



AGENDA

**McCRACKEN COUNTY FISCAL COURT MEETING
OCTOBER 9 , 2023, 5:00 P.M., COURTROOM D
McCRACKEN COUNTY COURTHOUSE
300 CLARENCE GAINES STREET**

**CALL TO ORDER
ROLL CALL
PRAYER
PLEDGE OF ALLEGIANCE**

I. CONSENT AGENDA

It is ordered to approve the Consent Agenda for the October 9, 2023, McCracken County Fiscal Court.

II. BUDGET TRANSFERS

It is ordered that the necessary cash transfers, in the amount of \$807,748.13 be made in order to pay County bills and payroll approved October 9, 2023.

III. ACCOUNTS PAYABLE

It is ordered to approve the Voucher Claims Register from September 25, 2023 to October 9, 2023, to show County bills in the amount of \$666,269.69 were paid.

IV. DISCUSSION

A. Lone Oak Youth Baseball Softball Association Check Presentation – Rich Allshouse

V. TABLED FROM PREVIOUS MEETING

A. SUMMARY OF ORDINANCE

The Fiscal Court of the County of McCracken, Kentucky, at regular meetings held on September 6, 2023 and September 25, 2023, adopted an ordinance titled as follows:

AN ORDINANCE OF THE COUNTY OF MCCRACKEN, KENTUCKY AUTHORIZING THE ISSUANCE OF ITS COUNTY OF MCCRACKEN, KENTUCKY GENERAL OBLIGATION BONDS, SERIES 2023B IN THE APPROXIMATE AGGREGATE PRINCIPAL AMOUNT OF \$2,000,000 (WHICH AMOUNT MAY BE INCREASED BY UP TO \$200,000 OR DECREASED BY ANY AMOUNT) FOR THE PURPOSE OF FINANCING THE COSTS OF ROOF REPAIRS FOR THE PADUCAH-MCCRACKEN COUNTY CONVENTION AND EXPO CENTER; APPROVING THE FORM OF THE BONDS; AUTHORIZING DESIGNATED OFFICERS OF THE COUNTY TO EXECUTE AND DELIVER THE BONDS; AUTHORIZING AND DIRECTING THE FILING OF A NOTICE WITH THE STATE LOCAL DEBT OFFICER; PROVIDING FOR THE PAYMENT AND SECURITY OF THE BONDS; ESTABLISHING A BOND PAYMENT FUND FOR THE BONDS; AFFIRMING THE MAINTENANCE OF THE EXISTING SINKING FUND; AUTHORIZING THE ACCEPTANCE OF THE BID OF THE PURCHASER OF THE BONDS; AND REPEALING ANY INCONSISTENT ORDINANCES.

The Ordinance authorizes the County of McCracken, Kentucky (the “County”) to issue a series of general obligation bonds to be designated as “General Obligation Bonds, Series 2023B” (the “Bonds”) for the purposes of (i) financing all or a portion of the costs of roof repairs for the Paducah-McCracken County Convention and Expo Center (the “Project”); (ii) paying capitalized interest on the Bonds, if desirable; (iii) paying all or a portion of the cost of credit enhancement on the Bonds, if any; and (iv) paying all or a portion of the costs of issuance of the Bonds. Provisions are made in the Ordinance for the payment of the Bonds and the security therefor, the application of the proceeds of the Bonds, the establishment of a bond payment fund, the continuation of the County’s previously established sinking fund, and certain covenants of the County with respect to the Bonds. The Bonds are to be sold at public, competitive sale, and shall mature, or be subject to mandatory sinking fund redemption, in varying amounts on November 1, 2024 and November 1 of each year thereafter through November 1, 2038. The Bonds pledge the full faith, credit, and taxing power of the County and provision is made for the collection of a tax to pay the principal of and interest on the Bonds, subject to certain credits, as provided in Section 17 of the Ordinance. The sale of the Bonds is contingent upon the satisfaction of the

requirements and conditions of the County regarding the Project. As required by KRS Section 83A.060, the following Section 17 of the Ordinance is set forth in its entirety:

“Section 17. General Obligation. The Bonds shall be full general obligations of the County and the full faith, credit, and taxing power of the County are hereby pledged for the prompt payment of the Bonds and the interest thereon. During the period the Bonds are outstanding, there shall be and there hereby is levied on all of the taxable property in the County, in addition to all other taxes, without limitation as to rate, a direct tax annually in an amount sufficient to pay the principal of and interest on the Bonds as and when due, it being hereby found and determined that the current tax rates of the County are within all applicable limitations. The tax shall be, and hereby is, ordered to be computed, certified, levied, and extended upon the tax duplicate and shall be collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of the years are certified, extended, and collected. The tax shall be placed before and in preference to all other items and for the full amount thereof; provided, however, that in each year, to the extent that other lawfully available funds of the County are available for the payment of the Bonds and are appropriated for such purpose, the amount of such direct tax upon all of the taxable property in the County shall be reduced by the amount of such other funds so available and appropriated.”

