



Tompkins County Legislature

Governor Daniel D. Tompkins Building
Ithaca, NY 14850

Meeting: 11/02/17 03:00 PM
Department: Tompkins County Area Development
Category: Fiscal
Functional Category:

SCHEDULED

RESOLUTION NO. DOC ID: 7390

1 **Resolution of the Tompkins County Legislature, as the Elected**
2 **Legislative Body of Tompkins County, New York, in Accordance with**
3 **Section 147(f) of the Internal Revenue Code of 1986, as Amended**
4 **(the "Code"), Approving the Issuance by the Tompkins County**
5 **Development Corporation of up to \$13,500,000 Aggregate Principal**
6 **Amount Tax-Exempt Revenue Bonds (Ithacare Center Service**
7 **Company, Inc.), Series 2017**

8 WHEREAS, the Tompkins County Legislature (the "Legislature"), as the elected legislative body of
9 Tompkins County, New York (the "County"), has been advised by the Tompkins County Development
10 Corporation (the "Issuer") that, in order to assist in the financing of a certain Project (as defined below) for
11 the benefit of Ithacare Center Service Company, Inc. (the "Company"), a not-for-profit corporation and
12 organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"),
13 the Issuer proposes to issue, contingent upon the adoption of this Resolution, its Tax-Exempt Revenue Bonds
14 (Ithacare Center Service Company, Inc. Project), Series 2017 in one or more series, in an aggregate principal
15 amount not to exceed \$13,500,000 (the "Bonds"); and
16

17 WHEREAS, the project (the "Project") shall consist principally of financing all or a portion of the cost of:

18
19 (1) the refinancing of the outstanding principal amount \$14,600,000 Tompkins County Industrial
20 Development Agency (the "IDA") Variable Rate Demand Civic Facility Revenue Bonds (Ithacare Center
21 Service Company, Inc. Project), Series 2008 (the "Series 2008 Bonds"), the proceeds of which were used to
22 prove funds to the Company to undertake a certain project (the "Project"), consisting of: (A) the refunding of
23 the IDA's \$11,350,000 original principal amount Civic Facility Revenue Bonds (FHA Insured Mortgage-
24 Ithacare Center Service Company, Inc. Project), Series 1997 (the "1997 Bonds"), the proceeds of which were
25 used to finance (i) the acquisition, construction and equipping on approximately 28 acres of land located at 1
26 Bella Vista Drive (also known as 980 Danby Road), in the Town of Ithaca, Tompkins County, New York (the
27 "Land") of an approximately 129,700 square-foot licensed adult home and HUD-approved assisted-living
28 facility (the "Existing Improvements") and (ii) the acquisition and installation in and around the Existing
29 Improvements of certain items of machinery, equipment, furniture and other tangible personal property (the
30 "Existing Equipment"); (B) the acquisition, construction and equipping on the Land of an approximately
31 24,700 square-foot expansion to the Existing Improvements to house an additional thirty-two (32) residential
32 care beds and related improvements (the "Improvements"); (C) the acquisition and installation in and around
33 the Existing Improvements and Improvements of certain items of machinery, equipment, furniture and other
34 tangible personal property (the "Equipment"; and, collectively with the Land, the Existing Improvements and
35 the Improvements, the "Facility"); (D) the funding of a debt service reserve fund to secure the 2008 Bonds; (E)
36 the payment of certain costs and expenses incidental to the issuance of the 2008 Bonds (the costs associated
37 with items (A) through (E) above being hereinafter collectively referred to as the "2008 Project Costs"); and
38 (F) the lease (with an obligation to purchase) or sale of the facilities financed with the 2008 Bonds to the
39 Company; and
40

1 (2) the funding of a debt service reserve fund, if any and certain costs incidental to the issuance of the
2 Bonds (the costs associated with items (A) and (B) being hereinafter collectively referred to as the "Project
3 Costs"); and
4

5 WHEREAS, the Issuer proposes to assist in the financing of the Project by issuing the Bonds to (i) pay all or a
6 substantial portion of the cost of financing the Project, and (ii) pay reserves and costs incidental to the issuance of the
7 Bonds; and
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9 WHEREAS, pursuant to Section 147(f) of the Code, interest on the Bonds will not be excluded from
10 gross income for Federal income tax purposes unless the issuance of the Bonds is approved by the
11 Legislature after a public hearing to consider both the issuance of the Bonds and the nature and location of
12 the facilities financed therewith has been conducted following reasonable public notice; and
13

14 WHEREAS, Wednesday, November 1, 2017, at the South Hill Business Campus, 950 Danby Road, Ithaca,
15 New York 14850, the Issuer held such a public hearing upon proper notice in compliance with Section 147(f) of the
16 Code; and
17

18 WHEREAS, to aid the Legislature in its deliberations, the Issuer has made available to the members of the
19 Legislature prior to this meeting (a) the Company's application to the Issuer for financial assistance; (b) the notice of
20 public hearing published by the Issuer in *The Ithaca Journal* on October 17, 2017, along with the affidavit of
21 publication of such newspaper; and (c) the minutes of such public hearing held on November 1, 2017; and
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23 WHEREAS, on November 2, 2017, the Tompkins County Planning, Development and Environmental Quality
24 Committee recommended that the Legislature, as the "applicable elected representative" of Tompkins County, New
25 York, within the meaning of Section 147(f)(2)(E) of the Code, approved the issuance of the Bonds; and
26

27 WHEREAS, the Legislature, after due consideration of the foregoing, as the "applicable elected
28 representative" of Tompkins County, New York, within the meaning of Section 147(f)(2)(E) of the Code, desires to
29 approve the issuance of the Bonds, provided the principal, premium, if any, and interest on the Bonds shall be special
30 obligations of the Issuer and shall never be a debt of the State of New York (the "State") or any political subdivision
31 thereof, including without limitation the County, and neither the State nor any political subdivision thereof, including
32 without limitation the County, shall be liable thereon.
33

34 NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY LEGISLATURE OF TOMPKINS COUNTY:
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36 Section 1. For the purpose of satisfying the approval requirement of Section 147(f) of the Code, on the
37 prior recommendation of the Tompkins County Planning, Development and Environmental Quality Committee, the
38 Legislature hereby gives its approval of the issuance by the Issuer of the Bonds and related acts to be taken by the
39 Issuer as part of the Project, provided that the Bonds, and the premium (if any) and interest thereon, shall be special
40 obligations of the Issuer and shall never be a debt of the State or any political subdivision thereof, including without
41 limitation the County, and neither the State nor any political subdivision thereof, including without limitation the
42 County, shall be liable thereon. This approval is given pursuant to Section 147(f) of the Code for the sole purpose of
43 qualifying the interest payable on the Bonds for exclusion from gross income for federal income tax purposes pursuant
44 to the provisions of Sections 103 and 141-150 of the Code.
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46 Section 2. This Resolution shall be deemed to be made for the benefit of the holders of the Bonds.
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48 Section 3. This Resolution shall take effect immediately.
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SEQR ACTION: TYPE II-20