

RESOLUTION

No. 2009 1 07 1 01  
Out-of-order

To the HONORABLE CROCKETT LEE, Chairman, and Members of the Hawkins County Board of Commission in Regular Session, met this 27th day of July, 2009.

RESOLUTION IN REF: INITIAL RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED NINETEEN MILLION FIVE HUNDRED THOUSAND DOLLARS (\$19,500,000) GENERAL OBLIGATION SCHOOL BONDS OF HAWKINS COUNTY, TENNESSEE

The attached resolution is regarding the resolution passed by County Commission in May 2009 allowing alternative competitive bids on both bank-qualified, tax-exempt bonds and Build America Bonds for the final issuance of phase III school construction projects funding in order to obtain the lowest net interest cost and must be passed for the bond sale to proceed as such.

Introduced By Esq. Claude Parrott , Chrmn Budget Comm

Seconded By Esq. \_\_\_\_\_

Date Submitted 7/20/09

A. Carroll Jenkins  
County Clerk

By: \_\_\_\_\_

Chairman Crockett Lee

ACTION: AYE NAY PASSED

Roll Call \_\_\_\_\_

Voice Vote \_\_\_\_\_

Absent \_\_\_\_\_

COMMITTEE ACTION

\_\_\_\_\_  
\_\_\_\_\_

INITIAL RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED NINETEEN MILLION FIVE HUNDRED THOUSAND DOLLARS (\$19,500,000) GENERAL OBLIGATION SCHOOL BONDS OF HAWKINS COUNTY, TENNESSEE

BE IT RESOLVED by the Board of County Commissioners of Hawkins County, Tennessee (the "County") that for the purpose of providing funds for: (i) acquisition of land and site development for school purposes; (ii) constructing, repairing, renovating and equipping of school buildings and school facilities for the County and for the Cities of Rogersville and Kingsport, Tennessee in an approximate amount equal to their respective statutory share; (iii) payment of legal, fiscal, administrative, architectural and engineering costs incident to all of the foregoing; (iv) reimbursement to the appropriate fund of the County for prior expenditures for the foregoing costs, if applicable; and (v) payment of costs incident to the bonds authorized herein; there shall be issued bonds, in one or more emissions, of said County in the aggregate principal amount of not to exceed \$19,500,000, which shall bear interest at a rate or rates not to exceed the maximum rate permitted by applicable Tennessee law, and which shall be payable from unlimited ad valorem taxes to be levied on all taxable property within the County.

BE IT FURTHER RESOLVED by the Board of County Commissioners of Hawkins County, Tennessee that the County Clerk be, and is, hereby directed and instructed to cause the foregoing initial resolution relative to the issuance of not to exceed \$19,500,000 general obligation school bonds to be published in full in a newspaper having a general circulation in the County, for one issue of said paper followed by the statutory notice, to-wit:

NOTICE

The foregoing resolution has been adopted. Unless within twenty (20) days from the date of publication hereof a petition signed by at least ten percent (10%) of the registered voters of the County shall have been filed with the County Clerk protesting the issuance of the bonds, such bonds will be issued as proposed.

A. Carroll Jenkins, County Clerk

Adopted and Approved this 27<sup>th</sup> day of July, 2009.

By: \_\_\_\_\_  
County Mayor

ATTEST:

\_\_\_\_\_  
County Clerk

STATE OF TENNESSEE            )  
  )  
COUNTY OF HAWKINS         )

I, A. Carroll Jenkins, hereby certify that I am the duly qualified and acting County Clerk of Hawkins County, Tennessee, and as such official I further certify that attached hereto is a copy of excerpts from the minutes of the meeting of the governing body of said County held on July 27, 2009; that these minutes were promptly and fully recorded and are open to public inspection; that I have compared said copy with the original minute record of said meeting in my official custody; and that said copy is a true, correct and complete transcript from said original minute record insofar as said original record relates to an initial resolution authorizing not to exceed \$19,500,000 General Obligation School Bonds of said County.

WITNESS my official signature and seal of said County on this the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
County Clerk

(SEAL)

RESOLUTION

No. 2009 1 07 1 02  
Out-of-order

To the HONORABLE CROCKETT LEE, Chairman, and Members of the Hawkins County Board of Commission in Regular Session, met this 27th day of July, 2009.

