

STATE OF GEORGIA,  
BEN HILL COUNTY.

RESOLUTION NO.: \_\_\_\_\_

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF BEN HILL COUNTY, GEORGIA, PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL AD VALOREM TAX TO PROVIDE FUNDS FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON \$24,680,000 IN AGGREGATE PRINCIPAL AMOUNT OF THE BEN HILL COUNTY SCHOOL DISTRICT (GEORGIA) GENERAL OBLIGATION BONDS, SERIES 2019.

*WHEREAS*, pursuant to a resolution of the Board of Education of Ben Hill County (the “**Board of Education**”), which Resolution was duly adopted November 19, 2015, an election was called to be held on March 1, 2016 (the “**Election**”), in all of the election districts of the Ben Hill County School District (the “**School District**”), a political subdivision of the State of Georgia, to determine whether or not the 1% sales and use tax for educational purposes should be continued for five years commencing on January 1, 2017 (“**2017-2021 School Tax**”) and whether or not the School District should be authorized to issue general obligation debt in an amount not to exceed \$27,400,000 (the “**Approved Debt**”); and,

*WHEREAS*, under and by virtue of the authority of Article VIII, Section VI, Paragraph IV of the Constitution of the State of Georgia and Title 48, Chapter 8, Article 3 of the Official Code of Georgia Annotated, as amended (collectively the “**Sales Tax Act**”), and the approval of a majority of the qualified voters voting in the Election, the School District is authorized to impose the 2017-2021 School Tax and to issue a portion of the Approved Debt in the form of its BEN HILL COUNTY SCHOOL DISTRICT (GEORGIA) GENERAL OBLIGATION BONDS, SERIES 2019 (the “**Bonds**”), in the aggregate principal amount of \$24,680,000, for the purpose of paying all or a portion of the cost of the following: (a) replacement of schools and/or construction of new schools, including any necessary demolition; (b) adding to, renovating, repairing, improving, furnishing, and/or equipping existing school buildings, including the central office, transportation and maintenance facilities, including necessary demolition; (c) adding to, constructing, renovating, furnishing, and/or equipping athletic facilities; (d) acquiring equipment, instruments and/or materials for the fine arts, vocational, physical education and athletic departments; (e) renovations, additions, and/or improvements to parking, traffic access facilities and transportation department, including paving and any necessary site work; (f) acquiring instructional and/or administrative technology equipment and materials; (g) acquiring safety, security, and/or fire protection equipment; (h) acquiring buses, vehicles, and/or transportation equipment; (i) acquiring property; and/or (j) paying a portion of the principal of and interest on the current general obligation debt and general obligation debt to be issued (collectively, the “**Projects**”); and,

*WHEREAS*, the principal of and interest on the Bonds shall be payable first from the proceeds derived from the 2017-2021 School Tax and, if the proceeds derived from the imposition of the said tax are not sufficient to pay the entire principal of and interest on the Bonds when due, then such unpaid amount shall be payable from a direct annual ad valorem tax, unlimited as to rate or amount, on all property within the School District subject to taxation for bond purposes; and,

*WHEREAS*, the Board of Education has determined that it is necessary that there be levied an annual ad valorem tax upon all property subject to taxation for school bond purposes within the territorial limits of the School District sufficient in an amount, together with the proceeds of the 2017-2021 School Tax actually collected, to pay the total amount of principal and interest on the Bonds at their respective maturities; and

*WHEREAS*, the Board of Education has recommended, in a resolution duly adopted by the Board of Education and delivered to the Board of Commissioners of Ben Hill County, Georgia (the “**Commission**”), that the Commission, as required by Georgia law, levy an annual ad valorem tax upon all property within the territorial limits of the School District subject to taxation for school bond purposes, at such rate as will raise, together with the proceeds of the 2017-2021 School Tax actually collected, up to the total principal of and interest on the Bonds as set forth in Exhibit A hereto; and

*WHEREAS*, it is necessary at this time that an ad valorem tax be levied as required by Article IX, Section V, Paragraph VI of the Constitution of the State of Georgia for the purpose of paying the annual amount of principal of and interest on the Bonds, which tax shall be levied in the preceding year.

