

Meeting of the Board
PENNSYLVANIA HIGHER EDUCATIONAL FACILITIES AUTHORITY
March 28, 2024
Room 515 North Office Building
2:23 p.m. Prevailing Time

MINUTES

1. Call to Order
 - A. Filing of Proof of the Sunshine Notice and of Sending Notice of the Meeting
2. Roll Call and Announcement of Quorum
3. Adoption of the Agenda
4. Approval of the Minutes of the Meeting of January 18, 2024
5. Old Business
 - A. Authority Update
6. New Business
7. Adjournment

1. CALL TO ORDER, FILING OF PROOF OF THE SUNSHINE NOTICE AND OF SENDING NOTICE OF THE MEETING

- A. Chairperson Zweiacher called the public meeting of the Pennsylvania Higher Educational Facilities Authority Board to order at 2:23 p.m. in Room 515 of the North Office Building in Harrisburg, PA. He said that the meeting was being recorded and that by staying in the meeting, attendees were consenting to the recording and retention of the meeting. Although it included the option for Teams or Conference Call, the meeting was a live in person meeting open to the public in accordance with the Sunshine Act.
- B. The proof of the Sunshine Advertisement and certification regarding sending of the notice of the meeting is attached to these minutes.

2. ROLL CALL AND ANNOUNCEMENT OF A QUORUM

A quorum of board members was present. Ms. Sheffield asked if there were any members of the public on the call. There were no members of the public on the call.

Board Members Present

Brian Zweiacher, Proxy for Governor Josh Shapiro (via Teams)
Leo Knepper, Proxy for Senator Jarrett Coleman (via Teams)
Senator Lindsey M. Williams (via Teams)
Representative Jesse Topper (via Teams)
Jennifer Langan, Proxy for Treasurer Stacy Garrity
Christal Pike-Nase, Proxy for Auditor General Timothy L. DeFoor
Secretary of General Services Reggie McNeil

Members Absent

Representative Peter Schweyer
Secretary of Education Khalid Mumin

Authority Personnel Present

Jennifer Sheffield, Acting Executive Director
David Player, Comptroller & Director of Financial Management

Also Attending

William McCarty, Authority Counsel, Barley Snyder LLP (via Teams)

3. ADOPTION OF THE AGENDA

Chairperson Zweiacher asked if the agenda for the meeting was posted on the Authority's website at least 24 hours in advance in accordance with Section 709 of the Sunshine Act.

Ms. Sheffield said that, yes, the agenda was posted on the website in accordance with the Sunshine Act.

Chairperson Zweiacher asked for a motion to adopt the agenda.

Upon **MOTION** by **Secretary McNeil**, and **SECONDED** by **Ms. Pike-Nase**, and approved unanimously by the PHEFA Board, it was **RESOLVED** that the Board adopted the Agenda for the March 28, 2024, Board Meeting.

4. APPROVAL OF THE MINUTES OF THE MEETING OF JANUARY 18, 2024

A copy of the minutes of the meeting of January 18, 2024, was distributed to Board Members prior to this meeting. It is therefore recommended that consideration be given to the adoption of the following Resolution:

RESOLVED That the minutes of the PHEFA meeting of January 18, 2024, be and hereby are approved as presented.

Upon **MOTION** by **Ms. Pike-Nase**, and **SECONDED** by **Secretary McNeil**, and after full discussion, the above Resolution was unanimously approved at the PHEFA Board Meeting of March 28, 2024.

5. OLD BUSINESS

Chairperson Zweiacher asked if there was any old business to come before the Board.

Ms. Sheffield said that at the request of our national organization, National Association of Health and Educational Facilities Finance Authorities (NAHEFFA), we wrote to Senator Robert Casey in support of restoring tax-exempt advance refundings through the LOCAL Infrastructure Act. NAHEFFA recommended contacting members of the Senate Committee on Finance. Tax-exempt advance refunding bonds would allow our clients to refinance existing debt with the greatest flexibility, resulting in substantial reductions in borrowing costs. Since January 2018, advance refundings are not permitted on a tax-exempt basis under U.S. tax law, even though the original bonds are tax-exempt.

