

AN ORDINANCE OF THE FISCAL COURT OF THE COUNTY OF Simpson, KENTUCKY, (THE "COUNTY") CONFIRMING AND APPROVING ACTIONS TAKEN OR TO BE TAKEN BY THE KENTUCKY LOCAL CORRECTIONAL FACILITIES CONSTRUCTION AUTHORITY (THE "AUTHORITY") IN CONNECTION WITH THE FINANCING OF THE ACQUISITION, CONSTRUCTION OR RECONSTRUCTION OF JAIL IMPROVEMENTS (THE "PROJECT") AUTHORIZING THE EXECUTION OF A MORTGAGE SECURING THE CONVEYANCE OF THE PROJECT SITE FROM THE COUNTY TO THE AUTHORITY FOLLOWING THE CONSTRUCTION OF THE PROJECT; AUTHORIZING THE EXECUTION OF A DEED CONVEYING THE PROJECT SITE FROM THE COUNTY TO THE AUTHORITY; AUTHORIZING AND APPROVING THE ISSUANCE OF THE AUTHORITY'S MULTI-COUNTY CORRECTIONAL FACILITIES REVENUE BONDS BY THE AUTHORITY ON BEHALF OF THE COUNTY; AND AUTHORIZING AND APPROVING THE EXECUTION OF A LEASE AND PARTICIPATION AGREEMENT IN CONNECTION WITH FINANCING THE PROJECT.

WHEREAS, the Kentucky Local Correctional Facilities Construction Authority (the "Authority"), has been established pursuant to the provisions of KRS 441.605 through 441.695, as amended (the "Act"), for the purpose of providing an additional and alternate method of financing the construction, reconstruction, improvement or repair of jails and appurtenant facilities for Local Governments throughout the Commonwealth, and

WHEREAS, pursuant to the provisions of the Act and the Resolutions of the Authority promulgated thereunder, and in compliance with the criteria established for determining priorities among applications for financial assistance, the Authority has determined that the County is entitled to assistance from the Authority in accordance with the Act for the purpose of constructing or reconstructing jail facilities in the County as identified in the plans and specifications prepared by the Architects for the County (the "Project") in order that the County may provide adequate jail and related detention facilities and thereby promote the public welfare of the citizens of the County, and

WHEREAS, the Authority proposes to issue ^{approximately} \$ 33,000,000 aggregate principal amount of its Multi-County Correctional Facilities Revenue Bonds (the "Revenue Bonds") in order to finance the Authority's contribution and the contributions of Local Governments throughout the Commonwealth to correctional facilities projects, and

WHEREAS, of the total amount of the Authority's Revenue Bonds to be issued, \$ app. 908,229 will be allocated to the County's Project (the "Project Bonds"); app. sixty-nine percent (69%) of said Project Bonds representing the Authority's contribution and app. thirty-one percent (31%) of said Project Bonds representing the County's contribution, and

WHEREAS, the Project Bonds, when issued, will be payable from rental payments made by the County to the Authority under a certain Lease and Participation Agreement (the "Lease") whereunder the Project is to be leased by the Authority to the County for one year at a time, with the option in the County to renew said Lease for one year at a time thereafter so long as the Project Bonds remain outstanding and unpaid, and the obligation of the County in each year that the Lease is renewed shall be equal to the principal and interest requirements becoming due on the Project Bonds in that year, plus the costs of operation, maintenance and insurance of the Project; provided, however that pursuant to the terms of said Lease, the Authority will agree to pay that portion of the principal and interest requirements on said Project Bonds represented by the Authority's Agreed Participation, and

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED BY THE FISCAL COURT OF THE COUNTY OF Simpson, KENTUCKY, AS FOLLOWS:

Section 1. That the Fiscal Court of the County of Simpson, Kentucky (the "County") requests and directs the Kentucky Local Correctional Facilities Construction Authority (the "Authority") to forthwith authorize to be issued pursuant to a Trust Indenture approximately \$33,000,000 principal amount of Project Bonds (the "Project Bonds") as part of a total authorized principal amount of approximately \$908,229 of the Authority's Revenue Bonds in order to finance the Agreed Financial Contribution of the Authority and the County to the Project.

