

**RESOLUTION R-2018-152
LUZERNE COUNTY COUNCIL**

*A Resolution of the Luzerne County Council Amending Resolution Approving
the Greater Wilkes-Barre Industrial Fund, Inc.'s Cooperation/Indemnity Agreement for
Grant Funding for the Misericordia University Science Hall Expansion Project, and
Authorizing Luzerne County to Reimburse the Commonwealth for the
Commonwealth's Share of Ineligible Costs Incurred*

WHEREAS, the Commonwealth of Pennsylvania, through the Office of the Budget, is authorized to approve for funding, projects which have been listed in a Capital Budget Project Authorization Act as Redevelopment Assistance Projects and which meets the standards established in the Capital Facilities Debt Enabling Act ("CFDEA"); and

WHEREAS, by adoption of Resolution 2018-81, the County Council approved the Greater Wilkes Barre Industrial Fund, Inc.'s Cooperation/Indemnity Agreement for Grant Funding for the Misericordia University Science Hall Expansion Project, and Authorizing Luzerne County to Reimburse the Commonwealth for the Commonwealth's Share of Ineligible Costs Incurred; and

WHEREAS, the Greater Wilkes-Barre Industrial Fund, Inc., as grantee, and Misericordia university, as funding recipient, have requested approval for funding in the amount of two million dollars (\$2,000,000) for the project known as the Misericordia University Science Hall Expansion Project (the "Project"); and

WHEREAS, the Office of the Budget has determined that the Project meets the requirements of the CFDEA; and

WHEREAS, the Commonwealth of Pennsylvania, through the Office of the Budget, has approved the application for funding, and had issued Redevelopment Assistance Capital Grant Agreement #ME 300-1594 (the "Agreement") in the amount of one million dollars (\$1,000,000.00), and Amendment No. 1 to said Agreement for an additional one million dollars (\$1,000,000.00) to support the Project; and

WHEREAS, the Greater Wilkes-Barre Industrial Fund, Inc. and Misericordia University has agreed to comply with all applicable laws and requirements of the Office of the Budget relevant to the Project; and

WHEREAS, Luzerne County, as a local governing body, is required to approve the application for funding and Cooperation/Indemnity Agreement with the associated Project pursuant to the statutes set forth above; and

WHEREAS, Luzerne County Council desires to approve the Greater Wilkes-Barre Industrial Fund, Inc.'s application for funding and support the underlying Cooperation/Indemnity Agreement for the Project for which funding was requested.

WHEREAS, the Office of the Budget of the Commonwealth requires that the host municipality, in this instance, Luzerne County, provide a commitment that it will reimburse the Commonwealth for the Commonwealth's share of any expenditures related to the Project found to be ineligible under the Redevelopment Assistance Capital Program.

NOW, THEREFORE, BE IT RESOLVED, Luzerne County Council hereby approves the Greater Wilkes-Barre Industrial Fund, Inc.'s and Misericordia University's application for funding and Cooperation/Indemnity Agreement and supports the underlying Project for which funding was requested.

BE IT FURTHER RESOLVED that in conjunction with the expenditure of the funds by Misericordia University in connection with the Project, the County will reimburse the Commonwealth for the Commonwealth's share of any expenditure related to the Project found to be ineligible under the Grant program by the Commonwealth, if any.

BE IT FURTHER RESOLVED AND UNDERSTOOD that Misericordia University hereby agrees to reimburse the County for any monies paid by the County to the Commonwealth pursuant to this Resolution.

The Effective Date of this Resolution shall be six (6) days after adoption.

ADOPTED this 4th day of December, 2018 by the Luzerne County Council.

ROLL CALL VOTE (10-0)

YES: Brominski, Haas, Houck, Kelleher, McGinley, Perry, Saidman, Schnee, Vough and Waitkus

LUZERNE COUNTY COUNCIL

By: Tim McGinley
Tim McGinley, Chair

Attest: Sharon Lawrence
Sharon Lawrence, Clerk of Council

LUZERNE COUNTY MANAGER

By: C. David Pedri
C. David Pedri, Esq., County Manager