Ms. Sheffield also provided the Board with an update on the Ursinus College case that was mentioned at a previous board meeting. The case began with Ursinus, a private, nonprofit college, choosing not to pay prevailing wage on a project. The Prevailing Wage Appeals Board determined that since Ursinus College was financing through a public conduit issuer, The

Montgomery County Higher Education and Health Authority, they should have to pay prevailing wage under the Prevailing Wage Act.

On February 21, 2024, The Pennsylvania Supreme Court unanimously agreed that private borrowers, financing through public authorities in Pennsylvania, are exempt from the state's Prevailing Wage Act's requirements. The court explained that the Act requires payment of project costs using public money. The Montgomery County Higher Education and Health Authority's participation did not mean that the project was paid for with taxpayer or other public money. The Authority was merely a financing intermediary, or conduit.

Ursinus College was a client of PHEFA prior to the PHEFA Board enacting a prevailing wage policy in 2007.

Chairperson Zweiacher asked if there was any other old business to come before the Board.

Ms. Pike-Nase said that she found the Ursinus College case very interesting and thought that the Board should potentially revisit that issue at some point. She said that PHEFA doesn't have very many clients, and we could possibly bring in more business. It is not only for the Authority but also for the individual entities that could benefit from it.

Ms. Pike-Nase said that she was on the PHEFA Board when the prevailing wage policy was enacted, and she knows that it is very important. But at the same time, the Authority did lose the whole AICUP (Association of Independent Colleges and Universities of Pennsylvania) group. Ms. Pike-Nase thought that maybe the Board should discuss this policy in the future.

With no other old business to come before the Board, Chairperson Zweiacher moved to new business.

6. NEW BUSINESS

Chairperson Zweiacher asked if there was any new business to come before the Board, and hearing none, he asked for a motion to adjourn.

7. ADJOURNMENT

There being no further business to come before the Board at this time, and upon **MOTION** by **Ms. Pike-Nase**, and **SECONDED** by **Ms. Langan**, the PHEFA Board Meeting was adjourned at 2:30 p.m.

SUNSHINE ACT PUBLIC MEETING NOTICES - Thursday, March 7, 2024

Please utilize the Contacts name/phone # listed in each notice for reasonable accommodation due to a disability; to check on the meeting status; to inquire about phone/online participation options; etc. Note: some mtgs. may be recorded.

PA Dept of Ag, PA Vegetable Marketing & Research Program Board Meeting, 3/11/2024, 9 AM, Conf. Call: 267-332-8737, Access Code: 908 855 939#, Info: www.agriculture.pa.gov, Contact: Holly Zarefoss 717-783-8461.

Dept. of Education, Teacher Tenure Appeal No. 01-24, Tucker Birkhead v. Downingtown Area Sch. Dist., 3/13/2024, 11 AM, Conf. Call: 267-332-8737, Access Code: 267 332 8737#, Info: Meeting ID: 241 113 312 714, Passcode: WZouHb, Phone Conference ID: 176 364 437#, Contact: Terriann Preston-Simpson 717-783-6944.

PSERS Audit Compliance Risk Committee Meeting, 3/13/2024, 4:30 PM, PSERS, 5 N. 5th St., Room: Board Room, Hbg., PA, Info: Live Stream Link on website. Contact: Tivia D Danner 717-720-4802. EHB Rules Committee Meeting, 3/14/2024, 10 AM, Conf. Call: 267-332- 8737, Access Code: 740 494 749#, Info: The Rules Committee will meet to discuss an update on final rulemaking, approval of meeting minutes of 11/9/2023 and 1/11/2024 expert discovery, and the Environmental Law Forum., Contact: Rich Finley 415-632-6777.

