

A RESOLUTION 2006~~R~~- 0 2 - 0 2 - 0 1 4 0

CONSENTING TO THE ISSUANCE OF UP TO \$5,000,000.00 IN TAX-EXEMPT BONDS BY THE FAYETTE COUNTY HEALTH FACILITIES DEVELOPMENT CORPORATION FOR THE BENEFIT OF THE BARRIO COMPREHENSIVE FAMILY HEALTH CARE CENTER, INC. TO PROVIDE FINANCING FOR THE DR. FRANK BRYANT HEALTH CENTER.

* * * * *

WHEREAS, the Health Facilities Development Act, Chapter 221, Texas Health and Safety Code, as amended (the "Act"), authorizes and empowers the Fayette County Health Facilities Development Corporation (the "Issuer") on behalf of Fayette County, Texas (the "Issuing Unit"), to provide, expand, and improve health facilities through the issuance of tax-exempt bonds found by the Board of Directors of the Issuer to be required, necessary or convenient for health care, research and education, any one or more, within the State of Texas and in furtherance of the public purposes of the Act; and

WHEREAS, Section 221.030(a)(1) of the Act provides that the Issuer may provide for the financing and refinancing of one or more such health facilities located outside the limits of the Issuing Unit with the consent of every city, county or hospital district within which such health facility is or is to be located; and

WHEREAS, Barrio Comprehensive Family Health Care Center, Inc., a Texas non-profit corporation ("Barrio"), intends to own and operate continuing care facilities (the "Facilities") located within the limits of the City of San Antonio, Texas (the "City") and outside the limits of the Issuing Unit (the "Project"); and

WHEREAS, the Project will be refinanced in part with proceeds of tax-exempt bonds in an amount not to exceed \$5,000,000.00, to be issued in one or more series by the Issuer on behalf of the Issuing Unit; and

WHEREAS, the Issuing Unit has adopted a resolution declaring its intention to issue the bonds to provide all or a portion of the amounts necessary to refinance the Project; and

WHEREAS, under the Act, the Issuer may finance the Project only with the consent of the City of San Antonio, the University Health System, and Bexar County; and

WHEREAS, the City has been requested to give its consent pursuant to the Act; and

WHEREAS, the Issuer has conducted a public hearing pursuant to the Tax and Equity Fiscal Responsibility Act of 1982 ("TEFRA"), with respect to the Project and the bonds, and a copy of the notice of such hearing and the minutes of such hearing are attached hereto as Attachment I; and

WHEREAS, the action of Issuer with respect to the Project will create no liability for the City or its residents and is in the best interests of the City and its residents; and

WHEREAS, it is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code; **NOW THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF SAN ANTONIO, TEXAS THAT:

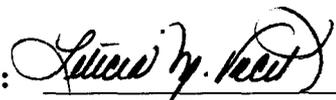
SECTION 1. APPROVING THE ISSUANCE OF THE TAX-EXEMPT BONDS. The City hereby grants consent to the proposed project and issuance of the tax-exempt bonds, in an amount not to exceed \$5,000,000.00, to be issued in one or more series by the Fayette County Health Facilities Development Corporation to refinance in part the development of a continuing care health facility as required by Section 221.030(1) (B) of the Act; provided that the City shall have no payment or other obligations nor any liability in connection with the issuance of the tax-exempt.

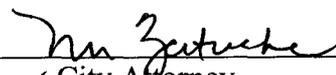
SECTION 2. INCORPORATION OF RECITALS. The City Council hereby finds that the statements set forth in the recitals of this Resolution are true and correct, and the City Council hereby incorporates such recitals as a part of this Resolution.

SECTION 3. EFFECTIVE DATE. This Resolution shall be effective immediately upon passage by at least eight affirmative votes; otherwise this Resolution shall become effective ten days following its passage.

PASSED AND APPROVED the 2nd day of February, 2006.


M A Y O R
PHIL HARDBERGER

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
for City Attorney

Agenda Voting Results

Name: 5.

