

ATTACHMENT NO. X-A (3)

ATTACHMENT NO. X-A (3): Defeasance Resolution for the 2016 Alternate Bonds

Potential Motion: Move to provide for the redemption and payment of
the outstanding General Obligation Refunding Bonds
(Alternate Revenue Source), Series 2016

Recommended Action: Approve as presented

The Defeasance Resolution is being recommended for Approval. The following document is attached:

- Defeasance Resolution for the 2016 Alternate Bonds

RESOLUTION providing for the redemption and payment of certain of the outstanding General Obligation Refunding Bonds (Alternate Revenue Source), Series 2016, of Community Unit School District Number 200, Boone and Winnebago Counties, Illinois, prior to maturity.

* * *

WHEREAS, the Board of Education (the "*Board*") of Community Unit School District Number 200, Boone and Winnebago Counties, Illinois (the "*District*"), by a resolution adopted on the 27th day of September, 2016 (the "*Resolution*"), did provide for the issue of General Obligation Refunding Bonds (Alternate Revenue Source), Series 2016 (the "*Bonds*"), which Bonds are currently outstanding and unpaid and the levy of a direct annual tax sufficient to pay the principal of and interest on the Bonds; and

WHEREAS, on the 7th day of October, 2016, a duly certified copy of the Resolution was filed in each of the offices of the County Clerks of The Counties of Boone and Winnebago, Illinois (the "*County Clerks*"); and

WHEREAS, the Board has determined that the District has funds on hand and lawfully available in the amount of \$572,429.75 (the "*Available Funds*") on deposit in the Alternate Bond and Interest Fund of 2016 of the District (the "*Bond Fund*"), established pursuant to Section 13 of the Resolution and from which principal of and interest on the Bonds are paid; and

WHEREAS, the Bonds are subject to redemption prior to maturity at the option of the District, as a whole or in part, in any order of their maturity as determined by the District on January 1, 2022, and on any interest payment date thereafter, at the redemption price of par plus accrued interest to the redemption date; and

WHEREAS, it is necessary, desirable and in the best interests of the District to call all of the Bonds due on and after January 1, 2023, in the principal amount of \$475,000 (the "*Defeased Bonds*"), for redemption prior to maturity, to provide for the giving of proper notice to the

registered owners of the Defeased Bonds and to authorize the abatement of the taxes heretofore levied to pay the principal of and interest on the Defeased Bonds; and

WHEREAS, in order to properly provide for the payment of the Defeased Bonds, it will be necessary to irrevocably deposit the Available Funds with the registered owner of the Defeased Bonds, namely, Capital One Public Funding, LLC, Melville, New York (the “*Bank*”) which funds will be used to pay the principal of the Defeased Bonds as called for redemption; and

WHEREAS, the Available Funds and other lawfully available funds of the District deposited in the Bond Fund will be sufficient to pay principal of and interest due on the Bonds and the Defeased Bonds on January 1, 2023:

NOW, THEREFORE, Be It and It is Hereby Resolved by the Board of Education of Community Unit School District Number 200, Boone and Winnebago Counties, Illinois, as follows:

Section 1. Incorporation of Preambles. The Board hereby finds that all of the recitals contained in the preambles to this Resolution are full, true and correct and does incorporate them into this Resolution by this reference.

Section 2. Call of the Defeased Bonds. In accordance with the redemption provisions set forth in the Resolution, the District by the Board does hereby make provision for the payment of and does hereby call the Defeased Bonds in the principal amount of \$475,000 for redemption on January 1, 2023.

The School Treasurer who receives the taxes of the District (the “*School Treasurer*”), as the bond registrar and paying agent for the Defeased Bonds, is hereby directed to provide for and give timely notice of the call for redemption of the Defeased Bonds. The form and time of the giving of such notice shall be as specified in the Resolution.

Section 3. Transfer and Deposit of Moneys with the Bank. The School Treasurer is hereby authorized and directed forthwith to transfer the Available Funds to the Bank. The

Available Funds are hereby appropriated from funds of the District on hand and legally available and shall be irrevocably deposited with the Bank so as to provide for the payment of the principal of and interest on the Defeased Bonds as called for redemption on January 1, 2023.

Section 4. Abatement of Tax. The President and Secretary of the Board and the School Treasurer be and the same are hereby directed to prepare and file with the County Clerks, a Certificate of Reduction of Taxes Heretofore Levied for the Payment of Bonds showing the Defeased Bonds being paid and directing the abatement of the taxes heretofore levied to pay the Defeased Bonds.

Section 5. Severability. If any section, paragraph, clause or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

Section 6. Repealer and Effective Date. All resolutions or parts thereof in conflict herewith be and the same are hereby repealed and this Resolution shall be in full force and effect forthwith upon its adoption.

Adopted December 13, 2022.

President, Board of Education

Secretary, Board of Education