

**RESOLUTION NO. 21-01**

**BOARD OF TRUSTEES OF OREGON INSTITUTE OF TECHNOLOGY**

**A RESOLUTION THAT SUFFICIENT REVENUE EXISTS TO SUPPORT FULLY SELF-FINANCING AND SELF-LIQUIDATING ARTICLE XI-F(1) BONDS, TOTTALLING FIFTY-FIVE MILLION DOLLARS IN NET PROCEEDS THROUGH ARTICLE XI-F(1) BONDS TO BE ISSUED BY THE STATE OF OREGON FOR THE BENEFIT OF OREGON TECH TO CONSTRUCT A NEW STUDENT RESIDENCE HALL PROJECT ON THE KLAMATH FALLS CAMPUS**

**WHEREAS**, the 2021 Oregon Legislative Assembly has authorized the issuance of State of Oregon (“State”) general obligation bonds for the benefit of Oregon Institute of Technology (the “University”) under Article XI-F(1) of the Oregon Constitution through Senate Bill 5505 (2021) or “Bond Bill;” and

**WHEREAS**, the 2021-2023 Bond Bill authorized \$55,650,000 dollars, including estimated issuance costs of \$650,000 dollars, for constructing a new student residence hall project on the Klamath Falls campus; and

**WHEREAS**, this University Board of Trustees desires that the University receive the fully authorized funds, exclusive of issuance costs, for purposes as allowed by the authorizing, and that issuance of the necessary Article XI-F(1) bonds proceed as authorized by the 2021-23 Bond Bill for the benefit of the University, and as may be provided by law and as otherwise required by law for the 2021-23 biennium without requiring further action of this Board; and

**WHEREAS**, Article XI-F(1) of the Oregon Constitution requires the University shall not incur the indebtedness of Article XI-F(1) bonds unless it conservatively estimates that it shall have sufficient revenues to pay the indebtedness and operate the projects financed with the proceeds of such bonds; and

**WHEREAS**, for these purposes, this Board desires that the State of Oregon take any steps necessary for the timely issuance of such bonds on or about May 2022, this motion having been made and seconded;

**Now, therefore**, the Board of Trustees resolves as follows:

**Section 1**

There are moneys available to the University to pay the indebtedness of the proposed Article XI-F(1) bonds using constitutionally allowed University sources for the specific use and purpose of providing sufficient revenues to pay the indebtedness of the new Student Residence Hall project.

## **Section 2**

Article XI-F(1) Projects. Bonds are authorized to be sold under the Act for the benefit of the University and consistent with the authorization of the 2021-2023 Bond Bill. The University hereby approves and requests that the State of Oregon take such steps as necessary to ensure the issuance and sale of such bonds on or about May 2022, in an aggregate principal amount sufficient to provide \$55,000,000 dollars in net bond proceeds, and to pay costs of issuance, for construction of a new student residence hall project on the Klamath Falls campus. In so doing, this Board acknowledges that it will be necessary to provide specific University funding from constitutionally allowed sources.

## **Section 3**

Terms, Sale and Issuance. The XI-F(1) 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 and/or project agency/agencies, shall determine are required to pay or reimburse costs of the projects referenced in this resolution. The Bonds shall mature, bear interest and otherwise be structured, sold and issued as the State Treasurer determines after such consultation.

## **Section 4**

Maintenance of Tax-Exempt Status. The Vice President of Finance and Administration 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.

## **Section 5**

Ratification and Approval of Actions. The Board hereby ratifies and approves all prior actions taken on behalf of 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 loan, 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

## **Section 6**

This Resolution shall take effect immediately upon approval by the Board.

Moved by Trustee Fred Ziari

Seconded by Trustee Kelley Minty Morris

Trustee	Yes	No
Jeremy Brown	absent	absent
Jessica Gomez	X	
Lisa Graham	absent	absent
Tim Hasty	X	
Kathleen Hill	absent	absent
Vincent Jones	absent	absent
Rose McClure	X	
Jill Mason	X	
Kelley Minty Morris	X	
Mike Starr	absent	absent
Paul Stewart	absent	absent
Michelle Vitali	X	
Fred Ziari	X	
Vacant		

Approved and dated this 15th day of July, 2021.

  
Jessica Gomez  
Board Chair

ATTEST:

  
Sandra Fox  
Board Secretary

I, \_\_\_\_\_, Secretary of the Board, do hereby certify that the foregoing is a true and correct copy of a Resolution duly adopted by the Oregon Institute of Technology Board of Trustees at the meeting held on the 15th day of July, 2021, and thereafter approved and signed by the Chair and attested by the Secretary of the Board.

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Secretary of the Board