

ORDINANCE NO. 688

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS, SERIE 2020, OF THE CITY OF ROSE HILL, KANSAS, FOR THE PURPOSE OF PROVIDING FUNDS TO REFUND A PORTION OF THE CITY'S OUTSTANDING GENERAL OBLIGATION BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO.

WHEREAS, the City of Rose Hill, Kansas (the “City”) is a city of the second class, duly created, organized and existing under the Constitution and laws of the State; and

WHEREAS, the City has previously authorized certain public improvements described as follows (collectively the “Improvements”):

<u>Project Description</u>	<u>Res. No.</u>	<u>Authority (K.S.A.)</u>	<u>Amount</u>
Sewer Improvements (KWPCRF Project No. C20 1630 01)	631	12-617 <i>et seq.</i> / Charter 16	\$ 819,856.11
Sewer Improvements (KWPCRF Project No. C20 1720 01)	631	12-617 <i>et seq.</i> / Charter 16	6,146,227.51
Street Improvements (TRF Project No. TR 0007)	632	15-731/ Charter 15	562,925.00
Street Improvements (TRF Project No. TR 0123)	632	15-731/ Charter 15	<u>690,119.95</u>
Total:			\$8,237,901.06

WHEREAS, the Issuer desires to issue its general obligation bonds in order to permanently finance the costs of such Improvements, associated financing costs, and to retire the following loan agreement of the Issuer, which was entered into in order to temporarily finance a portion of the costs of the Improvements (collectively the “Loans”):

<u>Loan Description</u>	<u>Loan Number</u>	<u>Dated Date</u>	<u>Maturity Date</u>	<u>Final Loan Amount</u>	<u>Outstanding Amount</u>	<u>Prepayment Amount</u> ¹
KDHE – KWPCRF	C20 1630 01	05/01/03	09/01/24	\$ 819,856.11	\$ 179,287.08	\$ 179,287.08
KDHE – KWPCRF	C20 1720 01	10/25/07	03/01/29	6,146,227.51	3,006,643.87	3,006,643.87
KDOT – TRF	TR 0007	12/20/04	08/01/24	562,925.00	147,740.10	147,740.10
KDOT – TRF	TR 0123	12/07/09	08/01/24	690,119.95	212,557.87	212,557.87

¹ Plus interest to prepayment date and associated fees

WHEREAS, the Issuer has previously issued and has outstanding general obligation bonds; and

WHEREAS, due to the current interest rate environment, the Issuer has the opportunity to issue its general obligation refunding bonds in order to achieve an interest cost savings on all or a portion of the debt represented by such general obligation bonds described as follows (collectively the “Refunded Bonds”):

<u>Description</u>	<u>Series</u>	<u>Dated Date</u>	<u>Years</u>	<u>Amount</u>
General Obligation Bonds	2008	July 1, 2008	2021 to 2023	\$200,000
General Obligation Bonds	2009	August 1, 2009	2024	155,000
General Obligation Bonds	2011	April 15, 2011	2021 to 2026	275,000

WHEREAS, none of such general obligation bonds heretofore authorized have been issued and the City proposes to issue \$4,060,000 of its general obligation bonds, together with bid premium thereon, to pay a portion of the costs of the Improvements; prepay the Loans, and refund the Refunded Bonds; and

WHEREAS, the Governing Body has advertised the sale of the Bonds in accordance with the law and at a meeting held in the City on this date awarded the sale of such Bonds to the best bidder.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROSE HILL, KANSAS, AS FOLLOWS:

Section 1. Definitions of Words and Terms. In addition to words and terms defined elsewhere herein, the following words and terms in this Ordinance shall have the meanings hereinafter set forth. Unless the context shall otherwise indicate, words importing the singular number shall include the plural and vice versa, and words importing persons shall include firms, associations and corporations, including public bodies, as well as natural persons.

“Act” means the Constitution and statutes of the State including K.S.A. 10-101 to 10-125, inclusive, K.S.A. 10-427 *et seq.*, K.S.A. 10-620 *et seq.*, K.S.A. 12-617 *et seq.*, as amended by Charter Ordinance No. 16, and K.S.A. 15-731, as amended by Charter Ordinance No. 15, all as amended and supplemented from time to time.

“Bond and Interest Fund” means the Bond and Interest Fund of the City for its general obligation bonds.

“Bond Resolution” means the resolution to be adopted by the Governing Body prescribing the terms and details of the Bonds and making covenants with respect thereto.

“Bonds” means the City's General Obligation Refunding and Improvement Bonds, Series 2020, dated December 3, 2020, authorized by this Ordinance.

“City” means the City of Rose Hill, Kansas.

“Clerk” means the duly appointed and acting Clerk of the City or, in the Clerk's absence, the duly appointed Deputy, Assistant or Acting Clerk.

“Governing Body” means the City Council of the City.

“KDHE” means the Kansas Department of Health and Environment.

“KDOT” means the Kansas Department of Transportation.

“Loans” means collectively:

(a) KDHE Loan for KWPCRF Project No. C20 1630 01 between the Issuer and KDHE, dated May 1, 2003, maturing September 1, 2024, in the aggregate outstanding principal amount of \$179,287.08.

(b) KDHE Loan for KWPCRF Project No. C20 1720 01 between the Issuer and KDHE, dated October 25, 2007, maturing March 1, 2029, in the aggregate outstanding principal amount of \$3,006,643.87.

(c) KDOT Loan for TRF Project No. TR 0007 between the Issuer and KDOT, dated December 20, 2004, maturing August 1, 2024, in the aggregate outstanding principal amount of \$147,740.10.

(d) KDOT Loan for TRF Project No. TR 0123 between the Issuer and KDOT, dated December 07, 2009, maturing August 1, 2024, in the aggregate outstanding principal amount of \$212,557.87.

