

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE PUBLICATION OF A NOTICE OF
ELECTION REGARDING A SPECIAL ELECTION ON NOVEMBER 2, 2010
FOR THE PURPOSE OF VOTING ON CHARTER ORDINANCE NO. 40.**

WHEREAS, the City of Lawrence, Kansas (the “City”) adopted Charter Ordinance No. 40 on _____, 2010; and

WHEREAS, Charter Ordinance No. 40 exempts the City from the provisions of K.S.A. 12-1736 *et seq.* and provides substitute and additional provisions on the same subject relating to public buildings and facilities and the issuance of bonds therefor; and

WHEREAS, the governing body of the City determined that it was advisable to submit the Charter Ordinance to an election as provided by Article 12, Section 5 of the Constitution of the State of Kansas (the “Act”); and

WHEREAS, on _____, 2010, the City adopted Ordinance No. _____ calling an election to be held on November 2, 2010 for the purpose of voting on Charter Ordinance No. 40; and

WHEREAS, if approved by a majority of voters voting thereon, Charter Ordinance No. 40, among other things, specifically authorizes the City to issue not to exceed \$18,000,000 of general obligation bonds for constructing, furnishing and equipping of an expansion and renovation of the existing library at 7th Street and Vermont and construction of adjacent parking facilities; and

WHEREAS, the City desires to provide to the electorate certain information regarding the proposed construction, furnishing and equipping of an expansion and renovation of the existing library and construction of adjacent off-street parking and the issuance of bonds therefore.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS:

SECTION 1. The City Clerk shall cause the County Clerk of Douglas County, Kansas to give notice of the election as provided by law by publishing a Notice of Special Question Election in substantially the form attached hereto as *Exhibit A*, once each week for two (2) consecutive weeks in a newspaper of general circulation in the City, with the first publication to be not less than twenty-one (21) days prior to the date of the election, and the last publication being not more than forty-five (45) days prior to the date of the election.

SECTION 2. This Resolution shall be effective from and after its adoption.

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ADOPTED by the Governing Body of the City of Lawrence, Kansas, on _____, 2010.

(Seal)

Mayor

ATTEST:

City Clerk

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EXHIBIT A

(Published in the *Lawrence Journal-World* on _____, 2010 and on _____, 2010.)

**NOTICE OF SPECIAL QUESTION ELECTION
CITY OF LAWRENCE, KANSAS**

Notice is hereby given to the qualified electors of the City of Lawrence, Kansas (the "City") that a special question election has been called and will be held in conjunction with the general election on November 2, 2010, for the purpose of submitting to the qualified electors of the City the following proposition:

Shall the following be adopted?

Shall Charter Ordinance No. 40, entitled 'A CHARTER ORDINANCE EXEMPTING THE CITY OF LAWRENCE, KANSAS FROM THE PROVISIONS OF K.S.A. 12-1736 TO K.S.A. 12-1738 AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT RELATING TO PUBLIC BUILDINGS AND FACILITIES AND THE ISSUANCE OF BONDS THEREFOR, INCLUDING THE ISSUANCE OF NOT TO EXCEED \$18,000,000 OF GENERAL OBLIGATION BONDS FOR CONSTRUCTING, FURNISHING AND EQUIPPING OF AN EXPANSION AND RENOVATION OF THE EXISTING LIBRARY AND CONSTRUCTION OF PARKING FACILITIES; AND FURTHER REPEALING CHARTER ORDINANCE 32' take effect pursuant to Article 12, Section 5 of the Constitution of the State of Kansas?

**IT IS IMPORTANT FOR EACH QUALIFIED VOTER TO NOTE THAT YOUR BALLOT CANNOT BE
COUNTED UNLESS YOU TAKE THE APPROPRIATE STEPS:**

To vote in favor of any question submitted on this ballot, make a cross or a check mark in the square to the left of the word "Yes." To vote against it, make a cross or a check mark in the square to the left of the word "No."

☐

YES

☐

NO

The polls will open at 7:00 o'clock A.M. and will close at 7:00 o'clock P.M., on November 4, 2008, the election day. The voting places in the City, and the area each voting place will serve, will be as follows:

[TO BE INSERTED BY COUNTY CLERK]

Voters Residing
In Precinct

Will Vote At

Location

The election will be conducted by the officers and/or persons provided by law for holding elections, and the method of voting will be by ballot. Registered voters are eligible to vote by advance voting ballot upon application to the County Clerk set forth below pursuant to K.S.A. 25-1117 *et seq.*

ADDITIONAL INFORMATION

General

The following additional information is provided by the City with respect to the impact of this ballot question.

