

ORDINANCE NO. 2713

AN ORDINANCE AUTHORIZING THE ISSUANCE AND DELIVERY OF \$2,185,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, SERIES 2021B (TAXABLE UNDER FEDERAL LAW), OF THE CITY OF GARDNER, KANSAS; AND PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON THE BONDS AS THEY BECOME DUE.

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

WHEREAS, pursuant to K.S.A. 10-123 and K.S.A. 12-6a01 *et seq.*, the City has previously issued its General Obligation Temporary Notes, Series 2019D (Taxable Under Federal Law), in the original principal amount of \$2,510,000 (the “Series 2019D Notes”), to provide interim financing for certain water, street and related improvements to the Waverly Plaza Special Benefit District (the “Improvements”);

WHEREAS, all legal requirements pertaining to the Improvements have been complied with, and the Governing Body of the City now finds and determines that the total cost of the Improvements and related expenses, excluding prepaid special assessments, if any, are at least \$2,185,000;

WHEREAS, pursuant to K.S.A. 12-6a01 *et seq.*, the Governing Body of the City is authorized to issue general obligation bonds of the City to pay the costs of the Improvements and the costs of redeeming the Series 2019D Notes;

WHEREAS, the Governing Body of the City has advertised the sale of its general obligation bonds in accordance with law and, at a meeting held in the City on this date, will award the sale of such bonds to the lowest bidder; and

WHEREAS, the Governing Body of the City finds and determines that it is necessary for the City to authorize the issuance and delivery of its general obligation bonds in the principal amount of \$2,185,000 to pay, along with other available funds of the City, the costs of the Improvements and the costs of redeeming the Series 2019D Notes, including the costs of issuance of the Bonds (as herein defined);

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARDNER, KANSAS, AS FOLLOWS:

Section 1. Definitions of Words and Terms.

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

“**Bonds**” means the City’s General Obligation Bonds, Series 2021B (Taxable Under Federal Law), authorized by this Ordinance in the aggregate principal amount of \$2,185,000, and dated August 26, 2021.

“**City**” means the City of Gardner, Kansas.

“**City Clerk**” means the appointed and acting City Clerk or, in the City Clerk’s absence, the appointed acting City Clerk of the City.

“**City Treasurer**” means the appointed and acting City Treasurer or, in the City Treasurer’s absence, the appointed acting City Treasurer of the City.

“**Improvements**” means the improvements referred to in the recitals to this Ordinance or any Substitute Improvements, as defined in the Resolution.

“**Mayor**” means the elected and acting Mayor of the City or, in the Mayor’s absence, the appointed acting Mayor of the City.

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

“**Resolution**” means the Resolution of the City containing the terms and details of the Bonds.

“**Series 2019D Notes**” means the Series 2019D Notes as described in the recitals to this Ordinance.

“**State**” means the State of Kansas.

Section 2. Authorization of and Security for the Bonds. There shall be issued and are authorized and directed to be issued the Bonds of the City, in the principal amount of \$2,185,000, for the purpose of providing funds, along with other available funds of the City, to pay the costs of the Improvements and the costs of redeeming the Series 2019D Notes, including payment of the costs of issuance of 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 irrevocably pledged for the prompt payment of the principal of and interest on the Bonds as the same become due.

Section 3. 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 form, shall be subject to redemption and payment prior to maturity and shall be issued and delivered in the manner

prescribed and subject to the provisions, covenants and agreements set forth in the Resolution adopted by the Governing Body of the City.

Section 4. Levy and Collection of Annual Tax. The Governing Body of the City 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, and the proceeds derived from the taxes and/or assessments shall be deposited in the Bond and Interest Fund.

If at any time the 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 authorized and directed to pay the principal or interest out of the general funds of the City and to reimburse the general funds for money so expended when the taxes and/or assessments are collected.

Section 5. Further Authority. The Mayor, Finance Director, City Clerk and other City officials are 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 this Ordinance and to make alterations, changes or additions in the agreements, statements, instruments and other documents 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 6. Governing Law. This Ordinance and the Bonds shall be governed exclusively by and construed in accordance with the applicable laws of the State.

Section 7. Effective Date. This Ordinance shall take effect and be in full force from and after its passage by the Governing Body of the City and publication in the official City newspaper.

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PASSED by the Governing Body of the City on August 2, 2021.

APPROVED by the Mayor on August 2, 2021.

CITY OF GARDNER, KANSAS

(Seal)

_____/s/ Steve Shute_____
Mayor

ATTEST:

_____/s/ Sharon Rose_____
City Clerk