

RESOLUTION R-2009-084

IN SUPPORT OF THE ISSUANCE BY THE SOUTH CAROLINA JOBS-ECONOMIC DEVELOPMENT AUTHORITY OF ITS ECONOMIC DEVELOPMENT REVENUE BONDS (SOUTH CAROLINA STATE MUSEUM FOUNDATION PROJECT) SERIES 2009, PURSUANT TO THE PROVISIONS OF TITLE 41, CHAPTER 43, OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$5,500,000.

WHEREAS, the South Carolina Jobs-Economic Development Authority (the "*Authority*") is authorized and empowered under and pursuant to the provisions of Title 41, Chapter 43, of the Code of Laws of South Carolina 1976, as amended (the "*Act*"), to utilize any of its program funds to establish loan programs for the purpose of reducing the cost of capital to business enterprises which meet the eligibility requirements of Section 41-43-150 of the Act and for other purposes described in Section 41-43-160 of the Act and thus provide maximum opportunities for the creation and retention of jobs and improvement of the standard of living of the citizens of the State of South Carolina; and

WHEREAS, the Authority is further authorized by Section 41-43-110 of the Act to issue revenue bonds payable by the Authority solely from a revenue producing source and secured by a pledge of said revenues in order to provide funds for any purpose authorized by the Act; and

WHEREAS, the Authority and the South Carolina State Museum Foundation, a South Carolina nonprofit corporation and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986 (the "*Borrower*"), entered into an Inducement Agreement dated July 20, 2009 (the "*Inducement Agreement*"), pursuant to which and in order to implement the public purposes enumerated in the Act, and in furtherance thereof to comply with the undertakings of the Authority pursuant to the Inducement Agreement, the Authority proposes, subject to such approval of the State Budget and Control Board of South Carolina and the City of Columbia as may be required by law, to issue not exceeding \$5,500,000 aggregate principal amount of its Economic Development Revenue Bonds (South Carolina State Museum Foundation Project) Series 2009 (the "*Bonds*"), under and pursuant to Section 41-43-110 of the Act. A portion of the proceeds of the Bonds will be used by the Borrower to (i) defray the cost of building a state-of-the-art observatory and outdoor public viewing platform; assembling a world class astronomy library; acquiring a vintage, internationally renowned telescope collection; constructing a 55-foot digital dome planetarium; renovating the current auditorium into a 4-D theater; and adding a teacher resource center and distance learning studio (collectively, the "*Project*"), to be located at 301 Gervais Street, Columbia, South Carolina, all components of which will be owned by the South Carolina State Museum, and (ii) pay certain costs of issuance of the Bonds; and

WHEREAS, the Borrower is projecting that the assistance of the Authority by the issuance of the Bonds will result will result in the creation or maintenance of employment for those engaged in construction of the facilities of which the Project is an essential and necessary part, by maintaining existing employment for approximately 32 people and by providing additional employment for approximately two within 12 months and a total of seven people within 24 months when the Project is placed in full operation, with a resulting alleviation of unemployment and a substantial increase in payrolls, capital investment and tax revenues; and

WHEREAS, the City Council of the City of Columbia and the Authority have on this date jointly held a public hearing, duly noticed by publication in newspapers having general circulation in Richland County, not less than 15 days prior to the date hereof, at which all interested persons have been given a reasonable opportunity to express their views;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Columbia, South Carolina, as follows:

SECTION 1. It is hereby found, determined and declared that (a) the Project will subserve the purposes of the Act, (b) the Project is anticipated to benefit the general public welfare of the City of Columbia by providing services, employment, recreation or other public benefits not otherwise provided locally, (c) the Project will give rise to no pecuniary liability of the City of Columbia or a charge against its general credit or taxing power, (d) the amount of bonds required to finance the Project is approximately \$5,500,000; and (e) the documents to be delivered by the Borrower and the Authority with respect to the Bonds will provide, among other things, (i) for the amount necessary in each year to pay the principal of and interest on the Bonds, (ii) whether reserve funds of any nature will be established with respect to the retirement of the Bonds and the maintenance of the Project (and, if any such reserve funds are to be so established, the amount necessary to be paid each year into such funds), and (iii) that the Borrower shall maintain the Project and carry all proper insurance with respect thereto.

SECTION 2. The City Council of the City of Columbia supports the Authority in its determination to issue the Bonds to defray the costs related to the Project.

SECTION 3. All orders and resolutions and parts thereof in conflict herewith are to the extent of such conflict hereby repealed, and this resolution shall take effect and be in full force from and after its adoption.

Adopted this 18th day of November, 2009.

Requested by:

South Carolina State Museum Foundation



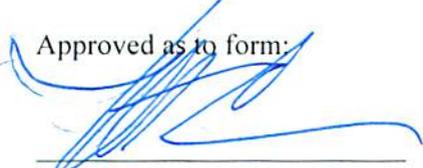
Mayor

Approved by:



Interim City Manager

Approved as to form:



City Attorney

ATTEST:



City Clerk

Introduced:
Final Reading