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ORDINANCE NO. 2206

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$865,000 AGGREGATE PRINCIPAL AMOUNT OF ELECTRIC SYSTEM REVENUE BONDS, SERIES 2014, OF THE CITY OF BURLINGAME, KANSAS, UNDER THE AUTHORITY OF K.S.A. ARTICLE 12 OF CHAPTER 10 AND AMENDMENTS THERETO.

WHEREAS, pursuant to K.S.A. 10-1201 et seq., as amended, (the "Act") the governing body of the **City of Burlingame, Osage County, Kansas**, (the "City") did on October 3, 2011, by two-thirds vote of the members thereof, pass and approve Ordinance No. 2176 of the City, which ordinance was published as required by law, declaring its official intent to undertake the project and issue bonds of the City to finance the costs thereof, all as hereinafter more fully described, and, thereafter, the governing body did on August 19, 2013, by two-thirds vote of the members thereof, pass and approve Ordinance No. 2195, which was published as required by law, both approving the estimates of the costs of constructing certain improvements to the City's electrical plant and distribution system (the "System") together with all things necessary and incidental thereto (the "Improvements") and authorizing that notice of the City's intention to make the Improvements and finance the costs thereof be given in accordance with the requirements of the Act; and

WHEREAS, pursuant to the Act, the City did cause to be published in its official newspaper, a paper of general circulation in the City, its Notice of Intention to complete the Improvements and finance the cost thereof by issuing revenue bonds of the City, in the maximum principal amount of \$641,000, to pay a part of the estimated \$1,041,000 cost of the Improvements incurred or to be incurred by the City in connection with the Improvements with the balance of such costs in the amount of \$400,000 to be paid from the proceeds of a Community Development Block Grant to the City; and

WHEREAS, a sufficient protest against the construction of the Improvements and the issuance of revenue bonds of the City in the maximum principal amount of \$641,000 to pay a part of the cost thereof was not received by the City Clerk within fifteen (15) days of the date of the publication of the City's Notice of Intention; and

WHEREAS, pursuant to the Act, the City did on November 18, 2013, by two-thirds vote of the members thereof, pass and approve Ordinance No. 2200, which was published as required by law, both approving revised estimates of the costs of constructing the Improvements and authorizing that notice of the City's intention to make the Improvements and finance the revised costs thereof be given in accordance with the requirements of the Act; and

WHEREAS, pursuant to the Act, the City did cause to be published in its official newspaper, a paper of general circulation in the City, its Notice of Intention to complete the Improvements and finance the revised cost thereof by issuing revenue bonds of the City, in the

maximum principal amount of \$866,000, to pay a part of the estimated \$1,266,000 cost of the Improvements incurred or to be incurred by the City in connection with the Improvements with the balance of such costs in the amount of \$400,000 to be paid from the proceeds of a Community Development Block Grant to the City; and

WHEREAS, a sufficient protest against the construction of the Improvements and the issuance of revenue bonds of the City in the maximum principal amount of 866,000 to pay a part of the cost thereof was not received by the City Clerk within fifteen (15) days of the date of the publication of the City's Notice of Intention; and

WHEREAS, it is necessary at this time that the City proceed forthwith to sell and deliver its Electric System Revenue Bonds in the principal sum of \$865,000 for the purpose of providing funds to pay a portion of the costs of making the Improvements and issuing the Bonds.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BURLINGAME, KANSAS:

Section 1. That for the purpose of providing funds to pay a part of the cost of making the Improvements and issuing the Bonds as aforesaid, there is hereby authorized and directed to be issued Electric System Revenue Bonds of the City in the aggregate principal amount of Eight Hundred Sixty-five Thousand Dollars (\$865,000) (the "Bonds") as provided by the Act. 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 the maturity thereof and shall be issued in the manner prescribed and subject to the provisions, covenants and agreements set forth in a resolution of the Governing Body of the City adopted the same date as the date of the passage and approval of this Ordinance (the "Resolution").

Section 2. That the Mayor and City Clerk are hereby authorized to prepare and execute the Bonds and when so executed, the Bonds shall be registered as required by law and the Governing Body shall annually make provisions for the payment of the principal of, redemption premium, if any, and interest on the Bonds as the same shall become due from the revenues derived by the City from the rates, fees or charges collected by the City from the operation of the System, including all improvements, extensions and enlargements thereto hereafter constructed or acquired by the City and not from any other fund or source. The Bonds shall constitute a lien upon the revenues produced from the System of the City.

Section 3. That the City shall, and the officers, agents and employees of the City are hereby authorized and directed to, take such action and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the provisions of this Ordinance and to carry out, comply with and perform the duties of the City with respect to the Bonds and the Resolution all as necessary to carry out and give effect to the transaction contemplated hereby and thereby.

Section 4. That if any portion or provision of this Ordinance or the Bonds shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such portion or provisions shall not effect any of the remaining provisions of this Ordinance or the Bonds but

this Ordinance and said Bonds shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

Section 5. That the Bonds shall be issued and sold to the purchaser thereof in accordance with both their bid for the purchase thereof and the terms and conditions of this Ordinance.

Section 6. That this Ordinance shall take effect and be in force from and after its passage and publication in the official City newspaper.

Passed by the Governing Body and approved by the Mayor this 20th day of January, 2014.

CITY OF BURLINGAME, KANSAS

/s/ Michael T. Dorr, Mayor

ATTEST: Lee Ann Smiley, City Clerk

(SEAL)