The undersigned, as Fiscal Court Clerk of the County of McCracken, Kentucky, hereby certifies that the foregoing Summary of Ordinance of the County of McCracken, Kentucky, was approved by the Fiscal Court for first reading on September 6, 2023, and for second reading on September 25, 2023, and was further approved for publication following adoption according to law.

By: /s/ Jamie Huskey
Fiscal Court Clerk
County of McCracken, Kentucky

The undersigned Attorney at Law, licensed to practice in the Commonwealth of Kentucky, hereby certifies that the foregoing Summary of Ordinance of the County of McCracken, Kentucky, was prepared by the undersigned and constitutes a general summary of essential provisions of the Ordinance, reference to the full text of which Ordinance is hereby made for a complete statement of its provisions and terms.

By: /s/ Mark S. Franklin
Dinsmore & Shohl LLP
101 South Fifth Street, Suite 2500
Louisville, Kentucky 40202

VI. COURT ORDERS

- A. It is ordered that on September 19, 2023, at 10:00 am sealed bids were opened in the Judge Executive's Office for permitting software. All bids received will be taken under advisement.
- B. It is ordered that on October 3, 2023 at 11:00 a.m. in the Judge Executive's Office a sealed bid opening was held for the purchase of Host Server Hardware. All bids received will be taken under advisement.
- C. It is hereby ordered that 9 to 5 Computer of Jacksonville Beach FL be awarded the Host Server Project on the basis of lowest and best bid in the amount of \$92,223.58. It is further ordered that the Judge Executive and Treasure be authorized to issue purchase orders and sign all documents necessary to effectuate same.
- D. It is ordered to pay the invoice dated September 25, 2023, to PFGW for the Sports Complex Project, in the amount of \$366,779.00. This is pursuant to the Interlocal Cooperation Agreement dated September 7, 2022, between City of Paducah, Kentucky, the County of McCracken County, Kentucky, and the Sports Tourism Commission. As per the Interlocal Agreement, the City of Paducah pays half of the invoice to McCracken County. Further, the Treasurer is authorized to transfer \$183,389.50 from the General Fund to the Sports Complex Project Fund.
- E. It is ordered to pay the invoice dated September 19, 2023, to BFW for the Sports Complex Project, in the amount of \$19,580.50. This is pursuant to the Interlocal Cooperation Agreement dated September 7, 2022, between City of Paducah, Kentucky, the County of McCracken County, Kentucky, and the Sports Tourism Commission. As per the Interlocal Agreement, the City of Paducah pays half of the invoice to McCracken County. Further, the Treasurer is authorized to transfer \$9,790.25 from the General Fund to the Sports Complex Project Fund.
- F. It is ordered to pay Trace3, LLC in the amount of \$40,746.28 upon completion of the installation of the new jail arraignment equipment.
- G. It is ordered to approve the September Transient Room Tax in the amount of \$378,776.65 to be disbursed as follows:

Paducah CVB -----	\$ 111,746.77
Convention Center-----	\$ 75,547.84

Sports Tourism Commission----- \$ 114,890.48
 Escrow Fund----- \$ 76,591.56

H. It is ordered to pay the invoices listed below to Barkley Regional Airport Authority for new terminal expenses, in the amount of \$29,025.38. This amount is one-half of the total invoices of \$58,050.75 and is pursuant to the Interlocal Cooperation Agreement dated August 28, 2021, between City of Paducah, Kentucky, the County of McCracken County, Kentucky, and the Barkley Regional Airport Authority.

Invoice MCFC091923 dated 9/19/2023 \$ 8,702.60.
 Invoice MCFC092023 dated 9/20/2023 \$20,322.78.

VII. RESOLUTION

A. RESOLUTION NO. 2023- 6

A RESOLUTION OF THE COUNTY OF MCCRACKEN, KENTUCKY DECLARING THE COUNTY’S INTENT TO REIMBURSE ITSELF FOR THE COST OF CAPITAL EXPENDITURES FROM THE PROCEEDS OF TAX-EXEMPT OBLIGATIONS.

WITNESSETH

WHEREAS, except as otherwise provided, all capitalized terms used in this preamble have the meanings set forth in Section 2 of this Resolution; and

WHEREAS, the County of McCracken, Kentucky, a county and political subdivision of the Commonwealth of Kentucky (the “County”), intends to undertake the acquisition, construction, installation, and equipping of repairs to the roof of the Paducah-McCracken County Convention and Expo Center for the well-being and benefit of the citizens of the County (the “Project”); and

WHEREAS, the County expects to expend general operating or capital reserve funds to pay Capital Expenditures for the Project in the future; and

WHEREAS, Code Section 150 and the Reimbursement Regulations permit the County to issue Tax-Exempt Obligations and to use the proceeds thereof to reimburse the County for its prior payment of Capital Expenditures provided, among other things, that (i) the County makes a Declaration of Official Intent within sixty days after payment of such Capital

Expenditures and (ii) the County makes a Reimbursement Allocation within eighteen months after the later of the date a Capital Expenditure was paid or the date the property acquired with the Capital Expenditure was placed in service, and in any event, no later than three years after the Capital Expenditure was paid; and

WHEREAS, the County desires to make a Declaration of Official Intent pursuant to the Reimbursement Regulations related to the payment of Capital Expenditures for the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY OF MCCRACKEN, KENTUCKY, AS FOLLOWS:

Section 1. Affirmation of Preamble. It is hereby found, determined, and declared that the facts, recitals, and definitions set forth in the recitals of this Resolution are true and correct and are hereby affirmed, and all acts described in the recitals of this Resolution are hereby ratified. Such facts, recitals, and definitions are hereby adopted and incorporated as a part of this Resolution.

