

RESOLUTION SERIES 2020 NUMBER 1

A RESOLUTION APPROVING A LEASE WITH INDEPENDENCE BANK OF KENTUCKY FOR THE PURPOSE OF FINANCING REPAIR/REPAVING OF VARIOUS STREETS WITHIN THE CITY; PROVIDING FOR THE PAYMENT AND SECURITY OF THE LEASE; AUTHORIZING THE EXECUTION OF VARIOUS DOCUMENTS RELATED TO SUCH LEASE; AND MAKING CERTAIN DESIGNATIONS REGARDING SUCH LEASE.

WHEREAS, the City Council of the City of Audubon Park, Kentucky (the “Lessee”) has the power, pursuant to Section 65.940 et seq. of the Kentucky Revised Statutes (the “Act”) to enter into lease agreements with or without the option to purchase in order to provide for the use of the property for public purposes;

WHEREAS, the City Council of the Lessee (the “Governing Body”) at its special meeting on January 30, 2020, has previously determined, and hereby further determines, that the Lessee is in need of the Project, as defined in the Lease hereinafter described;

WHEREAS, Lessee desires to finance the costs of the Project for a ten-year term, no prepayment penalty, 3.15% fixed rate, in the maximum principal amount of \$220,000, at estimated monthly payments of \$2139.93, through a Lease Agreement (the “Lease”) with Independence Bank of Kentucky (the “Lessor”) pursuant to the Act; and

WHEREAS, Lessee has previously sought and received permission from the State Local Debt Officer and will file a Notification of Intent to Finance and Application for Debt Approval prior to delivery of the Lease.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUDUBON PARK, KENTUCKY, AS FOLLOWS:

Section 1. Recitals and Authorization. Lessee hereby approves the Lease, in substantially the form presented to the Governing Body and all collateral and related documents, subject to approval by Lessee’s legal counsel. The recitals to this Resolution are incorporated herein as if set forth in this Section in their entirety and are hereby found and determined to be true and correct. It is further found and determined that the Project identified in the Lease is public property to be used for public purposes, that it is necessary and desirable and in the best interests of Lessee to enter into the Lease for the purposes therein specified, and the execution and delivery of the Lease and all representations, certifications and other matters reasonably required by Lessor or by Frost Brown Todd LLC, as bond counsel, prior to delivery of the Lease, are hereby authorized. The Mayor is hereby authorized to execute the Lease, together with such other agreements or certifications which may be necessary to accomplish the transaction contemplated by the Lease.

Section 2. Severability. If any Section, paragraph or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such Section, paragraph or provision shall not affect any of the remaining provisions of this Resolution.

Section 3. Designation as Qualified Tax-Exempt Obligation. Pursuant to Section 265(b)(3)(B)(ii) of the Internal Revenue Code of 1986, Lessee hereby specifically designates the Lease as a “qualified tax-exempt obligation”. Lessee hereby represents that Lessee reasonably

anticipates that it will not issue in calendar year 2020, "tax-exempt obligations" in an amount greater than \$10,000,000.

Section 4. Open Meetings Law. This Governing Body hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of this Governing Body, and that all deliberations of this governing Body and of its committees, if any, which resulted in formal action, were in meetings open to the public, in full compliance with applicable legal requirements.

Section 5. Conflicts. All ordinances, resolutions, orders or parts thereof in conflict with the provisions of this Resolution are, to the extent of such conflict, hereby repealed and the provisions of this Resolution shall prevail and be given effect.

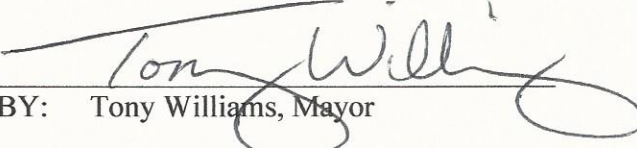
Section 6. Effective Date. This Resolution shall be in full force and effect following its passage and approval in the manner provided by law.

Action by the Council:

	Aye	Nay	Abstain	Absent
Bozeman	✓			
George	✓			
Gorter	✓			
Kleier		✓		
Klump		✓		
Schwenker	✓			

CITY OF AUDUBON PARK, KENTUCKY

Motion to accept this resolution was made by MADELINE BOZEMAN, and seconded by BRITNEY GORTER. Motion passed and accepted on this 23rd day of March, 2020:


BY: Tony Williams, Mayor

ATTEST:

To be a true resolution accepted by the City Council of the City of Audubon Park, Kentucky, and accepted by the Mayor, on this 23rd day of March, 2020.


JANETTE MERCER, City Clerk/Treasurer