

**RESOLUTION NO. 2020-46****RESOLUTION OF THE GOVERNING BODY OF WEAKLEY COUNTY, TENNESSEE,  
AUTHORIZING THE ISSUANCE, SALE, AND REPAYMENT OF THREE-YEAR  
INTERFUND LOAN CAPITAL OUTLAY NOTES, SERIES 2020, IN AN AMOUNT NOT  
TO EXCEED \$521,661.00.**

**WHEREAS**, the Board of Commissioners (the “Board”), of Weakley County, Tennessee (the “County”) has determined that it is necessary and desirable to provide funds for the renovation, improvement, and other legal, fiscal, administrative, and engineering costs associated with the following project(s) (the “Project”): Weakley County Courthouse renovation; and

**WHEREAS**, the County has determined that the Project will promote or provide a traditional governmental activity or otherwise fulfill a public purpose; and

**WHEREAS**, under the provisions of Parts I, IV, and VI of Title 9, Chapter 21, Tennessee Code Annotated (the “Act”), local governments in Tennessee are authorized to finance the cost of this Project through the issuance and sale of interest bearing capital outlay notes upon the approval of the Comptroller of the Treasury or Comptroller’s Designee; and

**WHEREAS**, the County finds that it is advantageous to the Local Government to authorize the issuance of capital outlay notes to finance the cost of the Project;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF WEAKLEY COUNTY, TENNESSEE, AS FOLLOWS:**

Section 1. That, for the purpose of providing funds to finance the cost of the Project in and for the Local Government, the County Mayor of the County (the “County Mayor”) is hereby authorized in accordance with the terms of this resolution to issue and sell interest-bearing capital outlay notes in a principal amount not to exceed five hundred twenty-one thousand, six hundred sixty-one dollars and zero cents (\$521,661.00) (the “Notes”) at either a competitive public sale or at a private negotiated sale upon approval of the Comptroller of the Treasury or Comptroller’s Designee pursuant to the terms, provisions, and conditions permitted by law. The Notes shall be designated “Three-Year Interfund Loan Capital Outlay Notes, Series 2020,” shall be dated as of the date of issuance, shall be in denomination(s) as agreed upon by the legislative governing body, shall be sold at not less than 99% of par value and accrued interest, and shall bear interest at a rate or rates not to exceed zero percent (0.00%) per annum, and in no event shall the rate exceed the legal limit provided by law.

Section 2. That, the Notes shall mature not later than three (3) years after the date of issuance and that the Notes and any extension or renewal notes shall not exceed the reasonably expected economic life of the Project, which is hereby certified by the Board of Commissioners of Weakley County, Tennessee to be at least five years. Provided, however, that each year [fiscal year after the fiscal year of issue] the Notes are outstanding, one-third (1/3), [but in no event not less than one-ninth (1/5)], of the original principal amount of the Notes shall mature without renewal but subject to prior redemption.

Section 3. That, the Notes shall be subject to redemption at the option of the County, in whole or in part, at any time, at the principal amount and accrued interest to the date of redemption,

without a premium, or, if sold at par, with or without a premium of not exceeding one percent (1%) of the principal amount.

Section 4. That, the Notes shall be direct general obligations of the County, for which the punctual payment of the principal and interest on the notes, the full faith and credit of the County is irrevocably pledged and the County hereby pledges its taxing power as to all taxable property in Weakley County for the purpose of providing funds for the payment of principal of and interest on the Notes.

Section 5. That, the Notes shall be executed in the name of the County and bear the manual signature of the County Mayor of Weakley County and the manual signature of the County Clerk with the Weakley County seal affixed thereon; and shall be payable as to principal and interest at the office of the Director of Finance of Weakley County or the paying agent duly appointed by the County. Proceeds of the Notes shall be deposited with the Trustee of Weakley County and shall be paid out for the purpose of financing the Project pursuant to this Resolution and as required by law.