RESOLUTION IN REF:

- (I) AMENDING A RESOLUTION OF THE COUNTY ADOPTED ON MAY 18, 2009 RELATIVE TO THE ISSUANCE OF UP TO \$19,500,000 GENERAL OBLIGATION SCHOOL BONDS TO PROVIDE THAT SUCH BONDS MAY BE ISSUED UNDER T.C.A. SECTIONS 9-21-101 ET. SEQ.,
- (II) APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF AGREEMENTS BETWEEN THE COUNTY AND THE CITY OF KINGSPORT AND THE CITY OF ROGERSVILLE, RESPECTIVELY, REGARDING THE COUNTY'S AGREEMENT TO PAY CERTAIN CAPITAL EXPENDITURES FOR SCHOOL PROJECTS FOR THE CITY OF KINGSPORT AND THE CITY OF ROGERSVILLE AS CONSIDERATION FOR EACH CITY WAIVING THE RIGHT TO RECEIVE CERTAIN BOND PROCEEDS AND
- (III) AUTHORIZING ANY CERTIFICATES OR AGREEMENTS NECESSARY TO WAIVE SUCH RIGHTS AND RECEIVE CERTAIN CONSIDERATION FOR SUCH WAIVER

WHEREAS, a resolution was passed by County Commission in May 2009 allowing alternative competitive bids on both bank-qualified, tax-exempt bonds and Build America Bonds for the final issuance of phase III school construction projects funding, and

WHEREAS, the attached amending resolution must be passed in order to proceed with the bond sale. This resolution clarifies previously adopted Resolution Out-of-Order No. 2009/05/01.

Introduced By Esq. Claude Parrott , Chrmn Budget Comm

ACTION: AYE NAY PASSED

Seconded By Esq. \_\_\_\_\_

Roll Call \_\_\_\_\_

Date Submitted 7/20/09

Voice Vote \_\_\_\_\_

A. Carroll Jenkins  
County Clerk

Absent \_\_\_\_\_

COMMITTEE ACTION

By: \_\_\_\_\_

Chairman Crockett Lee

\_\_\_\_\_  
\_\_\_\_\_

A RESOLUTION (I) AMENDING A RESOLUTION OF THE COUNTY ADOPTED ON MAY 18, 2009 RELATIVE TO THE ISSUANCE OF UP TO \$19,500,000 GENERAL OBLIGATION SCHOOL BONDS TO PROVIDE THAT SUCH BONDS MAY BE ISSUED UNDER T.C.A SECTIONS 9-21-101 ET. SEQ., (II) APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF AGREEMENTS BETWEEN THE COUNTY AND THE CITY OF KINGSPORT AND THE CITY OF ROGERSVILLE, RESPECTIVELY, REGARDING THE COUNTY'S AGREEMENT TO PAY CERTAIN CAPITAL EXPENDITURES FOR SCHOOL PROJECTS FOR THE CITY OF KINGSPORT AND THE CITY OF ROGERSVILLE AS CONSIDERATION FOR EACH OF CITY WAIVING THE RIGHT TO RECEIVE CERTAIN BOND PROCEEDS AND (III) AUTHORIZING ANY CERTIFICATES OR AGREEMENTS NECESSARY TO WAIVE SUCH RIGHTS AND RECEIVE CERTAIN CONSIDERATION FOR SUCH WAIVER

WHEREAS, the Board of County Commissioners (the "Governing Body") of Hawkins County, Tennessee (the "County") by resolution adopted May 18, 2009 (the "Bond Resolution") authorized the issuance of up to \$19,500,000 in school bonds (the "Bonds") pursuant to Sections 49-3-1001 *et. seq.* of the Tennessee Code Annotated (the "Code"); and

WHEREAS, the County desires to amend the Bond Resolution to provide that the Bonds are authorized to be issued pursuant to Sections 9-21-101 *et. seq.* of the Code in lieu of Section 48-3-1001 *et. seq.* of the Code ; and

WHEREAS, counties in the State of Tennessee are authorized pursuant to Section 9-21-101 *et. seq.* of the Code to issue bonds to for school purposes ("Authorized Projects"); and

WHEREAS, pursuant to Section 9-21-129(a) of the Code proceeds from the sale of bonds or notes issued pursuant to 9-21-101 *et. seq.* by a county for school capital outlay purposes must be shared with any municipal or special school district system within the county on the same basis as is provided in Section 49-3-1003 of the Code; and

