

(Published in the *Colby Free Press* on September 17, 2020,  
and subsequently on September 24, 2020)

**RESOLUTION NO. 2020-17**

**A RESOLUTION OF THOMAS COUNTY, KANSAS, DETERMINING THE  
ADVISABILITY OF FINANCING THE ACQUISITION, CONSTRUCTION,  
INSTALLATION, IMPROVEMENT AND EQUIPPING OF COURTHOUSE  
IMPROVEMENTS BY THE EXECUTION AND DELIVERY OF A LEASE  
PURCHASE AGREEMENT.**

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**WHEREAS**, the Board of County Commissioners (the “Governing Body”) of Thomas County, Kansas (the “County”) has considered the need of the County and its residents for the acquisition, construction, installation, improvement, and equipping of upgrades and improvements to the County Courthouse and improvements related thereto (the “Improvements”), and have found and determined that the acquisition of the Improvements is in the public interest; and

**WHEREAS**, the Governing Body has considered various means of financing the acquisition of the Improvements, and has found and determined that it would be in the public interest to acquire the Improvements through the execution and delivery of a Lease Purchase Agreement; and

**WHEREAS**, pursuant to K.S.A. 19-101 *et seq.*, and subject to the conditions set forth in K.S.A. 10-1116c, the County has legal authority to authorize the acquisition of the Improvements and the financing of such acquisition through the execution and delivery of a Lease Purchase Agreement.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THOMAS COUNTY, KANSAS;**

**Section 1. Authorization to Acquire, Construct and Equip the Improvements.** The County is hereby authorized to complete final plans and specifications and to contract for the acquisition, construction, installation, improvement, and equipping of the Improvements, at an estimated cost of not to exceed \$2,650,000.

**Section 2. Intent to Enter into Lease Purchase Agreement.** The Governing Body shall commence negotiations to enter into a Lease Purchase Agreement (the “Lease”) to provide financing for the acquisition, construction, installation, improvement, and equipping of the Improvements, which Lease shall contain such terms, conditions and provisions as shall be acceptable to the Governing Body. D.A. Davidson & Co. (the “Placement Agent”) is hereby designated as the agent for the County for the purpose of entering into such negotiations with a suitable lessor.

**Section 3. Conditions to Execution and Delivery of Lease and Issuance of Certificates of Participation.** The execution and delivery of the Lease is subject to the publication and protest period requirements of K.S.A. 10-1116c, adoption of a Resolution approving the forms and authorizing the execution of the Lease and execution and delivery of such legal documents as may be necessary in connection with it, the terms of which shall be satisfactory to the Governing Body and to the lessor named therein.

**Section 4. Expenditure of Funds in Anticipation of Financing.** In order to permit and expedite the acquisition, construction, installation, improvement, and equipping of the Improvements and realization of the public benefits to be derived from it, the County may expend lawfully available funds prior to execution and delivery of the Lease, which may be reimbursed upon execution and delivery of the Lease.

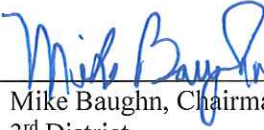
**Section 5. Declaration of Official Intent.** This Resolution shall constitute a declaration of official intent under Treasury Regulation Section 1.150-2.

**Section 6. Total of Payments; Publication of Resolution.** The expected total of all payments to be made by the County pursuant to the Lease (excluding amounts required for maintenance, taxes or insurance on the Improvements) is \$3,152,000. The County Clerk is hereby authorized and directed to publish this Resolution once each week for 2 consecutive weeks in a newspaper of general circulation within the boundaries of the County. If a protest petition signed by not less than 5% of the qualified voters of the County, as determined by the vote for secretary of state at the last general election, is filed with the County election officer within 30 days following the last publication of this Resolution, the proposed Lease shall not take effect unless approved by a majority of the qualified voters of the County voting at an election to be held thereon as prescribed in K.S.A. 10-1116c.

**Section 7. Further Authority.** The officials of the County, the Placement Agent, the County Attorney, Gilmore & Bell, P.C., the County's bond counsel, and other consultants are authorized to proceed with the planning and document preparation of the Improvements, the Lease and other legal documents necessary in order to comply with the intent of this resolution, subject to final approval of such documents by the Governing Body.

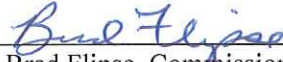
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**ADOPTED** by the Board of County Commissioners on September 14, 2020.



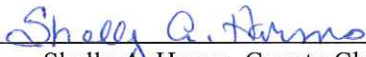
Mike Baughn, Chairman  
3<sup>rd</sup> District



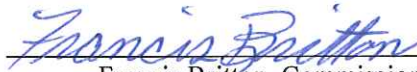


Brad Flipse, Commissioner  
1<sup>st</sup> District

**ATTEST:**



Shelly A. Harms, County Clerk

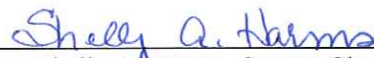


Francis Britton, Commissioner  
2<sup>nd</sup> District

**CERTIFICATE**

I hereby certify that the above and foregoing is a true and correct copy of the Resolution of the County adopted by the Board of County Commissioners on September 14, 2020, as the same appears of record in my office.

DATED: September 14, 2020.



Shelly A. Harms, County Clerk

**CERTIFICATE OF COUNTY ELECTION OFFICER**

STATE OF KANSAS            )  
  ) ss:  
COUNTY OF THOMAS        )

I, the undersigned County Clerk of Thomas County, Kansas, do hereby certify that I have reviewed a copy of Resolution No. 2020-17 of the governing body of Thomas County, Kansas, adopted on September 14, 2020, declaring the intent of the County to enter into a financing arrangement involving a Lease Purchase Agreement and the delivery thereof in an amount not to exceed \$2,650,000. Such Resolution was published in the *Colby Free Press* on September 17, 2020 and September 24, 2020 and no sufficient protest was submitted in my office against the Improvements, or the Lease Purchase Agreement, as provided by K.S.A. 10-1116c.

WITNESS my hand and official seal on October 27, 2020.

(Seal)



Sheeg A. Harms  
County Clerk