

**RESOLUTION NO. 2016-34**

**A RESOLUTION AMENDING RESOLUTION NO. 2015-33 OF THE GOVERNING BODY OF LEAVENWORTH COUNTY, KANSAS, AND PROVIDING FOR SUBSTITUTE IMPROVEMENTS TO BE FINANCED WITH THE PROCEEDS OF THE COUNTY'S GENERAL OBLIGATION SALES TAX BONDS, SERIES 2015.**

**WHEREAS**, the governing body of Leavenworth County, Kansas (the "County") adopted Resolution No. 2016-32 and Resolution No. 2016-33 (jointly, the "Project Resolution") on October 27, 2016 authorizing the making of certain Economic Development Contributions to the Leavenworth County Port Authority and/or the Cities of Tonganoxie and Leavenworth, respectively, and providing for the issuance of general obligation bonds to pay the costs thereof; and

**WHEREAS**, the governing body of the County adopted Resolution No. 2015-33 (the "Bond Resolution") on September 3, 2015 authorizing the issuance of and prescribing the form and details of the County's General Obligation Sales Tax Bonds, Series 2015, dated September 24, 2015 (the "Bonds"); and

**WHEREAS**, the Bond Resolution provides that the County may use the proceeds of the Bonds deposited in the Project Fund established by the Bond Resolution for paying the costs of the Project described in the Bond Resolution and any additional or substitute Projects deemed advisable by the County; and

**WHEREAS**, the Bond Resolution further provides that the County may elect for any reason to substitute or add other public improvements to be financed with proceeds of the Bonds (the "Substitute Project"); and

**WHEREAS**, the governing body of the County hereby deems it necessary and appropriate to expand the purposes for which up to \$6,000,000 of the proceeds of the Bonds may be used to pay costs of Economic Development Contributions, all as further described in this Resolution.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF LEAVENWORTH COUNTY, KANSAS, AS FOLLOWS:**

**Section 1.** Subject to *Section 2* of this Resolution, the governing body of the County hereby authorizes and directs the use of proceeds of the Bonds in the principal amount of not to exceed \$6,000,000 to pay a portion of the costs of the Economic Development Contributions (the "Substitute Project").

**Section 2.** No proceeds from the Bonds shall be used to pay the costs of the Economic Development Contributions until: (1) the Attorney General of the State of Kansas has approved the amendment made by this resolution to the transcript of proceedings for the Bonds to include the Substitute Project and (2) the County has certified that the use of the proceeds of the Bonds to pay the costs of the Substitute Project will not adversely affect the tax-exempt status of the Bonds under State or federal law.

**Section 3.** The officers and officials of the County, including the Chairman and County Clerk, are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Resolution, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

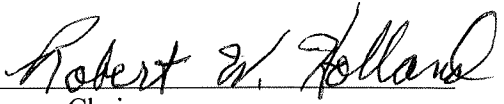
**Section 4.** Resolution No. 2015-33, as amended by this Resolution, is hereby ratified and confirmed and shall remain in full force and effect.

**Section 5.** This Resolution shall take effect and be in full force upon its adoption by the governing body of the County.

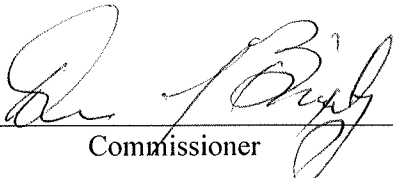
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ADOPTED by the governing body of the County on October 27, 2016.

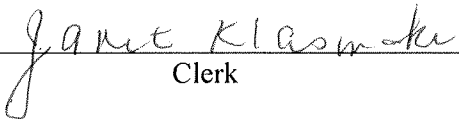
(SEAL)

  
Chairman

  
Commissioner

  
Commissioner

ATTEST:

  
Clerk

**EXCERPT OF MINUTES OF A MEETING  
OF THE GOVERNING BODY OF  
LEAVENWORTH COUNTY, KANSAS  
HELD ON OCTOBER 27, 2016**

The Board of County Commissioners met in regular session at the usual meeting place in the County, at 10:16 A.M., the following members being present and participating, to-wit:

Present: Chairman Robert W. Holland, Commissioner Clyde D. Graeber, Commissioner Dennis Bixby

Absent: None

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

\* \* \* \* \*

(Other Proceedings)

Thereupon, there was presented for consideration a Home Rule Resolution entitled:

**A RESOLUTION AMENDING RESOLUTION NO. 2015-33 OF THE GOVERNING BODY OF LEAVENWORTH COUNTY, KANSAS, AND PROVIDING FOR SUBSTITUE IMPROVEMENTS TO BE FINANCED WITH THE PROCEEDS OF THE COUNTY'S GENERAL OBLIGATION SALES TAX BONDS, SERIES 2015.**

Thereupon, Commissioner Dennis Bixby moved that said Resolution be adopted. The motion was seconded by Commissioner Clyde D. Graeber. Said Resolution was duly read and considered, and upon being put, the motion for adoption was carried by the vote of the Board of County Commissioners, the vote being as follows:

Aye: Robert W. Holland, Clyde D. Graeber, Dennis Bixby

Nay: None

Thereupon, the Chairman declared said Resolution duly adopted and the Resolution was then duly numbered Resolution No. 2016-34, was signed by the Chairman and attested by the Clerk.

\* \* \* \* \*

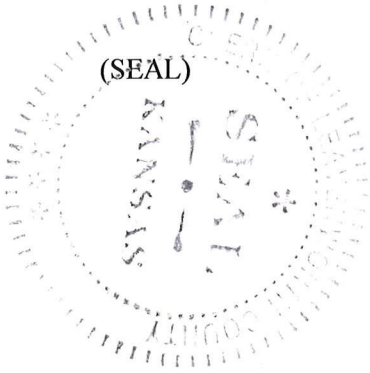
(Other Proceedings)

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On motion duly made, seconded and carried, the meeting thereupon adjourned.

**CERTIFICATE**

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the Board of County Commissioners of Leavenworth County, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.



Jane Klasinski  
Clerk