

ORDINANCE NO. 9, SERIES 2025

AN ORDINANCE OF THE COUNTY OF FRANKLIN, KENTUCKY, IN CONNECTION WITH (I) THE AMENDMENT OF ORDINANCE NO. 2024-12, WHICH RELATES TO THE COLLECTION, DISBURSEMENT, AND ENFORCEMENT OF A TRANSIENT ROOM TAX AND (II) THE AMENDMENT OF ORDINANCE NO. 15, SERIES 2006, WHICH RELATES TO THE ENACTMENT OF AN ADDITIONAL TRANSIENT ROOM TAX OF TWO PERCENT (2%) PURSUANT TO AUTHORITY OF KRS § 91A.392(1) TO BE APPLIED TO THE RETIREMENT OF PROPOSED DEDICATED TAX REVENUE BONDS, IN AN AMOUNT SUFFICIENT TO PROVIDE NET BOND PROCEEDS NOT TO EXCEED THREE MILLION DOLLARS (\$3,000,000) FOR THE PURPOSE OF FINANCING THE RENOVATION, REPAIR, RECONSTRUCTION AND EQUIPPING OF THE GRAND THEATRE, SITUATED IN THE CENTRAL BUSINESS DISTRICT OF FRANKFORT, KENTUCKY, TO CONSTITUTE A FINE ARTS CENTER, USEFUL TO THE PROMOTION OF TOURISM, AND SUCH ORDINANCE WAS FURTHER AMENDED BY ORDINANCE NO. 8, SERIES 2015, WHICH RELATES TO THE APPLICATION OF THE ADDITIONAL TRANSIENT ROOM TAX TO THE COUNTY OF FRANKLIN, KENTUCKY DEDICATED TAX REVENUE REFUNDING BONDS, SERIES 2015 (SAVE THE GRAND THEATRE PROJECT), WHICH WERE INTENDED TO REFUND THE COUNTY OF FRANKLIN, KENTUCKY ADJUSTABLE RATE DEDICATED TAX REVENUE BONDS, SERIES 2007 (SAVE THE GRAND THEATRE PROJECT, INC.) FOR WHICH THE ADDITIONAL TRANSIENT ROOM TAX WAS ADOPTED. THIS AMENDMENT CONCERNS THE APPLICATION OF THE ADDITIONAL TRANSIENT ROOM TAX TO THE COUNTY OF FRANKLIN, KENTUCKY DEDICATED TAX REVENUE AND REVENUE REFUNDING BONDS, SERIES 2025 (SAVE THE GRAND THEATRE PROJECT), IN AN AMOUNT NOT TO EXCEED ONE MILLION EIGHT HUNDRED THOUSAND DOLLARS (\$1,800,000), WHICH ARE INTENDED TO FINANCE THE RENOVATION, REPAIR, RECONSTRUCTION AND EQUIPPING OF THE GRAND THEATRE AND TO REFUND A PORTION OF THE COUNTY OF FRANKLIN, KENTUCKY DEDICATED TAX REVENUE REFUNDING BONDS, SERIES 2015 (SAVE THE GRAND THEATRE PROJECT). (AS AMENDED).

WHEREAS, “Save the Grand Theatre, Inc.” (the “Corporation”), a nonprofit, non-stock charitable corporation, and an entity described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, was established for the purpose of acquiring the Grand Theatre, a structure of historic importance situated in the central business district of Frankfort, Kentucky, a de jure city formerly classified as a second class city and an “authorized city” (as defined in KRS § 91A.392) located in the County of Franklin, Kentucky (the “County”), and causing the Grand Theatre to be renovated, repaired, reconstructed and equipped as a fine arts facility to serve the

general public and to promote and enhance the growth of tourism in the Commonwealth and in the County; and

WHEREAS, the Corporation completed the renovation of the Grand Theatre in 2009 partially through proceeds received from the sale of the County of Franklin, Kentucky Adjustable Rate Dedicated Tax Revenue Bonds, Series 2007 (Save the Grand Theatre Project, Inc.) (the “Series 2007 Bonds”); and

WHEREAS, the source of repayment of the Series 2007 Bonds was the Transient Room Tax (the “Dedicated Tax”) adopted by the County’s Fiscal Court (the “Fiscal Court”) under Ordinance No. 15, Series 2006 (the “Original Tax Ordinance”); and

WHEREAS, in order to save interest costs related to the Series 2007 Bonds, the Fiscal Court refunded the Series 2007 Bonds through issuing the County of Franklin, Kentucky Dedicated Tax Revenue Refunding Bonds, Series 2015 (Save the Grand Theatre Project) (the “Series 2015 Bonds”), secured by the Dedicated Tax; and

WHEREAS, the source of repayment of the Series 2015 Bonds was the Dedicated Tax, which applied to the Series 2015 Bonds by the Fiscal Court’s adoption of Ordinance No. 8, Series 2015, which amended the Original Tax Ordinance; and

WHEREAS, in issuing the Series 2015 Bonds, the timing of the retirement of the principal of the Series 2015 Bonds, the maturity date of the Series 2015 Bonds and the amount of principal required to be paid on each payment date remained the same as the Series 2007 Bonds, thereby not increasing the Dedicated Tax; and

WHEREAS, in order to renovate, repair, reconstruct, and equip the Grand Theatre and refund a portion of the Series 2015 Bonds, the Fiscal Court is, by separate ordinance, being requested to issue its County of Franklin, Kentucky Dedicated Tax Revenue and Revenue Refunding Bonds, Series 2025 (Save the Grand Theatre Project) (the “Series 2025 Bonds”) to be secured, in part, by the Dedicated Tax; and

WHEREAS, in issuing the Series 2025 Bonds, the timing of the retirement of the principal of the Series 2025 Bonds and the maturity date of the Series 2025 Bonds will not extend past the maturity date of the Series 2015 Bonds;

WHEREAS, the Fiscal Court adopted Ordinance No. 2024-12 (the “2024 Ordinance”) on December 19, 2024, which established certain procedures for the collection, use, disbursement, and enforcement of the transient room tax, including the Dedicated Tax, authorized pursuant to KRS Chapter 91A; and

WHEREAS, KRS § 91A.392 authorizes the fiscal court of a county containing an authorized city to levy an additional transient room tax not to exceed 2% of the rent for every occupancy of an accommodation of motor courts, motels, hotels, inns or like or similar accommodation businesses.