Section 2. Definitions. The following definitions apply to the terms used herein:

“Allocation” means written evidence that proceeds of Tax-Exempt Obligations issued after the payment of a Capital Expenditure are to reimburse the County for such payment.

“Capital Expenditure” means any expense related to the Project for an item that is properly depreciable or amortizable or is otherwise treated as a capital expenditure for purposes of the Code, as well as any costs of issuing Reimbursement Bonds.

“Code” means the Internal Revenue Code of 1986, as amended.

“Declaration of Official Intent” means a written declaration, including this Resolution, which the County intends to fund Capital Expenditures with an issue of Reimbursement Bonds and reasonably expects to reimburse the County from the proceeds of such an issue.

“Reimbursement” means the restoration to the County of money temporarily advanced from other funds, including moneys borrowed from other sources, by the County to pay for Capital Expenditures before the issuance of Reimbursement Bonds intended to fund such Capital Expenditures. “To reimburse” means to make such a restoration.

“Reimbursement Bonds” means Tax-Exempt Obligations that are issued to reimburse the County for Capital Expenditures, and for certain other

expenses permitted by the Reimbursement Regulations, previously paid by or for the County.

“Reimbursement Regulations” means Treasury Regulation § 1.150-2 and any amendments thereto or superseding regulations, whether in proposed, temporary, or final form, as applicable, prescribing conditions under which the proceeds of Tax-Exempt Obligations may be allocated to reimburse the County for Capital Expenditures and certain other expenses paid before the issuance of the Tax-Exempt Obligations so that the proceeds of such Tax-Exempt Obligations will be treated as “spent” for the purposes of Code Sections 103 and 141 to 150.

“Tax-Exempt Obligations” means tax-exempt bonds, notes, certificates, or other obligations included in the meaning of “bonds” under Code Section 150.

Section 3. Declaration of Official Intent. The County hereby declares, pursuant to the Reimbursement Regulations, its official intent to reimburse itself with the proceeds of Reimbursement Bonds in the reasonably anticipated amount of up to \$2,000,000 for the purpose of Capital Expenditures for the Project that may occur before the issuance of Reimbursement Bonds.

VIII. ORDINANCES

- A. It is hereby ordered that pursuant to KRS Chapter 67, the second reading and adoption of Ordinance No. 2023–16 shall be conducted in summary format as follows:

An Ordinance amending McCracken County Ordinance No. 2023-10 by making revisions to the proposed Fiscal Year 2023-2024 Operating Budget by modifications in receipts from insurance proceeds, miscellaneous, state grants, opioid settlement, and debt service in strict compliance with the mandates of Kentucky Revised Statutes Chapter 68.

Summary: The present Ordinance makes revisions to Ordinance 2023-10, McCracken County Proposed Fiscal Year 2023-2024 Operating Budget, pertaining to a modification in receipts from insurance proceeds, miscellaneous, state grants, opioid settlement, and debt service.

Certification: It is hereby certified by the McCracken County Fiscal Court that the present summary represents an accurate official statement of the main points of and contents of Ordinance No. 2023-16.

Public Inspection: Ordinance No. 2023-16 shall be available for public inspection in its whole and complete form in the McCracken County Judge Executive's Office during ordinary business hours.

B. **It is hereby Ordered that Pursuant to KRS Chapter 67, the second reading and adoption of Ordinance No. 2023 – 17 shall be conducted in summary format as follows:**

COMMONWEALTH OF KENTUCKY
MCCRACKEN COUNTY FISCAL COURT
ORDINANCE NO. 2023-17

**AN ORDINANCERE RE-ADOPTING
THE MCCRACKEN COUNTY COMPREHENSIVE PLAN'S
GOALS AND OBJECTIVES.**

Summary: The action effectuated in the present Ordinance is required by Kentucky Revised Statutes, Section 100.197, and operates to formally adopt the approval and re-adoption of the McCracken County Comprehensive Plan's Goals and Objectives by the McCracken County Planning Commission after their review and re-adoption at a public hearing on August 22, 2023.

Certification: It is hereby certified by the McCracken County Fiscal Court that the present summary represents an accurate official statement of the main points of and contents of Ordinance No. 2023 -17

Public Inspection: Ordinance No. 2023 -17 shall be available for public inspection in its whole and complete form in the McCracken County Judge Executive's Office during ordinary business hours.

IX. **EXECUTIVE SESSION**

X. **ADJOURNMENT**