COUNTY DEPARTMENT AGENDA REQUEST

Department:	Board of Commissioners	Presenter(s):	Attorney Don Comer
Meeting Date:	Thursday, November 12, 2009	Type of Request:	New Business

Wording for the Agenda:

Consideration of a resolution approving the issuance of revenue anticipation bonds by the Fayette County Hospital Authority on behalf of Piedmont Healthcare, Inc.

Background/History/Details:

Piedmont Healthcare, Inc., the owner of Piedmont Fayette Hospital, through the Fayette County Hospital Authority, is in the process of refinancing hospital bonds in the amount of $80,000,000,originally issued in 2001, 2005, and 2007. It is anticipated that the savings resulting from the re-issuance of the bonds will be approximately $3,000,000. The original bonds funded construction projects and hospital equipment at Piedmont Fayette.

The Internal Revenue Code provides that the governmental unit having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of such private activity bonds is located shall approve the issuance of such bonds. Since Piedmont Fayette is located in Fayette County, the Board of Commissioners is the government body that must approve issuance of the bonds. This resolution in no way obligates Fayette County to any expenditure of funds.

What action are you seeking from the Board of Commissioners?

Adopt "Resolution of the Board of Commissioners of Fayette County, Georgia, Approving the Issuance of Revenue Anticipation Bonds by Hospital Authority of Fayette County for the Benefit of Piedmont Healthcare, Inc."

If this item requires funding, please describe:

No cost or obligation of funds by the County is involved.

Has this issue come before the Commissioners in the past?	No	If so, when?	
Do you need audio-visual for the presentation?	No	Back-up Material Submitted?	Yes

STAFF USE ONLY

Approved by Finance	Yes	Reviewed by Legal	
Approved by Purchasing	Not Applicable	Approved by County Clerk	Yes
Administrator's Approval	Yes		

Staff Notes:

November 4, 2009

Board of Commissioners
of Fayette County
Fayetteville, Georgia

Re: Proposed Hospital Authority of Fayette County Revenue Anticipation Certificates (Fayette Community Hospital Project)

Piedmont Healthcare, Inc. (the "Corporation") has requested that the Hospital Authority of Fayette County (the "Issuer") assist the Corporation in financing or refinancing the cost of the acquisition, construction, installation and equipping of certain healthcare facilities, equipment and improvements (the "Project") on or near the campus of Fayette Community Hospital (the "Hospital") located in Fayette County, Georgia, including refunding any other obligations previously issued by the Issuer to finance or refinance the Project, by issuing its revenue anticipation certificates for that purpose from time to time in one or more series in the aggregate principal amount of up to approximately $80,000,000 (the "Bonds").

The undersigned Hearing Officer (the "Hearing Officer") has conducted a public hearing with respect to the plan of financing for the issuance of the Bonds and the financing or refinancing of the Project and hereby recommends and requests that you approve the plan of financing for the issuance of the Bonds and the financing or refinancing of the Project as required by Section 147(f) of the Internal Revenue Code of 1986, as amended.

Attached hereto is (1) a certificate evidencing the conduct of a public hearing by the Hearing Officer on November 4, 2009, and (2) a suggested form of approval to evidence your approval of the plan of financing for the issuance of the Bonds and the financing or refinancing of the Project.

Very truly yours,

By: _____
Donald M. Comer
Hearing Officer

RESOLUTION OF THE
BOARD OF COMMISSIONERS
OF FAYETTE COUNTY, GEORGIA, APPROVING
THE ISSUANCE OF REVENUE ANTICIPATION BONDS
BY HOSPITAL AUTHORITY OF FAYETTE COUNTY FOR THE BENEFIT
OF PIEDMONT HEALTHCARE, INC.

WHEREAS, the Hospital Authority of Fayette County (the "Issuer") has been requested by Piedmont Healthcare, Inc. (the "Corporation") to assist in the financing or refinancing, in whole or in part, of the cost of the construction, installation and equipping of certain healthcare facilities, equipment and improvements (the "Project") on or near the campus of Fayette Community Hospital (the "Hospital"), located at 1250 Highway 54 West, Fayetteville, Georgia, 1255 Highway 54 West, Fayetteville, Georgia and 1279 Highway 54 West, Fayetteville, Georgia, in Fayette County, Georgia, including the refunding of any other obligations previously issued by the Issuer to finance or refinance the Project, by issuing its revenue anticipation certificates from time to time in one or more series in an aggregate principal amount of up to approximately $80,000,000 (the "Bonds"), and a hearing officer (the "Hearing Officer") held a public hearing with respect to such proposed financing or refinancing of the Project and the issuance from time to time of the Bonds on November 4, 2009; and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), provides that the governmental unit having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of such private activity bonds is located shall approve the issuance of such bonds; and

WHEREAS, the Issuer issues its revenue anticipation certificates on behalf of Fayette County, Georgia, the Project is located in Fayette County, Georgia, and the Board of Commissioners of Fayette County (the "Board of Commissioners") constitutes the highest elected legislative body of Fayette County, Georgia; and

WHEREAS, a certificate regarding the public hearing has been filed with the minutes of this meeting;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners, and IT IS HEREBY RESOLVED by the authority of the same, as follows:

Section 1. The issuance of the Bonds from time to time in one or more series by the Issuer pursuant to the Plan of Financing (a copy of which is on file with the Issuer) for the benefit of the Corporation in an aggregate outstanding principal amount of up to approximately $80,000,000 (in addition to any other obligations previously approved or issued with respect to the Project) to assist in the financing or refinancing of the Project or the refunding of obligations previously issued to finance or refinance the cost of the Hospital is hereby approved to the extent required by Section 147(f) of the Code, as follows:

(a) The Project consists of the financing or refinancing, in whole or in part, of the acquisition, construction, installation and equipping of certain healthcare facilities, equipment and improvements (collectively, the "Project") on or near the campus of the Hospital;

(b) The initial owner, operator or manager of the Project is the Corporation;

(c) The Hospital and the Project are located at 1250 Highway 54 West, Fayetteville, Georgia, 1255 Highway 54 West, Fayetteville, Georgia and 1279 Highway 54 West, Fayetteville, Georgia; and

(d) The Bonds may be issued from time to time in one or more series either to finance the costs of the acquisition, construction and installation of the Project or to refinance such costs by refunding obligations previously issued by the Issuer for such purpose.

Section 2. Such approval by the Board of Commissioners does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Corporation or the Project, and the Bonds shall not constitute an indebtedness or obligation of the State of Georgia or of any county, municipal corporation or political subdivision thereof. The Bonds shall be payable solely from the revenues derived from the Corporation and pledged to the payment thereof and no owner of any of the Bonds shall ever have the right to compel any exercise of the taxing power of said State or of any county, municipal corporation or political subdivision thereof, nor to enforce the payment thereof against any property of said State or of any county, municipal corporation or political subdivision.

Section 3. All acts and doings of the officers and members of the Board of Commissioners which are in conformity with the purposes and intent of this Resolution shall be, and the same hereby are, in all respects approved and confirmed.

Section 4. This resolution shall take effect immediately upon its adoption.

This ___ day of November, 2009.

FAYETTE COUNTY, GEORGIA

By: _____
Chairman, Board of Commissioners

Attest:

_____
Clerk