

## Board of Trustees of the University of Oregon

### Resolution: Requesting State of Oregon Article XI-G Bonds Seconded Motion from the Finance and Facilities Committee

WHEREAS, the Oregon Legislative Assembly has authorized the issuance of State of Oregon (“State”) general obligation bonds for the benefit of the University of Oregon (the “University”) under Article XI-G of the Oregon Constitution and applicable provisions of ORS Chapters 286A, 351 and 352 (collectively, the “Act”), and chapter 705, Oregon Laws 2013, as amended by chapter 121, Oregon Laws 2014 (together the “2013-2015 Bond Bill”); and

WHEREAS, the 2013-2015 Bond Bill authorized \$11,000,000 of Article XI-G bonds for the Straub and Earl Halls classroom expansion project, and \$8,375,000 of Article XI-G bonds for the Science Commons and Research Library project during the 2013-2015 biennium; and

WHEREAS, this Board desires to request the issuance of Article XI-G bonds, in amounts not greater than authorized by the 2013-2015 Bond Bill for the benefit of the University, and as may be provided by law and as otherwise required by law for the 2013-2015 biennium without requiring further action of this Board; and

WHEREAS, Article XI-G of the Oregon Constitution requires that the amount of any indebtedness incurred under that section in any biennium shall be matched by an amount that is at least equal to the amount of the indebtedness, and may include moneys available to the University; and

WHEREAS, Article XI-G of the Oregon Constitution requires that the matching amount be used for the same or similar purposes as the proceeds of the indebtedness; and

WHEREAS, the Board hereby finds that moneys available to the University have been and will be applied to pay a portion of the costs of the projects to be financed in part with the proceeds of Article XI-G bonds to be issued in the 2013-2015 biennium to satisfy this match requirement; and

WHEREAS, the Finance and Facilities Committee has referred this resolution to the Board as a seconded motion, pursuant to the Policy on Committees;

NOW, THEREFORE, the Board resolves as follows:

**1. Article XI-G Projects.** Bonds are authorized to be sold under the Act for the benefit of the University. The University hereby requests that, as authorized by the 2013-2015 Bond Bill, such bonds be issued and sold prior to June 30, 2015, in an aggregate principal amount sufficient to provide \$19,375,000 in proceeds for the Straub and Earl Halls classroom expansion project and the Science Commons and Research Library project.

**2. Terms, Sale and Issuance.** The XI-G bonds authorized by this resolution (the “Bonds”), shall be issued in such series and principal amounts as the State Treasurer, after consultation with the applicable related agency/agencies, shall determine are required to pay or reimburse costs of the projects described in Section 1 of this resolution. The Bonds shall mature, bear interest and otherwise be structured, sold and issued as the State Treasurer determines after such consultation. The maximum net effective interest rate for the Bonds shall not exceed eight percent per annum.

**3. Maintenance of Tax-Exempt Status.** The Treasurer of the University or his or her designee (the "Authorized University Representative") is hereby authorized to covenant, on behalf of the University, to comply with the provisions of the Internal Revenue Code of 1986, as amended, that are required for interest on tax-exempt Bonds to be excluded from gross income for federal income taxation purposes, for Bonds issued on a tax-exempt basis and to execute and deliver such agreements, documents or certificates required for such Bonds to be issued on a tax-exempt basis.

**4. Ratification and Approval of Actions.** The Board hereby ratifies and approves all prior actions taken on behalf of the Board or the University related to the Bonds. The Board hereby authorizes, empowers and directs the Authorized University Representative to take further actions as may be necessary or desirable related to the Bonds, including, without limitation, (i) covenanting to perform on behalf of the University, and performing, any actions necessary to comply with requests from the State Treasurer authorized under ORS chapter 286A to administer the Bonds, (ii) the execution and delivery of any agreements, documents or certificates, including any grant or trust agreements with the State Treasurer and any other party, if necessary, as may be necessary or desirable to carry out such actions or arrangements, and (iii) to take such other actions as are necessary or desirable for the purposes and intent of this resolution.

**5. Matching Funds.** The Authorized University Representative is hereby authorized to execute and deliver such agreements, documents or certificates required by the State Treasurer or the State's Bond Counsel to establish that the University has properly matched the amount of the Bonds in accordance with the provisions of Article XI-G(1)(3).

**6. Effective Date.** This resolution shall take effect immediately upon adoption by the Board.

VOTE: Voice Vote Recorded – Ayes carried (no dissention)

DATE: December 11, 2014

Recorded by the University Secretary: 