Passage of this ballot proposition would authorize the City to: (a) construct, furnish and equip an expansion and renovation of the existing library at 7th Street and Vermont and construction of adjacent parking facilities (the "Library Project") and (b) issue general obligation bonds in a principal amount of not to exceed \$18,000,000 to pay the costs of the Library Project and associated financing costs (the "Bonds").

The following additional information is provided by the City with respect to the Library Project and the Bonds. This information has been obtained from sources deemed reliable by the City. Certain portions of this information are based upon projections. No assurances can be given that these projections will be accurate as of the date of issuance of the Bonds due to changing market conditions and other matters unknown or unavailable at this time. The assumed principal repayment schedule and the average interest rates are based on recent bond issues for similar types of financings all as shown below.

Projected Summary of Project Costs

| <u>Sources of Funds</u> | | <u>Uses of Funds</u> | |
|-------------------------|--------------|---|----------|
| Bonds to be Issued | \$18,000,000 | Library Project Costs (including design, construction, site improvements, project management and contingency) | \$ _____ |
| Interest Earnings | _____ | Financing Costs | _____ |
| | | Issuance Expenses (including attorney fees, printing costs, rating agency fees, financial advisor fees, underwriting fees and other miscellaneous expenses) | _____ |
| Total | _____ | Total | _____ |

Projected Summary of Bond Issue Repayments

Principal payments for one bond issue, to be repaid over ____ years from date of issuance, with final maturity projected to be in 20____:

Average Interest Rate _____%

Total Interest Cost to Maturity \$_____

Estimated Equalized Assessed Valuation (2010) \$_____

Average Annual Principal and Interest Payments \$_____

Average Annual Property Tax Mill Levy Rate

Estimated Total for Principal and Interest Payments 1.50 Mills

Estimated Total for Additional Operating Expenses 0.50 Mills

ELECTION INFORMATION

The election officer conducting the election will be the Election Commissioner of Douglas County, Kansas, whose address is: Douglas County Courthouse, _____, P.O. Box _____, Lawrence, Kansas _____.

DATED: _____, 2010.

_____, County Clerk
Douglas County, Kansas

GILMORE & BELL, P.C.
DRAFT: MARCH 26, 2010
CHARTER ORDINANCE – LIBRARY V1

(Published in the *Lawrence Journal-World* on _____, 20__ and _____, 20__)

CHARTER ORDINANCE NO. 40

A CHARTER ORDINANCE EXEMPTING THE CITY OF LAWRENCE, KANSAS FROM THE PROVISIONS OF K.S.A. 12-1736 TO K.S.A. 12-1738 AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT RELATING TO PUBLIC BUILDINGS AND FACILITIES AND THE ISSUANCE OF BONDS THEREFOR, INCLUDING THE ISSUANCE OF NOT TO EXCEED \$18,000,000 OF GENERAL OBLIGATION BONDS FOR CONSTRUCTING, FURNISHING AND EQUIPPING OF AN EXPANSION AND RENOVATION OF THE EXISTING LIBRARY AND CONSTRUCTION OF PARKING FACILITIES; AND FURTHER REPEALING CHARTER ORDINANCE 32.

WHEREAS, Article 12, Section 5 of the Constitution of the State of Kansas (the “Act”), provides that cities may exercise certain home rule powers, including passing charter ordinances which exempt such cities from non-uniform statutes and acts of the Kansas Legislature; and

WHEREAS, the City of Lawrence, Kansas (the “City”) is a City, as defined in the Act, duly created and organized, under the laws of the State of Kansas; and

WHEREAS, K.S.A. 12-1736, 12-1737 and 12-1738 are part of an enactment of the Kansas Legislature (K.S.A. 12-1736 *et seq.*) relating to public buildings and the issuance of bonds for such purposes, which enactment is applicable to the City, but is not uniformly applicable to all cities within the State of Kansas; and

WHEREAS, the governing body of the City desires, by charter ordinance, to exempt the City from the provisions of K.S.A. 12-1736, 12-1737 and 12-1738, and to provide substitute and additional provisions therefor.

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

SECTION 1. The City of Lawrence, Kansas (the “City”) by virtue of the powers vested in it by the Act, hereby elects to exempt itself from and hereby makes inapplicable to it the provisions of K.S.A. 12-1736, 12-1737 and 12-1738, and does hereby provide the following substitute and additional provisions in place thereof.