*NOW, THEREFORE, AT THE REQUEST OF THE BEN HILL COUNTY SCHOOL DISTRICT AND AS APPROVED BY THE VOTERS OF THE SCHOOL DISTRICT IN A REFERENDUM HELD ON MARCH 1, 2016, BE IT RESOLVED* by the Board of Commissioners of Ben Hill County, Georgia, and it is hereby resolved by authority of the same, that there shall be and is hereby levied a direct annual ad valorem tax for the years 2019 through 2036, without limitation as to rate or amount, upon all property subject to taxation for school bond purposes within the territorial limits of the School District, being all of Ben Hill County, Georgia, sufficient to provide moneys, together with the proceeds of the 2017-2021 School Tax actually collected, required to pay the principal of and interest on the Bonds, as more fully set forth in Exhibit A attached hereto and incorporated herein by this reference; provided, however, that debt service on the Bonds shall first be paid from the proceeds of the 2017-2021 School Tax and such direct annual tax shall be collected only if, and to the extent that, the proceeds of the 2017-2021 School Tax are insufficient to pay debt service on the Bonds. The sums hereby levied are hereby irrevocably pledged and appropriated to the payment of the principal of and interest on the Bonds as the same become due and payable. The amount to be levied for each year is the amount to be specified by the Board of Education to pay principal and interest coming due in the following year to the extent that sufficient funds are not available from the proceeds of the 2017-2021 School Tax. These sums shall be collected by the Board of Commissioners of Ben Hill County, Georgia, in each of the years levied, and shall be paid into the Series 2019 Bonds Debt Service Account, and shall be applied to the payment of the principal of and interest on the

Bonds as the same become due and payable. Provisions to meet the requirements of this resolution shall be made annually hereafter.

*BE IT FURTHER RESOLVED* by the authority aforesaid that the Board of Commissioners of Ben Hill County, Georgia, as levying authority, together with the Board of Education, as recommending authority, shall comply with the provisions of O.C.G.A. § 48-5-32, and all other statutory requirements as may exist from time to time relating to the publication of any reports or notices required prior to establishing millage rates each year for educational purposes, and shall take such other actions as may be required for the assessment and collection of taxes to provide funds in the years and amounts set forth in this resolution, to the extent the proceeds of the 2017-2021 School Tax received by the School District are not sufficient for that purpose. The Board of Commissioners and the Board of Education shall cause a report to be published in a newspaper of general circulation throughout Ben Hill County, Georgia, at least two weeks prior to the establishment of the millage rates for ad valorem taxes for educational purposes during the current calendar year, in accordance with O.C.G.A. § 48-5-32.

BE IT FURTHER RESOLVED by the authority aforesaid that this resolution is adopted in order to assure compliance with Article IX, Section V, Paragraph VI of the Constitution of the State of Georgia. The Commission will take no action to establish a millage levy for the payment of any portion of the principal of and interest on the Bonds from ad valorem taxes until the Board of Education certifies to it any millage required for such purposes.

*BE IT FURTHER RESOLVED* by the authority aforesaid that all orders and resolutions in conflict with this resolution this day passed, if any, be and the same are hereby repealed.

*PASSED, ADOPTED, SIGNED, APPROVED, AND EFFECTIVE* at Fitzgerald, Georgia, on December 3, 2019.

**BOARD OF COMMISSIONERS OF  
BEN HILL COUNTY, GEORGIA**

[SEAL]

By: \_\_\_\_\_  
Hon. Steve Taylor, Chairman

Attest:

\_\_\_\_\_  
Donna Prather, County Clerk

**EXHIBIT A**

*\$24,680,000*

*Ben Hill County School District (Georgia)*

*General Obligation Bonds*

*Series 2019*

**DEBT SERVICE SCHEDULES**

[Attached]

STATE OF GEORGIA,  
BEN HILL COUNTY.

CLERK'S CERTIFICATE

I, Donna Prather, County Clerk for Ben Hill County, Georgia, *DO HEREBY CERTIFY* that the foregoing pages constitute a true and correct copy of a resolution adopted by the Board of Commissioners of Ben Hill County, Georgia, at an open public meeting duly called and lawfully assembled at \_\_\_\_\_ a./p. m., on the \_\_\_\_\_ day \_\_\_\_\_, 2019, providing for the levy and collection of an annual ad valorem tax to provide funds for the payment of the principal amount of the Ben Hill County School District (Georgia) General Obligation Bonds, Series 2019, the original of such resolution being duly recorded in the Minute Book of the Board of Commissioners for Ben Hill County, Georgia, which Minute Book is in my custody and control.

I do hereby further certify that the following members of the Board of Commissioners of Ben Hill, Georgia were present at such meeting:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

and that the following members were absent:

\_\_\_\_\_  
\_\_\_\_\_

and that such resolution was duly adopted by a vote of

Aye \_\_\_\_\_ Nay \_\_\_\_\_ Abstained \_\_\_\_\_.

WITNESS my hand and the official seal of Ben Hill County, Georgia, this the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

[SEAL]

\_\_\_\_\_  
Donna Prather, County Clerk