Date: 02/02/06

Time: 10:51:19 AM

Vote Type: Multiple selection

Description: A Resolution consenting to the issuance of up to \$5,000,000.00 in tax-exempt bonds by the Fayette County Health Facilities Development Corporation for the benefit of the Barrio Comprehensive Family Health Care Center, Inc. to provide financing for the Dr. Frank Bryant Health Center. [Presented by Ramiro Cavazos, Director, Economic Development; Jelynne LeBlanc Burley, Assistant City Manager]

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		x		
SHEILA D. MCNEIL	DISTRICT 2		x		
ROLAND GUTIERREZ	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4	Not present			
PATTI RADLE	DISTRICT 5		x		
DELICIA HERRERA	DISTRICT 6		x		
ELENA K. GUAJARDO	DISTRICT 7		x		
ART A. HALL	DISTRICT 8		x		
KEVIN A. WOLFF	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10	Not present			
MAYOR PHIL HARDBERGER	MAYOR		x		

ATTACHMENT I

EXHIBIT A

SAN ANTONIO EXPRESS NEWS AFFIDAVIT OF PUBLICATION

STATE OF TEXAS: COUNTY OF BEXAR:

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared: URAI CHOKEDEE, who after being duly sworn, says that she is the BOOKKEEPER OF THE HEARST CORPORATION (SAN ANTONIO EXPRESS-NEWS DIVISION), a daily newspaper published in Bexar County, Texas and that the publication, of which the annexed is a true copy, was published to wit:

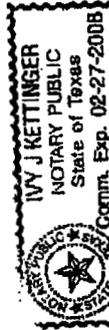
Date(s) ad published:

12-06-05

ad number: 011543339 account: 034282102 customer: LOCKE, LIDDELL & SAPP LLP

URAI CHOKEDEE Bookkeeper

Sworn and subscribed to before me, this the 13th day of December A.D. 2005



Ivy J Kettinger Notary Public in and for the State of Texas

FAVETTE COUNTY HEALTH FACILITIES DEVELOPMENT CORPORATION... NOTICE OF PUBLIC HEARING... Pursuant to section 3.9710 of the Internal Revenue Code of 1986...

In order for the interest on the medical center to be... the Code requires that the issuance of the notes be approved by all persons affected... public hearing... This Notice of Public Hearing is published and the above described hearing is to be held in satisfaction of the requirements of the Internal Revenue Code...

MINUTES OF PUBLIC HEARING
Fayette County Health Facilities Development Corporation

Re: Fayette County Health Facilities Development Corporation
(Barrio Comprehensive Family Health Care Center, Inc. Project)

I, Michael Spain, as duly authorized representative of the Fayette County Health Facilities Development Corporation (the "Issuer"), for the purpose of presiding over its Public Hearing, called the Public Hearing of the Issuer to order at 8:30 a.m. on December 20, 2005. The Public Hearing was held in the Commissioners Court Conference Room of the Bexar County Courthouse located at 100 Dolorosa, San Antonio, Texas.

I declared that a Public Hearing, required under section 147(f) of the Internal Revenue Code of 1986, as amended, was open for the purpose of discussing the issuance of tax-exempt notes in one or more series (the "Notes") by the Issuer and the project to be financed, refinanced or constructed with the proceeds of the Notes (the "Project") by Barrio Comprehensive Family Health Care Center, Inc., a non-profit Texas corporation, on its property located at 3066 East Commerce in San Antonio, Texas.

I declared that the required notice of the Public Hearing for the financing and the Project was published in the *San Antonio Express-News* on December 6, 2005, being a newspaper of general circulation in Bexar County, Texas, as evidenced by an Affidavit of Publication attached hereto as **Exhibit A**.

I proceeded to hold the Public Hearing. No other persons appeared.

After sufficient time was given for anyone to attend to make comments with respect to the Notes and the Project, I declared the Public Hearing closed.

Dated: December 20, 2005

Michael Spain, Hearing Officer