Section 6. That, the Notes will be issued in fully registered form and that at all times during which any Notes remain outstanding and unpaid, the County or its agent shall keep or cause to be kept at its office a note register, if held by an agent of the County, shall at all times be open for inspection by the County or any duly authorized officer of Weakley County. Each Note shall have the qualities and incidents of a negotiable instrument and shall be transferable only upon the note register kept by the County or its agent, by the registered owner of the Note in person or by the registered owner's attorney duly authorized in writing, upon presentation and surrender to the County or its agent together with a written instrument of transfer satisfactory to the County duly executed by the registered owner of the registered owner's duly authorized attorney. Upon the transfer of any such Note, the County shall issue in the name of the transferee a new registered note or notes of the same aggregate principal amount and maturity as the surrendered Notes. The County shall not be obligated to make any such Note transfer during the fifteen (15) days next preceding an interest payment date of the Notes or, in the case of any redemption of the Notes, during the forty-five (45) days next preceding the date of redemption.

Section 7. That, the Notes shall be in substantially the form authorized by the State Comptroller of the Treasury or Comptroller's Designee and shall recite that the Notes are issued pursuant to Title 9, Chapter 21, Tennessee Code Annotated which is Attachment 1 to this resolution.

Section 8. That, the Notes shall be sold only after the receipt of the written approval of the Comptroller of the Treasury or Comptroller's Designee for the sale of the Notes.

Section 9. That the Notes may be designated as qualified tax-exempt obligations for the purpose of Section 265(b) (3) of the Internal Revenue Code of 1986.

Section 10. That, after the sale of the Notes, the fiscal affairs of the County shall be maintained on a cash basis in order that the current receipts of the County are sufficient to meet current expenditures and debt service. For each year that any of the notes are outstanding, the County shall prepare an annual budget in a form consistent with accepted governmental standards and as approved by the Comptroller of the Treasury or Comptroller's Designee. The County shall maintain a balanced budget during the life of the notes. The annual budget shall be submitted to the Comptroller of the Treasury or Comptroller's Designee immediately upon its adoption;

however, it shall not become the official budget for the fiscal year until such budget is approved by the Comptroller of the Treasury or Comptroller's Designee in accordance with Title 9, Chapter 21, Tennessee Code Annotated (the "Statutes".) If the Comptroller of the Treasury or Comptroller's Designee determines that the budget does not comply with the Statutes, the Board of Commissioners of Weakley County, Tennessee shall adjust its estimates or make additional tax levies sufficient to comply with the Statutes, or as directed by the Comptroller of the Treasury or Comptroller's Designee. The Local Government shall provide any information required by the Comptroller of the Treasury or Comptroller's Designee to determine that a balanced budget is kept during the life of the notes.

Section 11. That, all orders or resolutions in conflict with this Resolution are hereby repealed insofar as such conflict exists and this Resolution shall become effective immediately upon its passage.

**BE IT FURTHER RESOLVED**, that this resolution shall be spread upon the minutes of the Board of County Commissioners and that all resolutions of the Board of County Commissioners of Weakley County, Tennessee, which are in conflict with this resolution are hereby repealed.

**Pursuant to the Rules of the Commission, This Resolution Is Sponsored By The Following Members Of The Weakley County Board of County Commissioners:**

SPONSORED BY:

Dary Edding

SPONSORED BY:

[Signature]

ACKNOWLEDGED AND APPROVED

[Signature]  
Chairperson, Finance, Ways and Means Committee

Motion made by Commissioner Usery that the foregoing resolution be adopted:

Motion seconded by Commissioner Fortner.

Upon being put to a roll call vote, motion carried by a vote of

18 Yeas, 0 Nays, 0 Passed and 0 Absent.

ATTESTED:

[Signature]  
Kim Hughey, County Clerk

APPROVED:

[Signature]  
Jake Bynum, Chairman, Weakley County Commission

This the 26<sup>th</sup> day of May, 2020.