii) the acquisition, construction, renovation and equipping of educational, research, parking and other facilities owned and operated by the University, including an 86,000 square foot Marine Technology and Life Sciences Research Facility, all of which are located at the University of Miami Rosenstiel School of Marine and Atmospheric Science Campus off Rickenbacker Causeway on Virginia Key in Biscayne Bay in Miami, Florida, (iv) certain capitalized interest on the Bonds; and (v) the costs of issuance of the Bonds.

The Authority held a public hearing on October 11, 2012, notice of which was published in the Miami Herald 14 days in advance of the public hearing to give all interested persons an opportunity to express their views in connection with the issuance of the Bonds, as required by Section 147(f) of the Code. The results were presented to the Internal Management & Fiscal Responsibility Committee in a Supplement to this memorandum. It is requested that the Board, as the highest governing body, approve the issuance of the Bonds pursuant to Section 147(f) of the Code.

The Bonds are expected to be issued December 2012.

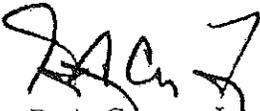


# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** November 8, 2012

**FROM:**   
R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Agenda Item No. 10(A)(1)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 10(A)(1)

11-8-12

RESOLUTION NO. R-928-12

RESOLUTION APPROVING ISSUANCE OF MIAMI-DADE COUNTY EDUCATIONAL FACILITIES AUTHORITY REVENUE BONDS IN AMOUNT NOT TO EXCEED \$155,000,000 TO FINANCE CAPITAL PROJECTS ON BEHALF OF UNIVERSITY OF MIAMI FOR PURPOSES OF SECTION 147(f) OF INTERNAL REVENUE CODE OF 1986, AS AMENDED

**WHEREAS**, this Board created the Miami-Dade County Educational Facilities Authority (the "Authority") pursuant to Chapter 243, Part I, Florida Statutes, as amended (the "Act"), and empowered it to issue tax-exempt revenue bonds for the purpose of making loans to secondary educational institutions in order to provide financing for qualified educational facilities; and

**WHEREAS**, the University of Miami, a 501(c)(3) not-for-profit Florida corporation (the "University"), has requested that the Authority issue up to \$155,000,000 of revenue bonds (the "Bonds"), in one or more tax exempt and/or taxable series, (i) to finance or refinance the acquisition, construction, renovation and equipping of various educational, research, medical, health care, athletic, housing, parking and other facilities that are owned and operated by the University which are more fully described, including their locations, in the public notice attached as Exhibit A (the "Public Notice") to this Resolution (the "Projects"), (ii) to fund capitalized interest on the Bonds and (iii) to pay for certain bond issuance costs; and

**WHEREAS**, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), requires as a condition of exclusion from gross income for federal income tax purposes of the interest on private activity bonds, that the issuance of private activity bonds, as defined in Section 141(a) of the Code, be approved, after a public hearing following reasonable public notice, by the

governmental unit on behalf of which such obligations are to be issued and in which the private activity bond-financed facility is located; and

**WHEREAS**, in a resolution adopted by the Authority on August 23, 2012, the Authority expressed its intent to issue the Bonds subject to a public hearing to be held by the Authority, the approval of the Bonds by this Board after the public hearing and the approval by the Authority of the financing documents related to the Bonds; and

**WHEREAS**, the Authority published the Public Notice in *The Miami Herald*, a newspaper of general circulation in Miami-Dade County, Florida, more than fourteen (14) days in advance of the hearing to be held at 4:30 p.m. on October 11, 2012, in the Stephen P. Clark Government Center, 111 N.W. First Street, Miami, Florida to consider the issuance of the Bonds; and

**WHEREAS**, the public hearing was duly held by the Authority on October 11, 2012, as noticed; and

**WHEREAS**, any objections to the issuance of the Bonds expressed at the public hearing held by the Authority on October 11, 2012, were presented to this Board at the time this resolution was considered; and

**WHEREAS**, this Board desires to approve the issuance of the Bonds for the purpose of complying with Section 147(f) of the Code,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:**

**Section 1.** The issuance of the Bonds by the Authority on behalf of the University in an aggregate principal amount not-to-exceed \$155,000,000 in one or more tax-exempt and/or taxable series (i) to finance or refinance the costs of the Projects, (ii) to fund capitalized interest on the Bonds and (iii) to pay for certain bond issuance costs is approved.

**Section 2.** The Bonds and the interest on the Bonds shall not constitute a debt, liability or general obligations of the Authority, Miami-Dade County or of the State of Florida (the "State") or any political subdivision of the State, but shall be payable solely from the revenues or other moneys specifically provided by the University for the payment of the Bonds and neither the faith and credit nor any taxing power of Miami-Dade County or of the State of Florida or of any political subdivision of the State is pledged to the payment of the principal or interest on the Bonds.

