

RESOLUTION NO. ___-2011

A RESOLUTION AUTHORIZING SEDGWICK COUNTY, KANSAS TO ENTER INTO A BASE LEASE WITH THE SEDGWICK COUNTY PUBLIC BUILDING COMMISSION, WHEREBY THE COUNTY WILL LEASE CERTAIN PROPERTY TO THE PUBLIC BUILDING COMMISSION AND ENTER INTO A LEASE WHEREBY THE COUNTY WILL LEASE FROM THE PUBLIC BUILDING COMMISSION CERTAIN PUBLIC FACILITIES AND BUILDINGS FOR USE BY SEDGWICK COUNTY, KANSAS; APPROVING THE FORM OF SAID BASE LEASE AND LEASE; AND AUTHORIZING THE EXECUTION THEREOF AND CERTAIN RELATED DOCUMENTS.

WHEREAS, the Board of County Commissioners (the "Board") of Sedgwick County, Kansas (the "County") under the authority of K.S.A. 12-1757 *et seq.*, as amended by Charter Resolution Nos. 45 and 48 of the County (jointly the "Act"), has heretofore created The Sedgwick County Public Building Commission, a municipal corporation of the State of Kansas (the "PBC"); and

WHEREAS, pursuant to the Act, the PBC is authorized to issue revenue bonds to finance the acquisition of a site or sites for constructing, reconstructing, equipping and furnishing a building or buildings or other facilities of a revenue producing character, including parking facilities, or for purchasing or otherwise acquiring such site or sites, building or buildings or facilities ("Land and Facilities"); and

WHEREAS, pursuant to Resolution No. 117-2011, the Board declared it advisable to: (a) design, construct and equip a radio communications network; (b) design, construct, reconstruct, equip and furnish emergency medical service facilities; and (c) design, construct, reconstruct, equip and furnish fire stations for Fire District No. 1 (the "Fire Station Improvements," and collectively, the "Projects"); and requested that the PBC provide for the financing of a portion of the costs of the Projects and associated costs of issuance and any necessary reserves by the issuance of PBC revenue bonds; and

WHEREAS, the PBC, pursuant to its Resolution No. 2011-1, declared an intent to design, construct, equip and finance the Projects and to issue revenue bonds in one or more series in an aggregate principal amount not to exceed \$31,950,000, provided for publication as required by the Act and no sufficient protest was filed against the Projects or such revenue bonds in accordance with the provisions of the Act; and

WHEREAS, pursuant to Resolution No. 171-2011, the Board requested that the PBC proceed to sell or more series of its Sedgwick County Public Building Commission Revenue Bonds (Sedgwick County Projects), in a approximate principal amount of \$12,650,000 (the "Bonds") in order to finance the Projects, other than the Fire Station Improvements (the "Facility"); and

WHEREAS, the PBC has advertised for sale the Bonds and has received bids therefore; and

WHEREAS, in order to secure the repayment of the Bonds, the Board hereby determines that it is in the best interest of the County that the County and the PBC enter into a Base Lease (the "Base Lease") whereby the County leases certain real property (the "Land") to the PBC and a Lease (the "Lease") to

provide for the acquisition and construction of the Facility and the leasing of the Land and the Facility by the PBC to the County (the Land and Facility collectively, the "Project").

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

SECTION 1. Findings; Approval of Bonds. The County hereby finds and determines, pursuant to the Act, that: (a) designing, constructing and equipping the Facility; (b) leasing the Land to the PBC pursuant to the Base Lease; (c) leasing the Project from the PBC under the terms and provisions set forth in the Lease; and (d) the issuance of the Bonds at the interest rates and terms received by the PBC this date to finance the costs of the Project, are necessary, convenient and in furtherance of the governmental purposes of the County.

SECTION 2. Approval of Leases. The Base Lease and Lease, in substantially the form presented to this meeting of the Board, is in all material respects approved, authorized and confirmed. The Chairman and the County Clerk are hereby authorized and directed to affix their signatures and the seal of the County to the Lease, for and on behalf of the County, with such changes therein as the County Counselor may deem necessary or appropriate.

SECTION 3. Further Action. The Chairman, County Clerk and Chief Financial Officer are hereby authorized to execute any and all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the intent of this Resolution. All action heretofore taken (not inconsistent with the provisions of this Resolution) by the County or the officials of the County, directed toward the acquisition, construction and equipping of the Project, or the leasing of the Project from the PBC, are hereby ratified, approved and confirmed.

SECTION 5. Effective Date. This resolution shall be effective from and after its adoption by the Board.

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ADOPTED AND APPROVED by the Board of County Commissioners of Sedgwick County, Kansas, on September 21, 2011.

Commissioners present and voting were:

DAVID M. UNRUH _____
TIM R. NORTON _____
KARL PETERJOHN _____
RICHARD RANZAU _____
JAMES B. SKELTON _____

**BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS**

(Seal)

DAVID M. UNRUH, Chairman
Commissioner, First District

ATTEST:

TIM R. NORTON, Chair Pro Tem
Commissioner, Second District

KELLY B. ARNOLD, County Clerk

KARL PETERJOHN
Commissioner, Third District

APPROVED AS TO FORM:

RICHARD RANZAU
Commissioner, Fourth District



RICHARD A. EUSON
County Counselor

JAMES B. SKELTON
Commissioner, Fifth District

**EXCERPT OF MINUTES OF A MEETING
OF THE BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS
HELD ON SEPTEMBER 21, 2011**

The Board of County Commissioners (the "Board") of Sedgwick County, Kansas (the "County"), met in regular session at the County Commission Meeting Room at 9:00 A.M. The Chairman, David M. Unruh, presided and the following members of the Board were present:

The following members were absent:

The Chairman declared that a quorum was present and called the meeting to order.

(Other proceedings)

Thereupon, there was presented a Resolution entitled:

A RESOLUTION AUTHORIZING SEDGWICK COUNTY, KANSAS TO ENTER INTO A BASE LEASE WITH THE SEDGWICK COUNTY PUBLIC BUILDING COMMISSION, WHEREBY THE COUNTY WILL LEASE CERTAIN PROPERTY TO THE PUBLIC BUILDING COMMISSION AND ENTER INTO A LEASE WHEREBY THE COUNTY WILL LEASE FROM THE PUBLIC BUILDING COMMISSION CERTAIN PUBLIC FACILITIES AND BUILDINGS FOR USE BY SEDGWICK COUNTY, KANSAS; APPROVING THE FORM OF SAID BASE LEASE AND LEASE; AND AUTHORIZING THE EXECUTION THEREOF AND CERTAIN RELATED DOCUMENTS.

The Resolution was considered and discussed; and on motion of COMMISSIONER _____, seconded by COMMISSIONER _____, the Resolution as a whole was adopted by the following roll call vote:

Aye:

Nay:

Thereupon, the Resolution having been adopted by a majority vote of the members of the Board, was given No. ___-2011, was directed to be signed by the Commissioners and attested by the County Clerk; and the County Clerk was further directed to cause a copy of the Resolution to be delivered to the Secretary of the Sedgwick County Public Building Commission.

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