SECTION 2. “Public building and facility” shall mean any structure, building or facility owned, or to be owned by the City of Lawrence, Kansas, including, but not limited to off-street parking facilities, city offices, city maintenance facilities, public libraries, auditoriums, airport facilities and related improvements, public safety, fire, and police facilities, health care facilities, community buildings, recreational buildings or public meeting facilities.

SECTION 3. The City may erect or construct, acquire by gift, purchase, condemnation or lease a public building or facility and procure any necessary site therefor by gift, purchase or condemnation and may design, alter, repair, reconstruct, remodel, renovate, replace or make additions to, furnish and equip a public building or facility. The authority herein conferred may also be exercised jointly or in cooperation with any other governmental unit so empowered, upon such terms and conditions as shall be agreed upon by the governing body of the City of Lawrence, Kansas and the governing body of such cooperating governmental unit or units. The City may lease any public building or facility to another party, upon such terms and conditions as the governing body may deem to be in the best interest of the City.

SECTION 4. The governing body of the City of Lawrence, Kansas may, for the purposes hereinbefore authorized and provided: (a) Receive and expend gifts; (b) receive and expend grants-in-aid of state or federal funds; (c) issue general obligation bonds of the City; (d) levy ad valorem property taxes pursuant to applicable limits; (e) issue no-fund warrants; (f) use moneys from the general operating fund or other appropriate budgeted funds when available; (g) use moneys received from the sale of public buildings or facilities or portions thereof; (h) use moneys provided to the City for off-street parking purposes; (i) combine any two or more such methods of financing for the purposes herein authorized.

SECTION 5. Notwithstanding the foregoing, the City is hereby expressly authorized to construct, furnish and equip an expansion and renovation of the existing public library at 7th Street and Vermont and to construct adjacent parking facilities at a total cost of not to exceed \$18,000,000. The City is further authorized to issue general obligation bonds and/or temporary notes in an amount not to exceed \$18,000,000 to pay the costs of such improvements.

SECTION 6. If any provision or section of this Charter Ordinance is deemed or ruled unconstitutional or otherwise illegal or invalid by any court of competent jurisdiction, such illegality or invalidity shall not affect any other provision of this Charter Ordinance. In such instance, this Charter Ordinance shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

SECTION 7. Charter Ordinance No. 32 is hereby repealed.

SECTION 8. This Charter Ordinance shall be published once a week for two consecutive weeks in the official City newspaper. The effectiveness of this Charter Ordinance is hereby made subject to a vote of the electors of the City. It shall take effect only if approved by a majority of the electors voting thereon.

PASSED with at least a two-thirds (2/3) vote of the entire Governing Body of the City of Lawrence, Kansas, on _____, 20__ and **SIGNED** by the Mayor.

Mayor

(SEAL)

ATTEST:

City Clerk

GILMORE & BELL, P.C.
DRAFT: MARCH 26, 2010
ELECTION CALENDAR VI

TIMELINE OF EVENTS
FOR
CITY CHARTER ORDINANCE ELECTION BY REGULAR BALLOT

| <u>Date</u> | <u>Timing from Election Day</u> | <u>Statutory Requirement</u> | <u>Responsible Party</u> | <u>Event</u> |
|---|---|--|---------------------------------|---|
| _____, 2010 | General Rule: Ordinance calling election should be adopted so ordinance may be published at least one day before request to County | Art. 12 Sec. 5(c)(3) Kansas Constitution | City | City Commission adopts Charter Ordinance City Commission adopts Ordinance calling election <ul style="list-style-type: none"> • Ordinance must list ballot language, which is required to be "Shall charter ordinance No. ___, entitled _____ take effect?" City Commission adopts Resolution providing for Notice of Election. |
| _____, 2010 _____, 2010 | N/A | Art. 12 Sec. 5(c)(3) Kansas Constitution | City | Publish Charter Ordinance once each week for two consecutive weeks in the official city newspaper |
| _____, 2010 _____, 2010 _____, 2010 | At least 22 days (as soon as possible after adoption of Ordinance calling election, but in sufficient time to complete prior to election) | Art. 12 Sec. 5(c)(3) Kansas Constitution | City | Publish Ordinance calling election once each week for three consecutive weeks in the official city newspaper |
| August 11, 2010 | <i>Check with County Election Officer</i> | KSA 25-432, County Election Office Rules | City | Submit request for election to County election officer <ul style="list-style-type: none"> • Check with County election officer for timing • Include certified copy of ordinance and ballot wording |