“Mayor” means the duly elected and acting Mayor of the City or, in the Mayor's absence, the duly appointed and/or elected Council President or Acting Mayor of the City.

“Ordinance” means this Ordinance authorizing the issuance of the Bonds.

“Refunded Bonds” means collectively: (a) the Series 2008 Bonds maturing in the years 2021 to 2023, inclusive, in the aggregate principal amount of \$200,000; (b) the Series 2009 Bonds maturing in 2024 in the aggregate principal amount of \$155,000; and (c) the Series 2011 Bonds maturing in the years 2021 to 2026, inclusive, in the aggregate principal amount of \$275,000.

“Refunded Loans” means the outstanding principal amount of the Loans.

“Series 2008 Bonds” means the City's General Obligation Bonds, Series 2008, dated July 1, 2008.

“Series 2009 Bonds” means the City's General Obligation Bonds, Series 2009, dated August 1, 2009.

“Series 2011 Bonds” means the City's General Obligation Bonds, Series 2011, dated April 15, 2011.

“State” means the State of Kansas.

Section 2. Authorization of the Bonds. There shall be issued and hereby are authorized and directed to be issued the General Obligation Refunding and Improvement Bonds, Series 2020, of the City in the principal amount of \$4,060,000, for the purpose of providing funds to: (a) pay a portion of the costs of the Improvements; (b) refund the Refunded Bonds; (c) prepay the Refunded Loans; and (d) pay costs of issuance of the Bonds.

Section 3. Security for the Bonds. The Bonds shall be general obligations of the City payable as to both principal and interest in part from special assessments levied upon the property benefited by the construction of certain improvements and, if not so paid, from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the City. The balance of the principal and interest on the Bonds is payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the City. The full faith, credit and resources of the City are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Bonds as the same become due.

Section 4. Terms, Details and Conditions of the Bonds. The Bonds shall be dated and bear interest, shall mature and be payable at such times, shall be in such forms, shall be subject to redemption and payment prior to the maturity thereof, and shall be issued and delivered in the manner prescribed and subject to the provisions, covenants and agreements set forth in the Bond Resolution hereafter adopted by the Governing Body.

Section 5. Levy and Collection of Annual Tax. The Governing Body shall annually make provision for the payment of principal of, premium, if any, and interest on the Bonds as the same become due by levying and collecting the necessary taxes and/or assessments upon all of the taxable tangible property within the City in the manner provided by law.

The taxes and/or assessments above referred to shall be extended upon the tax rolls in each of the several years, respectively, and shall be levied and collected at the same time and in the same manner as the general ad valorem taxes of the City are levied and collected, shall be used solely for the payment of the principal of and interest on the Bonds as and when the same become due and the fees and expenses of the paying agent for the Bonds. The proceeds derived from said taxes and/or assessments shall be deposited in the Bond and Interest Fund.

If at any time said taxes and/or assessments are not collected in time to pay the principal of or interest on the Bonds when due, the City Treasurer is hereby authorized and directed to pay said principal or interest out of the general funds of the City and to reimburse said general funds for money so expended when said taxes and/or assessments are collected.

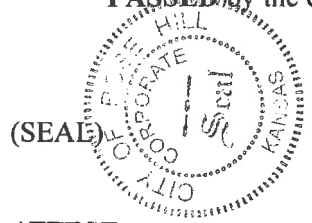
Section 6. Further Authority. The Mayor, Council President, Clerk and other City officials are hereby further authorized and directed to execute any and all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of the Ordinance, and to make alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 7. Governing Law. This Ordinance and the Bonds shall be governed exclusively by and construed in accordance with the applicable laws of the State.

Section 8. Effective Date. This Ordinance shall take effect and be in full force from and after its passage by the Governing Body and publication of the Ordinance or a summary thereof in the official City newspaper.

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PASSED by the City Council on November 16, 2020 and **SIGNED** by the Mayor.



Steve Amick
Mayor

ATTEST:

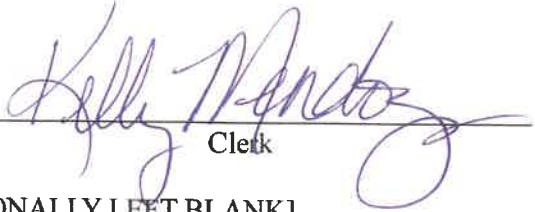
Kathy Mendo
Clerk

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CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of the original ordinance; that said Ordinance was passed on November 16, 2020; that the record of the final vote on its passage is found on page 2 of journal 20, and that the Ordinance or a summary thereof was published in the *Rose Hill Reporter* on November 19, 2020.

DATED: November 19, 2020.


Clerk

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(PUBLISHED IN THE *ROSE HILL REPORTER* ON NOVEMBER 19, 2020)

SUMMARY OF ORDINANCE NO. 688

On November 16, 2020, the governing body of the City of Rose Hill, Kansas passed an ordinance entitled:

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS, SERIE 2020, OF THE CITY OF ROSE HILL, KANSAS, FOR THE PURPOSE OF PROVIDING FUNDS TO REFUND A PORTION OF THE CITY'S OUTSTANDING GENERAL OBLIGATION BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO.

The Series 2020 Bonds approved by the Ordinance are being issued in the principal amount set forth therein to finance the costs of certain public improvements and to refund previously issued general obligation bonds, KDHE loans, and KDOT loans of the City. The Bonds constitute general obligations of the City payable as to both principal and interest, to the extent necessary, from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the City. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk, City Hall, 125 W. Rosewood, Rose Hill, Kansas 67133. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at <https://cityofrosehill.com/>.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: November 16, 2020.


City Attorney