

RESOLUTION # 18

RESOLUTION OF THE QUARTERLY COUNTY COURT OF WEAKLEY COUNTY, TENNESSEE, AUTHORIZING THE EXECUTION AND ISSUANCE OF INTEREST BEARING CAPITAL OUTLAY NOTE(S) IN AN AMOUNT NOT TO EXCEED \$137,000.00 BY WEAKLEY COUNTY, TENNESSEE, AND PROVIDING FOR THE RETIREMENT OF SAID NOTE(S).

WHEREAS, the need has arisen for an expanded highway and bridge construction program in Weakley County, and:

WHEREAS, in order to provide funds which are in addition to anticipated revenues of the 1971-72 fiscal year it will be necessary to issue notes in the amount of \$137,000.00.

WHEREAS, it is anticipated \$137,000.00 in addition to revenues of the 1971-72 fiscal year will be needed to purchase needed heavy equipment and machinery to expedite the expanded program, and:

WHEREAS, under the provisions of Section 5-1031 to 5-1039, inclusive, of the Tennessee Code Annotated, counties in Tennessee are authorized through their respective Quarterly County Court, upon approval by the Tennessee State Director of Local Finance to issue interest bearing capital outlay notes, maturing not more than three years from date of issue for the purpose stated above, and:

WHEREAS, it appears advantageous to Weakley County, at this particular time to issue capital outlay not(s) to finance the County highway construction program.

NOW, THEREFORE, BE IT RESOLVED by the Quarterly County Court of Weakley County, Tennessee, as follows:

SECTION 1. That, for the purpose of providing funds for the purchase of heavy machinery and equipment, there shall be issued negotiable interest bearing capital outlay note(s) of Weakley County, Tennessee, in the total principal amount of \$137,000.00. That, said note(s) shall be designated "Capital Outlay Note(s)" and shall be numbered serially beginning with the number 1. Each of said note(s) shall be dated as of the date of the issuance thereof, shall mature not later than three years thereafter and shall be of such denomination as may be agreed upon by the County Judge and the purchaser(s) of said note(s).

SECTION 2. That, said note(s) shall bear interest at a rate not in excess of 5 per cent (5%) per annum, payable semi-annually each six months afterdate of issue. Both principal of and interest on said notes shall be payable in lawful money of the United States of America at the office of the Weakley County, Trustee, Dresden, Tennessee. The county reserves the right to pay said note(s), in whole or in part, at any time with accrued interest to date of said payment.

SECTION 3. That, although the full faith and credit of Weakley County is pledged for payment of principal and interest it is expressly understood that all such payments are to be made from funds of the Weakley County Highway Department.

SECTION 4. That, said note shall be executed and signed in the name of Weakley County, Tennessee, by the County Judge and attested by the County Court Clerk, with the seal of the County attached thereto.

SECTION 5. That, said notes shall be in substantially the following form:

(Form of Note)
STATE OF TENNESSEE
COUNTY OF WEAKLEY
CAPITAL OUTLAY NOTE

No. 1

\$ _____

KNOW ALL MEN BY THESE PRESENT: That the County of Weakley in the State of Tennessee, hereby acknowledges itself to owe and for value received hereby promises to pay to the bearer the sum of \$ _____ on or before _____, 19 _____, together with interest on the unpaid principal amount hereof from the date hereof until paid at the rate of _____ per cent (_____ %) per annum, payable on _____ day of _____, 19 _____, and semi-annually thereafter on the _____ day of _____ each year. Both principal hereof and interest hereon are payable at the office of the Weakley County Trustee, Dresden, Tennessee, in lawful money of the United States of America. For the prompt payment of this obligation, both principal and interest at maturity, the full faith, credit and other resources of said county are hereby irrevocable pledged.

This note(s) is issued by said county for the purpose of providing funds for the purchase of heavy machinery and equipment for the County Highway Department and is in all respects in compliance with and under the authority of Sections 5-1031 to 5-1039, inclusive, of the Tennessee Code Annotated, and under authority of proceedings duly adopted by the Quarterly County Court of Weakley County, Tennessee, meeting in regular session on the 12th day of July, 1971.

RESOLUTION # 18 (CONTINUED)

And it is hereby certified and recited that all acts, conditions and things required by the Constitution and by the laws of the State of Tennessee to exist, or to be done precedent to and in the issuance of this obligation, do exist, and have been properly done, happened, and been performed in regular and due form and time as required by law; and that provision has been made to pay the principal and interest hereon as same falls due.

Section 5-1039 of the Tennessee Code Annotated provides that neither the principal nor the interest of capital outlay note(s) issued pursuant to the provisions of Section 5-1031 to 5-1039, inclusive, of the Tennessee Code Annotated shall be taxed by the State of Tennessee or by any county or municipality therein.

This note is subject to prepayment at the option of Weakley County in whole or in part together with accrued interest to date of said payment.

IN WITNESS WHEREOF, the County of Weakley, through its Quarterly County Court has caused the Capital Outlay Note(s) to be signed by its County Judge and attested by its County Court Clerk under the seal of his office on this _____ day of _____, 19____.

County Judge

Attested:

County Court Clerk

SECTION 6. That, the Capital Outlay Note(s) heretofore herein described shall not be issued or executed until after the approval of the Tennessee State Director of Local Finance has been obtained as required by Sections 5-1031 to 5-1039, inclusive, of the Tennessee Code Annotated.

SECTION 7. That, the Capital Outlay Note(s) heretofore herein described shall not be sold for less than par and accrued interest.

SECTION 8. That, if any of said capital outlay note(s) shall remain unpaid at the end of three (3) years from the date of issuance of same the balance of principal and/or interest owed by Weakley County on same shall be converted to bonds as provided by Sections 9-1101 to 9-1119, inclusive, of the Tennessee Code Annotated or otherwise liquidated as approved by the State Director of Local Finance in compliance with statutes relating to the issuance of notes and bonds.

SECTION 9. That, the proceeds of said note(s) shall be turned over to the County Trustee of Weakley County and shall be paid out for the purposes and in the manner required by law and this resolution.

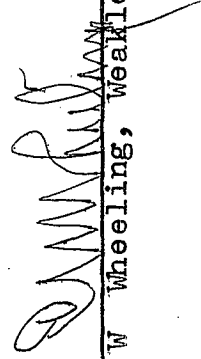
SECTION 10. That, all orders or resolutions in conflict herewith be and the same hereby repealed insofar as such conflict exists and this resolution shall become effective immediately upon its passage.

Motion made by Esq. Tom C. Copeland and seconded by Esq. John E. Harris, Jr. that Resolution # 18, 1971-72, Authorizing the authority to buy bonds be adopted. Upon being put to a roll call vote Column 4, page 119 Roll Call Journal: Motion Adopted:

VOTING:
AYE: - 17
NAY - 3
ABSENT- 1

Duly passed and approved this 12th day of July, 1971.

There being no further business, Esq. Joe C. Hunt made a motion for the Weakley County Quarterly Court adjourn its July, 1971 term. Motion was duly seconded by Esq. Viron P. Beard.


E. W. Wheeling, Weakley County Judge