| | | | | |
|--------------------|---------------|---|--------|--|
| September 24, 2010 | 21 to 52 days | KSA 10-120, KSA 10-120a, KSA 12-6,122 | City | <p>Publish Notice of Election (first publication)</p> <ul style="list-style-type: none"> • once a week for two consecutive weeks • first publication \geq 21 days before election • last publication \leq 90 days before election • Must include: <ul style="list-style-type: none"> ▪ Time and place of election ▪ Amount of bonds and purpose for which bonds are being issued ▪ Total amount of bonds to be issued ▪ Amount of bonds attributable to the actual cost of the project financed ▪ Projected amount of interest to be paid until bonds are retired (see 10-120a for how projection calculated) ▪ Projected amount of annual principal and interest payments on bonds ▪ Projected annual rate and source of taxation to retire bonds ▪ Type of public improvements to be made ▪ Projected cost of improvements ▪ Projected cost of expenses and professional services for improvements ▪ Projected date when bonds will be retired ▪ Any other information deemed necessary by the City to provide full disclosure relating to the bonds • Must be signed by county election officer |
| October 1, 2010 | 15 to 45 days | KSA 10-120, KSA 10-120a, KSA 12-6,122 | City | <p>Publish Notice of Election (second publication)</p> <ul style="list-style-type: none"> • Seven days after first publication • \leq 90 days before election |
| October 13, 2010 | | KSA 25-1122(f), KSA 25-1123(a) | County | Advance Voting Begins |
| October 18, 2010 | | KSA 25-2311(a)(3) | County | Last day to register to vote for general election |
| November 2, 2010 | 0 days | KSA 25-2019 | County | Election day |

| | | | | | |
|------------------|---------------------------|-------------|--------|---------------|--|
| November 5, 2010 | Friday after Election Day | KSA 25-3101 | County | Final canvass | |
|------------------|---------------------------|-------------|--------|---------------|--|

GILMORE & BELL, P.C.
DRAFT: MARCH 26, 2010
ELECTION ORDINANCE – LIBRARY V1

(Published in the *Lawrence Journal-World* on _____, 20____, _____, 20____
and _____, 20____)

ORDINANCE NO. ____

**AN ORDINANCE CALLING A SPECIAL ELECTION ON NOVEMBER 2, 2010
FOR THE PURPOSE OF VOTING ON CHARTER ORDINANCE NO. 40.**

WHEREAS, the City of Lawrence, Kansas (the “City”) adopted Charter Ordinance No. 40 on _____, 2010; and

WHEREAS, the governing body of the City determined that it was advisable to submit the Charter Ordinance to an election as provided by Article 12, Section 5 of the Constitution of the State of Kansas (the “Act”).

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

SECTION 1. An election is hereby called to be held on November 2, 2010 for the purpose of voting on Charter Ordinance No. 40.

SECTION 2. The proposition on the ballot shall be:

“Shall Charter Ordinance No. 40, entitled ‘A CHARTER ORDINANCE EXEMPTING THE CITY OF LAWRENCE, KANSAS FROM THE PROVISIONS OF K.S.A. 12-1736 TO K.S.A. 12-1738 AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT RELATING TO PUBLIC BUILDINGS AND FACILITIES AND THE ISSUANCE OF BONDS THEREFOR, INCLUDING THE ISSUANCE OF NOT TO EXCEED \$18,000,000 OF GENERAL OBLIGATION BONDS FOR CONSTRUCTING, FURNISHING AND EQUIPPING OF AN EXPANSION AND RENOVATION OF THE EXISTING LIBRARY AND CONSTRUCTION OF PARKING FACILITIES; AND FURTHER REPEALING CHARTER ORDINANCE 32’ take effect pursuant to Article 12, Section 5 of the Constitution of the State of Kansas?”

Said charter ordinance shall take effect if approved by a majority of the electors voting thereon.

SECTION 3. The proposition stated above shall be printed on the ballot, together with voting instructions and additional information as provided by law and the election shall be conducted as elections for officers and by the officers handling such elections.

SECTION 4. This Ordinance shall be published once each week for three consecutive weeks in the official City newspaper, and shall take effect upon its first publication.

PASSED by the Governing Body of the City of Lawrence, Kansas, on _____, 2010 and
SIGNED by the Mayor.

Mayor

(SEAL)

ATTEST:

City Clerk