

**BOARD OF COMMISSIONERS
OF
FRANKLIN COUNTY, KANSAS**

RESOLUTION NO. 17-48

**A RESOLUTION OF FRANKLIN COUNTY, KANSAS, APPROVING THE
EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS IN
CONNECTION WITH LEASE-PURCHASE FINANCING FOR ONE OR
MORE SEPARATE TAXING JURISDICTIONS WITHIN THE COUNTY.**

WHEREAS, certain separate taxing jurisdictions within Franklin County, Kansas (the "County"), including, without limitation, the Northwest Fire District, Wellsville Fire District, Pottawatomie Township, and Richmond Consolidated Fire District (referred to herein as the "Separate Jurisdictions"), have sought lease-purchase financing from U.S. Bancorp Government Leasing and Finance, Inc. (the "Bank"), in connection with the acquisition by such Separate Jurisdictions of certain radio equipment (the "Equipment");

WHEREAS, the Bank has indicated that it will only provide lease-purchase financing to one or more of the Separate Jurisdictions for the Equipment if the County guarantees the obligations of each such Separate Jurisdiction;

WHEREAS, Kansas' cash-basis law, K.S.A. 10-1101 through 10-1122, all as amended or supplemented, limits the ability of the County to incur debt obligations and precludes the County from providing conventional guarantees in these circumstances;

WHEREAS, pursuant to K.S.A. 19-101a *et seq.*, all as amended or supplemented, the County is authorized to enter into lease-purchase agreements provided such agreements comply with the provisions of K.S.A. 10-1116b and 10-1116c, as amended or supplemented, including the requirement that rental payments be subject to annual appropriation by the County and not constitute general obligations or debt of the County;

WHEREAS, in lieu of conventional guarantees, and in order to facilitate the financing for the Equipment by one or more of the Separate Jurisdictions, the County has been requested to enter a conditional lease-purchase agreement with the Bank corresponding to each of the lease-purchase agreements for the Equipment between the Bank and each of the Separate Jurisdictions;

WHEREAS, the conditional lease-purchase agreements between the County and the Bank to facilitate such financing for the Equipment would only obligate the County to make rental payments in the event of a default by one of the Separate Jurisdictions and would only obligate the County to make rental payments if annually appropriated pursuant to K.S.A. 10-1116b; and

WHEREAS, the Board of Commissioners of the County (the "Board") has determined it to be in the best interest of the County to enter into one or more conditional lease-purchase agreements with the Bank to facilitate financing for the Equipment by one or more of the Separate Jurisdictions;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, KANSAS, AS FOLLOWS:

Section 1. One or more conditional lease-purchase agreements, in forms approved by the County Counselor and Kutak Rock LLP, the County's Bond Counsel, are hereby authorized and approved with such additions, revisions and corrections as may be approved by the Chairman of the Board, such approval to be conclusively evidenced by his execution of such document on behalf of the County.

Section 2. The Chairman and County Clerk are authorized to execute one or more conditional lease-purchase agreements on behalf of the County, and the Chairman, County Clerk, and other officers and representatives of the County are authorized and directed to take such other action, including executing ancillary certificates and documents, as may be necessary to accomplish the purposes set forth in this Resolution.

Section 3. This Resolution shall be in full force and effect from and after its adoption.

ADOPTED by the Board of County Commissioners of Franklin County, Kansas on October 11, 2017.



By 
Chairman

Attest:


County Clerk