

## ORDINANCE 09-2021

### **AN ORDINANCE OF THE CITY OF HOPKINSVILLE, KENTUCKY APPROVING A LEASE IN THE APPROXIMATE PRINCIPAL AMOUNT OF \$350,000 FOR THE FINANCING OF A SOLID WASTE FACILITY; PROVIDING FOR THE PAYMENT AND SECURITY OF THE LEASE; CREATING A SINKING FUND; AND AUTHORIZING THE EXECUTION OF VARIOUS DOCUMENTS RELATED TO SUCH LEASE**

**WHEREAS**, the City of Hopkinsville, Kentucky (the "City") has the power, pursuant to Section 65.940 et seq. of the Kentucky Revised Statutes 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; and

**WHEREAS**, the City Council of the City (the "City Council") has determined and hereby determines the necessity of financing the costs of a solid waste facility (the "Project"), all as further described in the Lease hereinafter described; and

**WHEREAS**, the City Council has determined and hereby determines that it is in the best interests of the City that the City and the Kentucky Bond Corporation (the "Lessor") enter into a Lease Agreement in an approximate amount of \$350,000 (the "Lease") for the leasing by the City from the Lessor of the Project.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY HOPKINSVILLE, KENTUCKY, AS FOLLOWS:**

**Section 1. Recitals and Authorization.** The City hereby approves the Lease Agreement (the "Lease"), in substantially the form presented to this City Council. The recitals to this Ordinance 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 the City 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 contained in the closing memorandum with respect to the Lease, or as may be required by the Lessor prior to delivery of the Lease, are hereby approved, ratified and confirmed. The Mayor and City Clerk of the City are 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. General Obligation Pledge.** Pursuant to the Constitution of the Commonwealth and Chapter 66 of the Kentucky Revised Statutes, as amended (the "General Obligation Statutes"), the obligation of the City created by the Lease shall be a full general obligation of the City and, for the prompt payment of the Lease Payments, the full faith, credit and revenue of the City are hereby pledged. During the period the Lease is outstanding, there shall be and there hereby is levied on all the taxable property in the City, in addition to all other taxes, without limitation as to rate, a direct tax annually in an amount sufficient to pay the Lease Payments on the Lease when and as due, it being hereby found and determined that current tax rates are within all applicable limitations. Said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers in the same manner and at the same time that taxes for general purposes for each of said years are certified, extended and collected. Said tax shall be placed before and in preference to all other

items and for the full amount thereof; provided, however, that in each year to the extent that the other taxes of the City are available for the payment of the Lease Payments and are appropriated for such purpose, the amount of such direct tax upon all of the taxable property in the City shall be reduced by the amount of such other taxes so available and appropriated.

It is acknowledged that there has heretofore been established, a sinking fund (the "Sinking Fund") with the City in accordance with the requirements of the Act, which is hereby ordered to be continued and maintained as long as the Lease shall remain outstanding. The funds derived from said tax levy hereby required or other available taxes shall be placed in the Sinking Fund and, together with interest collected on the same, are irrevocably pledged for the payment of all obligations issued under the General Obligation Statutes and all Tax Supported Leases, as defined in the General Obligation Statutes, including the Lease herein authorized, when and as the same fall due. Amounts shall be transferred from the Sinking Fund to the Lessor at the times and in the amounts required by the Lease.

**Section 3. Severability.** If any Section, paragraph or provision of this Ordinance 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 Ordinance.

**Section 4. Open Meetings Law.** This City Council hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this City Council, and that all deliberations of this City Council 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 Ordinance are, to the extent of such conflict, hereby repealed and the provisions of this Ordinance shall prevail and be given effect.

**Section 6. Effective Date.** This Ordinance shall take effect from and after its passage and publication of a summary thereof, as provided by law.

**Section 7. Reimbursement.** This Ordinance shall serve as a statement of intention by the City to reimburse itself for costs of the Project from proceeds of the Obligations pursuant to Treas. Reg. § 1.150-2 in an aggregate principal amount not to exceed \$350,000.

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**ORDINANCE 09-2021  
SOLID WASTE BOND**

**PUBLICLY READ AND PASSED FIRST TIME:** \_\_\_\_\_

**PUBLICLY READ AND PASSED SECOND TIME:** \_\_\_\_\_

**APPROVED:** \_\_\_\_\_  
**Wendell A. Lynch**  
**Mayor**

**ATTEST:** \_\_\_\_\_  
**Christine M. Fletcher, MMC**  
**City Clerk**

**CERTIFICATION**

I, the undersigned, do hereby certify that I am the duly qualified and acting City Clerk of the City of Hopkinsville, Kentucky and as such City Clerk, I further certify that the foregoing is a true, correct and complete copy of an Ordinance as appears to me in the official records of the City of Hopkinsville, Kentucky, duly adopted by said City Council at a duly convened meeting held on the date set forth therein, signed by the Mayor, duly filed, recorded and indexed in my office and now in force and effect, and that all action taken in connection with such Ordinance was in compliance with the requirements of Kentucky law, all as appears from the official records of said City Council in my possession and under my control.

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
City Clerk