WHEREAS, pursuant to Section 9-21-129(b) of the Code the governing body of any city may, by regularly adopted resolution, waive its right to all or a part of any funds due to it under the provisions of Section 9-21-129(b) of the Code; and

WHEREAS, the issuance of the Bonds pursuant to 9-21-101 *et. seq.* will require the payment of approximately 4.8930% of the proceeds of the Bonds (the "Kingsport Allocation") to the City of

Kingsport ("Kingsport") and approximately 7.3160% of the proceeds of the Bonds (the "Rogersville Allocation") to the City of Rogersville ("Rogersville") pursuant to Section 9-21-129(b) of the Code; and

WHEREAS, Kingsport has agreed to waive its rights to the Kingsport Allocation in return for an agreement from the County to pay for certain capital expenditures constituting Authorized Projects for and as directed by Kingsport with a value equal to the Kingsport Allocation;

WHEREAS, Rogersville has agreed to waive its rights to the Rogersville Allocation in return for an agreement from the County to pay for certain capital expenditures constituting Authorized Projects for and as directed by Rogersville with a value equal to the Rogersville Allocation;

WHEREAS, on the date hereof, the Governing Body of the County has adopted an Initial Resolution proposing the issuance of not to exceed \$19,500,000 in the aggregate principal amount of general obligation school bonds, the proceeds of which shall be used for the projects described in the Bond Resolution and payment of the costs of issuance of the bonds authorized herein; and

WHEREAS, the Initial Resolution, together with the notice required by Section 9-21-206 of the Code will be published as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County, as follows:

Section 1. Amendment of Bond Resolution. The Bond Resolution is hereby amended in all respects necessary to reflect that the Bonds are authorized to be issued under Sections 9-21-101 *et. seq.* of the Code and by deleting all such references to Section 49-3-1001 *et. seq.* of the Code. The Bond Resolution is further hereby amended to authorize the expenditure of the proceeds of the Bonds for the purposes provided in this resolution in lieu of granting the Kingsport Allocation and Rogersville Allocation.

Section 2. Initial Resolution. No Bonds shall be issued under the Bond Resolution until the publication of the Initial Resolution adopted on the date hereof, together with the statutory notice required by Section 9-21-206 of the Code, and twenty (20) days have elapsed following such publication, during

which no legally sufficient petition protesting the issuance of the Bonds has been filed with the County Clerk.

Section 3. Agreements Regarding City Projects. The County Mayor is hereby authorized to execute on behalf of the County an agreement with Kingsport and Rogersville, respectively, whereby the County will agree to pay for certain capital expenditures constituting Authorized Projects for and as directed by the Kingsport and Rogersville, respectively, with a value equal to the Kingsport Allocation and the Rogersville Allocation, respectively, in return for the agreements of Kingsport and Rogersville to waive their respective allocations pursuant to Section 9-21-129(b) of the Code.

Section 4. Additional Authorizations. All additional acts and doings of the County Mayor and County Clerk of the Municipality and any other representative or officer of the Municipality which are in conformity with the purposes and intent of this Resolution shall be and the same hereby are in all respects, approved and confirmed.

Section 5. Separability. 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 6. Repeal of Conflicting Resolutions and Effective Date. All other Resolutions and orders, or parts thereof, in conflict with the provisions of this Resolution, are, to the extent of such conflict, hereby repealed and this Resolution shall be in immediate effect from and after its adoption.



Adopted and approved this 27<sup>th</sup> day of July, 2009.

ATTEST:

/s/ \_\_\_\_\_  
County Mayor

/s/ \_\_\_\_\_  
County Clerk

STATE OF TENNESSEE     )

COUNTY OF HAWKINS     )

I, A. Carroll Jenkins, certify that I am the duly qualified and acting County Clerk of Hawkins County, Tennessee, and as such official I further certify that attached hereto is a copy of excerpts from the minutes of a regular meeting of July 27, 2009 of the governing body of the County; that these minutes were promptly and fully recorded and are open to public inspection; that I have compared said copy with the original minute record of said meeting in my official custody; and that said copy is a true, correct and complete transcript from said original minute record insofar as said original record relates to the County's agreements with Kingsport and Rogersville.

WITNESS my official signature and seal of said County this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
County Clerk

(SEAL)