

(Published in The Atchison Daily Globe, November 5, 1993)

**RESOLUTION NO. 1110**

**A RESOLUTION AUTHORIZING ATCHISON COUNTY, KANSAS TO EXECUTE AND DELIVER AN EQUIPMENT LEASE PURCHASE AGREEMENT, UPON THE TERMS AND CONDITIONS SET FORTH THEREIN, FOR THE PURPOSE OF ACQUIRING CERTAIN EMERGENCY DISPATCHING EQUIPMENT**

**WHEREAS**, under the constitution and statutes of the state of Kansas, particularly Article 12, §5 of the Kansas Constitution and K.S.A. 12-101, Atchison County, Kansas (the "Lessee") is empowered to enter into certain leases, lease purchase agreements and installment purchase agreements for the lease and/or acquisition of property; and

**WHEREAS**, K.S.A. 10-1116b provides in pertinent part that nothing in the provisions of K.S.A. 10-1101 *et seq.* (Kansas Cash Basis Law) shall prohibit a municipality from entering into a lease agreement, with or without an option to buy, or an installment-purchase agreement, if any of such agreements specifically state that the municipality is obligated only to pay periodic payments or monthly installments under the agreement as may lawfully be made from (a) funds budgeted and appropriated for that purpose during such municipality's current budget year or (b) funds made available from any lawfully operated revenue producing source; and

**WHEREAS**, the Lessee has immediate need for certain emergency dispatching equipment to be used by the Lessee to further its governmental and public purposes as established by law, but does not have sufficient moneys on hand legally available to purchase the Equipment (as defined herein) for its use; and

**WHEREAS**, for purposes of financing the acquisition of the Equipment, the Lessee has determined and hereby determines that it is in the best interest of the Lessee that the Lessee and First National Bank of Louisburg enter into an Equipment Lease Purchase Agreement to be dated as of November 1, 1993 (the "Lease"), providing for the leasing of the Equipment by the Lessee from First National Bank of Louisburg (the "Lessor");

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF ATCHISON COUNTY, KANSAS:**

**SECTION 1.** All action heretofore taken (not inconsistent with the provisions of this Resolution) by the governing body or the officials of the Lessee, directed toward the acquisition of the Equipment from the Lessor, is hereby ratified, approved and confirmed.

SECTION 2. The Lessee hereby finds and determines, pursuant to the constitution and laws of the state of Kansas, that leasing the Equipment from the Lessor under the terms and provisions set forth in the Lease are necessary, convenient and in furtherance of the public and governmental purposes of the Lessee and are in the best interests of the Lessee, and the Lessee hereby authorizes such leasing of the Equipment, under the terms and provisions of the Lease.

SECTION 3. The Lease, in substantially the form presented to this meeting of the governing body, is in all respects approved, authorized and confirmed, and the Chairman of the Board of County Commissioners and the County Clerk are hereby authorized and directed to sign and affix the seal of the Lessee to the Lease, for and on behalf of the Lessee, but with such changes therein as the Chairman may deem necessary or appropriate, as evidenced by signature thereof.

SECTION 4. The Chairman of the Board of County Commissioners, the County Clerk and other officials of the governing body are hereby authorized to execute and deliver for and on behalf of the Lessee any and all additional certificates, documents and other papers and to perform all other acts that they may deem necessary or transactions and other matters authorized by this Resolution. The appropriate officials of the Lessee are authorized to execute on behalf of the Lessee agreements concerning the deposit and investment of funds in connection with the transactions contemplated by this Resolution.

SECTION 5. No provision of this Resolution or the Lease shall be construed as creating or constituting a general obligation or other indebtedness of the Lessee. The Lessee shall have no obligation to make any payment with respect to the Certificates except in connection with the payment of the Rental Payments (as defined in the Lease) and certain other payments under the Lease, subject to annual appropriation in accordance with the provisions of the Lease.

SECTION 6. If any section, paragraph, clause or provision of this Resolution (other than provisions as to the payment of Rental Payments by the Lessee during the term of the Lease, provisions for the quiet enjoyment of the Equipment by the Lessee during the term of the Lease, and provisions of the conveyance of the Equipment to the Lessee under the conditions provided in the Lease) shall for any reason be held to be invalid or unenforceable such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution. The authority granted to any official of the Lessee to sign, approve or deliver any document may be exercised by any official authorized by law to perform such official's duties if such official is absent or otherwise unable to perform such act.

SECTION 7. The Lessee hereby designates the Lease as a "qualified tax-exempt obligation" as such term is defined in Section 265 (b)(3) of the Internal Revenue Code of 1986 (the "Code"), and with respect to said designation certifies as follows:

(a) the reasonably anticipated amount of tax-exempt obligations (other than private activity bonds) which will be issued by the Lessee during current calendar year, including the Lease, does not exceed \$10,000,000; and

(b) the aggregate principal amount of obligations designated by the Lessee to be "qualified tax-exempt obligations" during the current calendar year, including the Lease, does not exceed \$10,000,000.

SECTION 8. This Resolution shall be in full force and effect upon its adoption by a majority of the governing body of the Lessee, its signature by the Chairman of the Board of County Commissioners, and its subsequent publication once in the official county newspaper, as provided by law.

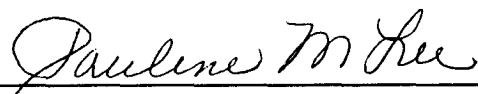
**PASSED** by the governing body this 3rd day of November, 1993.

**SIGNED** by the Chairman of the Board of County Commissioners this 3rd day of November, 1993.

(Seal)

  
Susie Dickman  
Chairman, Board of County Commissioners

ATTEST:

  
Pauline McKee  
County Clerk