

RESOLUTION NO. 2021-08

A RESOLUTION DIRECTING THE CALL FOR REDEMPTION OF CERTAIN OUTSTANDING BONDS OF THE COUNTY; PROVIDING FOR NOTICE OF SAID REDEMPTION; REQUESTING THE TERMINATION OF AN EXISTING ONE PERCENT (1%) COUNTYWIDE RETAILERS' SALES TAX; AND AUTHORIZING CERTAIN ACTIONS TO BE TAKEN IN CONJUNCTION THEREWITH.

WHEREAS, Chautauqua County, Kansas (the "County"), is a political subdivision, duly created, organized and existing under the Constitution and laws of the State; and

WHEREAS, pursuant to Resolution No. 09-19, the Board of County Commissioners (the "Board") of the County authorized and provided for a special question election to be held in the County on December 1, 2009 (the "Election") for the purpose of submitting to the qualified electors of the County the proposition to: (a) impose a special one percent (1%) retailers' sales tax (the "Sales Tax") for the purpose of financing the cost of constructing, furnishing and equipping a new Chautauqua County jail and law enforcement center; and necessary improvements appurtenant thereto (the "Project"), collection of such Sales Tax to commence on July 1, 2010, or as soon thereafter as permitted by the Kansas Legislature by amending K.S.A. 12-187 *et seq.*, and to terminate upon the payment of all costs incurred in the financing of the Project (including the retirement of any bonds issued and payable from such Sales Tax); and (b) issue sales tax general obligation bonds to pay the costs of the Project and associated financing costs, provided that the County receive, prior to such issuance, a comprehensive feasibility study that indicates the revenues received from the Sales Tax will be sufficient to retire said bonds without the necessity of levying any ad valorem taxation; and

WHEREAS, a majority of the qualified electors of the County voting on the proposition at the Election voted in favor thereof; and

WHEREAS, K.S.A. 12-187 *et seq.*, as amended, specifically including L. 2010, Ch. 3, §§ 1-3 (the "Act") validated the results of the Election and authorized the implementation of the Sales Tax to commence as provided in the Act, and terminate upon the payment of all costs incurred in the financing of the Project (including the retirement of any bonds issued and payable from such Sales Tax); and

WHEREAS, pursuant to such authority and Resolution No. 10-10 (the "Bond Resolution"), on November 12, 2010, the County issued its \$3,070,000 original principal amount of General Obligation Sales Tax Bonds, Series 2010-A (the "Bonds"); and

WHEREAS, after payment of the current debt service requirements on the Bonds at the times and in the manner set forth in the Bond Resolution, from time to time the County has sufficient additional funds remaining from the collection of the Sales Tax to redeem portions of the outstanding Bonds, and the County hereby declares its intent to use such excess Sales Tax revenues to redeem all or a portion of the outstanding Bonds prior to their stated maturity in the amounts and on the redemption dates to be determined by the Board, in consultation with Stifel, Nicolaus & Company, Inc., the County's financial advisor (the "Financial Advisor"), and Gilmore & Bell, P.C., the County's bond counsel ("Bond Counsel"); and

WHEREAS, the Board desires to provide for the redemption of the following described Bonds (the "Redeemed Bonds"):

<i>Description</i>	<i>Series</i>	<i>Dated</i>		<i>Outstanding</i>	<i>Redeemed</i>	<i>Redemption</i>
		<i>Date</i>	<i>Year</i>	<i>Amount</i>	<i>Amount</i>	<i>Date</i>
G.O. Sales Tax Bonds	2010-A	11/01/2010	2022	\$90,000	\$90,000	11/01/2021

WHEREAS, the Bond Resolution provides that the County shall not terminate or cancel the Sales Tax until all costs incurred in the financing of the Project (including the retirement of any bonds issued and payable from such Sales Tax) are paid; and

WHEREAS, after the regularly scheduled October 1, 2021, payment on the Bonds, the Redeemed Bonds will be the only remaining indebtedness outstanding secured by the Sales Tax and sufficient funds will be held in funds and accounts held under the Bond Resolution to provide for the early redemption of the Redeemed Bonds and the termination of the Sales Tax; and

WHEREAS, pursuant to the provisions of the Act, the Board deems it necessary and advisable to: (a) provide for redemption of the Redeemed Bonds, and (c) terminate the Sales Tax.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CHAUTAUQUA COUNTY, KANSAS:

Section 1. The County is hereby authorized to use the excess Sales Tax revenues to redeem all or a portion of the outstanding Bonds prior to their stated maturity in the amounts and on the redemption dates to be determined by the Board, in consultation with its Financial Advisor and Bond Counsel. Pursuant to such authority, the Board hereby calls the Redeemed Bonds for redemption prior to their stated maturity as set forth above, in accordance with the Bond Resolution which authorized the Bonds.

Section 2. The County Clerk is authorized and directed to notify the State Treasurer in accordance with K.S.A. 10-129, as amended, of such call for redemption by disseminating a notice of call for redemption by certified mail at least forty-five (45) days prior to the respective Redemption Date, including the Notice of Call for Redemption substantially in the form attached hereto as **Exhibit A** relating to the Redeemed Bonds.

The County Clerk is further authorized and directed to cause the Paying Agent to notify the Owners of the Bonds in the manner set forth in the Bond Resolution and to provide for notice to be made in accordance with the provisions of Rule 15c2-12 of the Securities and Exchange Commission substantially in the form attached hereto as **Exhibit B**.

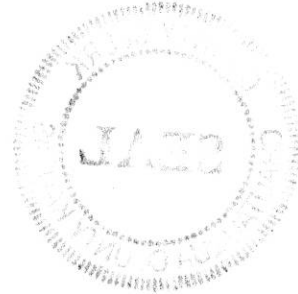
Section 3. The State Director of Taxation is hereby requested to cause the termination of the Sales Tax on the earliest possible date permitted by the provisions of law, which is anticipated to be January 1, 2022. Any funds held under the Bond Resolution not needed to redeem the Redeemed Bonds in accordance with **Section 1** hereof or to pay costs of compliance for the Redeemed Bonds shall be transferred to the County's General Fund.

The County Clerk or County Treasurer, upon adoption of this Resolution, shall provide a certified copy of the same to the State Director of Taxation pursuant to the Act and request the termination of the Sales Tax in accordance with the provisions hereof.

Section 4. All costs associated with the redemption of the Redeemed Bonds and the termination of the Sales Tax shall be paid by the County.

Section 5. This Resolution shall be in full force and effect from and after its adoption.

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ADOPTED by the Board of County Commissioners on September 13, 2021.

(SEAL)




Chairman


Commissioner


Commissioner

ATTEST:


County Clerk