

STATE OF GEORGIA
BEN HILL COUNTY

RESOLUTION NO. 2023-_____

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 \$1,990,000 IN AGGREGATE PRINCIPAL AMOUNT OF THE BEN HILL COUNTY SCHOOL DISTRICT (GEORGIA) GENERAL OBLIGATION BONDS, SERIES 2023.

WHEREAS, pursuant to a resolution of the Ben Hill County Board of Education (the “**Board of Education**”), which Resolution was duly adopted on 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 and whether or not Ben Hill County School District (Georgia) General Obligation Bonds in the maximum amount of \$27,400,000 (the “**Approved Debt**”) should be issued; and,

WHEREAS, under and by virtue of the authority of Ga. Const. Art. IX, § V, ¶ I, Ga. Code Ann. §§ 20-2-430 and 36-82-1, the approval of a majority of the qualified voters voting in the Election, and a Resolution of the Board of Education, duly adopted November 12, 2019, the School District issued and delivered a portion of the Approved Debt authorized in the Election in the form of its General Obligation Bonds, Series 2019 in the amount of \$24,680,000 for the purpose of paying the costs of the following: (i) (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; and/or (i) acquiring property (collectively, the “**Projects**”); and (ii) issuing the Bonds; and,

WHEREAS, under and by virtue of the authority of Ga. Const. Art. IX, § V, ¶ I, Ga. Code Ann. §§ 20-2-430 and 36-82-1, the approval of a majority of the qualified voters voting in the Election the School District is authorized to issue and deliver the unissued amount of the Approved Debt authorized in the Election in the form of its Ben Hill County School District

(Georgia) General Obligation Bonds, Series 2023 (the “**Bonds**”) in the amount of \$1,990,000 for the purpose of paying the costs of (i) the Projects, and (ii) issuing the Bonds; and,

WHEREAS, the principal of and interest on the Bonds 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, to the extent revenues are not available from other legally available sources; 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 other legally available funds, 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 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 Ga. Const. Art. IX, § V, ¶ VI 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 2023 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 other legally available funds, 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. 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 other legally available sources. 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 2023 Bonds Sinking Fund, 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 Ga. Code Ann. § 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 other legally available funds of the School District are not sufficient for that purpose. The Board of Commissioners of Ben Hill County, Georgia and the Board of Education shall cause a report to be published in a newspaper of general circulation throughout Ben Hill County 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 Ga. Code Ann. § 48-5-32.

BE IT FURTHER RESOLVED by the authority aforesaid that this resolution is adopted in order to assure compliance with Ga. Const. Art. IX, § V, ¶ VI. 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 the 4th day of April, 2023.

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

[SEAL]

By: _____
Hon. Steve Taylor, Chairman

Attest:

Donna R. Prather, Clerk
Board of Commissioners of Ben Hill County, Georgia

EXHIBIT A

\$1,990,000

Ben Hill County School District (Georgia)

General Obligation Bonds

Series 2023

DEBT SERVICE SCHEDULE

[Attached]

STATE OF GEORGIA,
BEN HILL COUNTY

SECRETARY'S CERTIFICATE

The undersigned, Clerk of the Board of Commissioners of Ben Hill County, Georgia (the “**Board**”), DOES HEREBY certify that the foregoing pages of typewritten matter constitute a true and correct copy of a resolution adopted by the members of the Board, in a meeting duly assembled and open to the public at which a quorum was present, on the 4th day of April, 2023, the original of which has been duly recorded in the Minute Book of the Board, which is in my custody and control.

GIVEN this the 4th day of April, 2023.

[SEAL]

Donna Prather, Clerk