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY OF FRANKLIN, COMMONWEALTH OF KENTUCKY:

SECTION 1

(a) Pursuant to KRS § 91A.392, the Original Tax Ordinance, as amended, and the 2024 Ordinance, the County will continue to levy an additional transient room tax of 2% of the rent for every occupancy of a suite, room or rooms, charged by all persons, companies, corporations or other like or similar persons, groups or organizations doing business as motor courts, motels, hotels, inns or like or similar accommodation businesses (the “Special Tax”) upon the transient guests who occupy one or more suites, or rooms in motor courts, motels, hotels, inns or like or similar accommodation businesses for a consecutive period of thirty (30) days or less.

(b) The money collected from the Special Tax authorized by KRS § 91A.392, the Original Tax Ordinance, as amended, the 2024 Ordinance and this Ordinance shall be held in trust and applied for the purpose of retiring the Series 2025 Bonds, issued by the County.

The Series 2025 Bonds shall be scheduled to mature over a term not to exceed seven (7) years.

(c) Pursuant to the 2024 Ordinance, the Franklin County ~~Revenue Commission~~ Treasurer is directed to collect and disburse the Special Tax directly to the Corporation, after deducting its customary fees and expenses.

(d) Following all necessary governmental actions, authorizations and consents required for the authorization and issuance of the Series 2025 Bonds, the Dedicated Tax will continue to be collected as provided in the Original Tax Ordinance, as amended, and the 2024 Ordinance.

(e) The Fiscal Court covenants that the Special Tax authorized by this Ordinance shall remain in full force and effect while the Series 2025 Bonds (or any bonds refunding the Series 2025 Bonds for so long as the principal amount of the refunding bonds does not exceed the outstanding principal of the Series 2025 Bonds at the time of refunding (excepting costs of issuance), and no changes will occur in the maturity date and the payment dates of such refunding bonds) are outstanding, provided, however, that upon either (i) the end of seven (7) years of dedicated tax collection or, (ii) the retirement of all Series 2025 Bonds (or such refunding bonds thereof), whichever comes first, the Special Tax authorized by KRS § 91A.392, the Original Tax Ordinance, as amended, and this Ordinance shall terminate, and the Fiscal Court will take appropriate action to repeal such tax to the extent the Fiscal Court is so required or otherwise determines; provided, however, to the extent that the Special Tax is authorized by the 2024 Ordinance, the Special Tax will remain to the extent the Fiscal Court determines so.

## SECTION 2

The provisions of this Ordinance are hereby declared to be severable and, if any section, phrase or provision shall, for any reason, be declared invalid, such declaration of invalidity shall not affect the validity of the remainder of this Ordinance.

## SECTION 3

All ordinances (including those portions of the Original Tax Ordinance, Ordinance No. 8, Series 2015, and the 2024 Ordinance, as each may be amended), resolutions, orders or parts

thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

SECTION 4

This Ordinance shall be in full force and effect from and after its adoption and approval as provided by law.

GIVEN FIRST READING APPROVAL at a duly convened meeting of the Fiscal Court of the County of Franklin, Kentucky, held on the 24<sup>th</sup> day of September, 2025.

[Remainder of page intentionally left blank].

GIVEN SECOND READING AND ADOPTED at a duly convened meeting of the Fiscal Court of the County of Franklin, Kentucky, held on the 15 day of October, 2025, on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested by the Fiscal Court Clerk, and ordered to be enrolled.

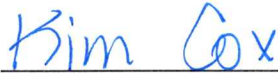
(SEAL)



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Michael Mueller  
County Judge/Executive

ATTEST:



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Kim Cox  
Fiscal Court Clerk

CERTIFICATION

I, the undersigned, do hereby certify that I am a duly qualified and acting Fiscal Court Clerk of the Fiscal Court of the County of Franklin, Kentucky, and as such official, I further certify that the foregoing is a true, correct and complete copy of an Ordinance duly adopted on second reading by said Fiscal Court at a meeting held on October 15, 2025, on the same occasion signed by the County Judge/Executive and now in full force and effect, all as appears from the official records of said Fiscal Court.

WITNESS my hand and the seal of said Court, this 15 day of October, 2025.

(SEAL)

Kim Cox  
Kim Cox, Fiscal Court Clerk

CERTIFICATION

I, Kim Cox, Clerk of the Fiscal Court of the County of Franklin, Kentucky do hereby certify and declare that the foregoing is a true, correct and complete copy of Ordinance # 9-2025 Series 2025, as adopted by the Fiscal Court of the County of Franklin, Kentucky at a meeting held October 15, 2025, and of record in Fiscal Court Order Book 36, Page 344

Certified this 15 day of October, 2025

Kim Cox

Kim Cox  
Fiscal Court Clerk  
County of Franklin, Kentucky

<b>Summary report:</b>	
<b>Litera Compare for Word 11.10.1.2 Document comparison done on 9/24/2025 1:13:22 PM</b>	
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<b>Intelligent Table Comparison:</b> Active	
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<del>Table moves from</del>	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
<b>Total Changes:</b>	<b>4</b>