PSERB Investment Committee Meeting, 3/14/2024, 4:30 PM, PSERS, 5 N. 5th. St., Room: Board Room, Hbg., PA, Info: Live Stream Link on website. www.psers.pa.gov, Contact: Tivia D Danner 717-720-4802.

Special, State Public School Building Authority & PA Higher Educational Facilities Authority Board Meeting, 3/28/2024, 2 PM, 515 North Office Bldg., Hbg., PA, Info: Contact Jennifer Sheffield for MS Teams Meeting information., Contact: Jennifer Sheffield 717-975-2209.

Special, Children's Trust Fund (CTF) Strategic Planning Meeting, 4/3/2024, 10 AM, Conf. Call: 855-880-1246, Access Code: 924 9650 0592#, Info: <https://www.pactf.org>, Contact: Andrew Dietz 717-772-2098.

Farm Show Commission Meeting, 4/4/2024, 10 AM, Farm Show Complex & Expo Center, 2300 N. Cameron St., Room: Farm Show Board Rm., Hbg., PA, Conf. Cal: 267-332-8737, Access Code: 779 805 436#, Info: www.pda.pa.gov, Contact: Deborah Trump 717-724-6942.

TAC (Transportation Advisory Committee) Meeting, 4/10/2024, 10 AM, 400 North St., Room Num: 8N1, Hbg., PA, Conf. Call: 267-332-8737, Access Code: 801 114 660#, Info: Microsoft Teams Meeting ID: 237 384 589 539, Passcode: Z6XsWh, Recording or transcribing this meeting, in any manner including through a third-party application, may not occur without the consent of all participants, as required by law, and must adhere to Commonwealth policies. <https://bit.ly/3uViY3n>, Contact: Lauryn Knuth 717-787-2962.

Appeared in ***PennLive***: on Thursday, 3/7/2024

<https://classifieds.pennlive.com/pennlive/category/legals/legal-notice>

STATE PUBLIC SCHOOL BUILDING AUTHORITY
PENNSYLVANIA HIGHER EDUCATIONAL FACILITIES AUTHORITY
Notice of the Meetings of the Boards to be Held
March 28, 2024

The State Public School Building Authority and the Pennsylvania Higher Educational Facilities Authority Boards will meet on **Thursday, March 28 at 2:00 p.m. in Room 515 North Office Building**. If you prefer to participate by phone, the call-in number is 1-267-332-8737 and the conference ID is 792 832 853#. The meetings are to: (a) approve projects for financing; and (b) consider other matters as may properly come before the Board.

Please complete the attached response and return it via e-mail (jesheffield@pa.gov).

Sincerely,

Jennifer Sheffield
Acting Executive Director

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Harrisburg, PA

I CERTIFY that the notice on the previous page for the March 28, 2024, meetings was dispatched to the following on February 26, 2024, at the addresses indicated, constituting all members of the Board of the Pennsylvania Higher Educational Facilities Authority.

Natalia Dominguez Buckley, Proxy for Governor Shapiro

ndominguez@pa.gov

Jarrett Coleman, Designated by the President Pro Tempore of the Senate

lknepper@pasen.gov

Lindsey M. Williams, Designated by the Minority Leader of the Senate

lindsey.williams@pasenate.com

Peter G. Schweyer, Designated by the Speaker of the House of Representatives

pschweyer@pahouse.net

Jesse Topper, Designated by the Minority Leader of the House of Representatives

jtopper@pahousegop.com

Stacy Garrity, State Treasurer

treasurergarrity@ptreasury.gov

Timothy L. DeFoor, Auditor General

plafoe@paauditor.gov

Reggie McNeil, Secretary of General Services

remcneil@pa.gov

Khalid M. Mumin, Secretary of Education

ldishong@pa.gov

GIVEN under my hand and seal this 26th day of February 2024.

Jennifer Sheffield

Acting Executive Director

State Public School Building Authority

Pennsylvania Higher Educational Facilities Authority