The foregoing resolution was offered by Commissioner **Rebeca Sosa**,  
who moved its adoption. The motion was seconded by Commissioner **Lynda Bell**  
and upon being put to a vote, the vote was as follows:

	Joe A. Martinez, Chairman	<b>aye</b>	
	Audrey M. Edmonson, Vice Chairwoman	<b>absent</b>	
Bruno A. Barreiro	<b>aye</b>	Lynda Bell	<b>aye</b>
Esteban L. Bovo, Jr.	<b>aye</b>	Jose "Pepe" Diaz	<b>absent</b>
Sally A. Heyman	<b>aye</b>	Barbara J. Jordan	<b>aye</b>
Jean Monestime	<b>aye</b>	Dennis C. Moss	<b>aye</b>
Rebeca Sosa	<b>aye</b>	Sen. Javier D. Souto	<b>aye</b>
Xavier L. Suarez	<b>aye</b>		

The Chairperson thereupon declared the resolution duly passed and adopted this 8<sup>th</sup> day of November, 2012. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS



HARVEY RUVIN, CLERK

By: **Christopher Agrippa**  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

A handwritten signature in black ink, appearing to read "GTH", is written over a horizontal line.

Gerald T. Heffernan

## EXHIBIT A

### MIAMI-DADE COUNTY, FLORIDA EDUCATIONAL FACILITIES AUTHORITY NOTICE OF TEFRA HEARING

NOTICE IS HEREBY GIVEN pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended, that the Miami-Dade County, Florida Educational Facilities Authority (the "Authority") will conduct a public hearing on 11<sup>th</sup> day, October, 2012, beginning at 4:30 p.m. or shortly thereafter, at the Stephen P. Clark Government Center, 22<sup>nd</sup> Floor, Rear Conference Room, at 111 N.W. First Street, Miami, Florida.

The hearing will be held for the purpose of considering the proposed issuance by the Authority of its Revenue Bonds (University of Miami Issue), in one or more tax-exempt or taxable series, in an aggregate principal amount not to exceed \$155,000,000 (the "Bonds").

The proceeds from the sale of the Bonds, when and if issued, will be loaned by the Authority to the University of Miami (the "University") for the purposes of:

(a) financing or refinancing all or a part of the costs of:

(i) the acquisition, construction, renovation and equipping of educational, research, medical, healthcare, athletic, housing, parking and other facilities owned and operated by the University, including the grandstand, concessions, and seating for the Alex Rodriguez Park, a 119,000 square foot Student Activity Center, Phase I of an internal campus road and improvements to San Amaro Drive, a 308 car addition to the Pavia Garage, and the acquisition and installation of certain enterprise resource planning computer systems, all of which are located at the University of Miami, Coral Gables Campus which is bounded by Ponce de Leon Boulevard on the south, Red Road on the southwest, San Amaro Drive on the west, Campo Sano Avenue on the north, and Pisano Avenue and Granada Boulevard on the east in Coral Gables, Florida, and

(ii) the acquisition, construction, renovation and equipping of educational, research, medical, healthcare, parking and other facilities owned and operated by the University, including build-out of the 4<sup>th</sup> floor in the multi-story Clinical Research Building, the 168,000 square foot Biomedical Research Building, the 1,500 car ten story Parking Garage, the Chiller Plant located within the Parking Garage, and a 23,000 square foot Modular Research Laboratory, all of which are located at the University of Miami, Medical Campus which is bounded by State Road 836 on the south, N.W. 20th Street on the north, N.W. 14th Avenue on the west and N.W. 7th Avenue on the east, in Miami, Florida, and

(iii) the acquisition, construction, renovation and equipping of educational, research, parking and other facilities owned and operated by the University, including an 86,000 square foot Marine Technology & Life Sciences Seawater Building, all of which are located at the University of Miami Rosenstiel School of Marine and Atmospheric Science Campus off Rickenbacker Causeway on Virginia Key in Biscayne Bay in Miami, Florida, which is located on land owned by the University, except for a portion of such land which is owned by Miami-Dade County, Florida and

leased to the University;

- (b) paying certain capitalized interest on the Bonds; and
- (c) paying the costs of issuance of the Bonds.

The hearing will be held for the purpose of affording residents of Miami-Dade County, Florida and other interested persons an opportunity to express their views, both orally and in writing, on the proposed issuance of the Bonds and the nature and location of the Project to be financed or refinanced with the proceeds thereof. Subsequent to the hearing, the Board of County Commissioners of Miami-Dade County, Florida (the "Board") will consider whether to approve the issuance of the Bonds by the Authority.

THE BONDS WILL NOT CONSTITUTE AN INDEBTEDNESS OF THE STATE OF FLORIDA, MIAMI-DADE COUNTY OR ANY POLITICAL SUBDIVISION THEREOF, but will be payable solely from the revenues pledged to the payment of the Bonds.

If any person decides to appeal any decision made by the Authority or the Board with respect to any matter considered at such hearing, such person will need a record of the proceedings, and for such purpose will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and the evidence upon which the appeal is to be based.

**MIAMI-DADE COUNTY, FLORIDA  
EDUCATIONAL FACILITIES AUTHORITY  
By: Lisa Hogan, Chairperson**

Dated this \_\_\_ day of September, 2012.