Section 2. That the County hereby specifically approves the issuance, sale and delivery by the Authority of the Project Bonds, the application of the proceeds to the costs incident to the issuance of said Project Bonds and the acquisition, construction or reconstruction and improvement of the Project and other expenses in connection with the financing of the Project.

Section 3. That it is acknowledged that the Project Bonds are to be issued by the Authority acting as an agency and instrumentality of the County, for the purpose of providing permanent financing for said Project pursuant to the provisions of the Act.

Section 4. That in order to effect the lease of the Project from the Authority to the County and to provide for the payment of the Project Bonds following the completion of the construction or reconstruction of the Project, the County hereby expressly approves and directs the execution by the County Judge/ Executive and Clerk of a Mortgage securing the conveyance of the site of the Project from the County to the Authority and the execution of a Deed from the County to the Authority affecting the conveyance of Project following the completion of the construction of the Project; said Deed shall provide for the reconveyance of the

Project from the Authority to the County upon the payment and retirement of the Project Bonds. The Mortgage and Deed shall be subject to the approval of the County Judge/Executive and the County Attorney.

Section 5. That the County hereby expressly approves and directs the execution by the County Judge/Executive and Clerk of a Lease and Participation Agreement whereunder the Project shall be leased from the Authority to the County for the initial period ending June 30, 1985, with the exclusive option in the County to renew said Lease from year-to-year for one year at a time upon the terms and conditions therein expressed until the Project Bonds are paid and retired and whereunder the obligation of the Authority to contribute its Agreed Financial Participation to the Project from year-to-year is set forth; subject to the approval of the County Judge/Executive, County Attorney and the State Local Finance Officer as required by law.

Section 6. That the authorization of the petition of the County to the State Local Finance Officer in accordance with the County Debt Act seeking approval of the financing plan represented by the issuance of the Project Bonds and the Lease and Participation Agreement is hereby authorized, ratified and approved.

Section 7. That the Authority and its agents are hereby authorized and requested by the County to proceed to take all necessary desirable or appropriate actions in order to implement the financing of the Project as evidenced by the financing plan permitting the issuance of the Project Bonds, together with all other Revenue Bonds of the Authority authorized for all other projects.

Section 8. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provisions shall not affect any of the remaining provisions.

Section 9. That all ordinances, resolutions, orders or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 10. That this Ordinance shall become effective upon its passage and approval on its second reading and a publication of the summary thereof as required by law.

Introduced, and given first reading at a duly convened meeting of the Fiscal Court of the County held on the 18th day of September, 1984.

Given second reading and adopted at a duly convened meeting of the Fiscal Court of the County held on the 26th day of September, 1984.

Keith A. Harlan
County Judge/Executive

Attest:

Debbie Renick
Clerk

CERTIFICATE

The undersigned certifies that the above Ordinance was introduced and given first reading at a duly convened meeting of the Fiscal Court of the County of Simpson, Kentucky, held on the 26th day of September, 1984, and that said Ordinance was given second reading, passed and adopted by a vote of 4 voting for said adoption and 0 voting against said adoption at a duly convened meeting of said Fiscal Court held on the 26th day of September, 1984.

Dated this 26th day of September, 1984.

Debbie Renick
County or Fiscal Court Clerk

LODGED FOR RECORD
1984 SEP 26 PM 2:48
J. U. GROW, CLERK
SIMPSON COUNTY COURT, KY

STATE OF KENTUCKY }
COUNTY OF SIMPSON } SS

I, J. U. Grow, Clerk of Simpson County Court, do certify that the foregoing instrument was this day lodged to be and is, with this and the foregoing certificate duly recorded in my office.

Given under my hand this 26 day of Sept, 19 84

per my hand this J. U. Grow, Clerk
By Anna Grow D.C.