

ORDINANCE NO. 9351

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION ENERGY IMPROVEMENT BONDS, SERIES 2017-B, OF THE CITY OF LAWRENCE, KANSAS; 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 Lawrence, Kansas (the “City”) is a city of the first class, duly created, organized and existing under the Constitution and laws of the State; and

WHEREAS, pursuant to K.S.A. 10-101 *et seq.*, K.S.A. 10-620 *et seq.*, Charter Ordinance No. 40 of the City and Article 12, Section 5 of the Constitution of the State of Kansas, all as amended and supplemented from time to time, and other provisions of the laws of the State of Kansas applicable thereto, by proceedings duly had, the governing body of the City has authorized the following improvements (the “Improvements”) to be made in the City, to-wit:

<u>Project</u>	<u>Resolution No.</u>	<u>Authority</u>	<u>Improvement Fund Deposit*</u>
Community Health: Install Electronic Air Cleaner Filtration	7191	Charter Ord. No. 40	\$96,294
Indoor Aquatic Center: Energy & Indoor Air Quality Improvements	7191	Charter Ord. No. 40	1,760,249
Lawrence Arts Center: Replace Air Cooled Chiller with Premium Efficiency Unit	7191	Charter Ord. No. 40	185,472
Holcom Recreation Center: New Packaged HVAC System	7191	Charter Ord. No. 40	382,439
Community Health: Replace Air Cooled Chiller with Premium Efficiency Unit	7191	Charter Ord. No. 40	209,897
Prairie Park: New Ground-Source HCAC System	7191	Charter Ord. No. 40	159,136
Community Health: Replace Boilers	7191	Charter Ord. No. 40	270,409
Outdoor Aquatic Center: Boiler Replacement	7191	Charter Ord. No. 40	71,566
City Hall: Replace Vestibule and Stairwell Cabinet Heaters	7191	Charter Ord. No. 40	18,488
Solid Waste Office: Replace Package Unit	7191	Charter Ord. No. 40	18,637
Public Works: City-Wide Pole Lighting (Downtown, Parking Lots, etc.)	7191	Charter Ord. No. 40	381,913
Parks and Rec: Parks Area Lighting	7191	Charter Ord. No. 40	299,049
Vehicle Maintenance Office: Add Ductless Mini Split for Server Room	7191	Charter Ord. No. 40	6,685
New Hampshire Parking Garage: Replace Wall Pack HVAC Units with Gas Heat	7191	Charter Ord. No. 40	49,923
Airport Terminal: HVAC System Replacements	7191	Charter Ord. No. 40	30,148
East Lawrence Recreation Center: Replace RTU-2,3 & 4	7191	Charter Ord. No. 40	154,399
Community Building: Replace Aging Packaged Units	7191	Charter Ord. No. 40	394,559

Fire Station #2: Replace Outdated RTUs	7191	Charter Ord. No. 40	44,824
Fire Station #3: Replace Roof	7191	Charter Ord. No. 40	129,138
Outdoor Aquatic Center: Concession Stand HVAC	7191	Charter Ord. No. 40	46,716
City-Wide: HVAC Controls Upgrades, Additions and Optimization	7191	Charter Ord. No. 40	1,108,567
Fire Station #5: Solar Power Installation	7191	Charter Ord. No. 40	241,308
City-Wide Building Weatherization	7191	Charter Ord. No. 40	145,831
City Hall: Replace Windows	7191	Charter Ord. No. 40	347,017
Community Health: Replace Roof	7191	Charter Ord. No. 40	278,593
Fire Station #3: Replace Rooftop Units, Relocate One	7191	Charter Ord. No. 40	58,451
Community Building: Replace Roof	7191	Charter Ord. No. 40	281,462
City-Wide: Building LED Retrofits, Replacements & Controls	7191	Charter Ord. No. 40	1,457,914
Parks & Rec: Sports Field Lighting	7191	Charter Ord. No. 40	1,288,718
Holcom Recreation Center: Sports Field Lighting	7191	Charter Ord. No. 40	955,669
Required Program Costs (FCIP Fee and IGA Fee)	7191	<u>Charter Ord. No. 40</u>	<u>159,688</u>
Total:			\$11,033,159

**Excludes Costs of Issuance.*

WHEREAS, the governing body of the City is authorized by law to issue general obligation bonds of the City to pay a portion of the costs of the Improvements; and

WHEREAS, the governing body of the City has advertised the sale of the Bonds in accordance with the law and hereby awards the sale of such Bonds to the best bidder.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, 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 *et seq.*, K.S.A. 10-620 *et seq.*, Charter Ordinance No. 40 of the City and Article 12, Section 5 of the Constitution of the State of Kansas, 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 of the City prescribing the terms and details of the Bonds and making covenants with respect thereto.

“Bonds” means the City’s General Obligation Energy Improvement Bonds, Series 2017-B, dated May 24, 2017, authorized by this Ordinance.

“City” means the City of Lawrence, 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.

“Improvements” means the improvements referred to in the preamble to this Ordinance and any Substitute Improvements.

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

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

“State” means the State of Kansas.

“Substitute Improvements” means the substitute or additional improvements of the City authorized in the manner set forth in the Bond Resolution.

Section 2. Authorization of the Bonds. There shall be issued and hereby are authorized and directed to be issued the General Obligation Energy Improvement Bonds, Series 2017-B, of the City in the principal amount of \$11,375,000, for the purpose of providing funds to: (a) pay a portion of the costs of the Improvements; and (b) 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 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 of the City.

Section 5. 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 upon all of the taxable tangible property within the City in the manner provided by law.

The taxes 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. The proceeds derived from said taxes shall be deposited in the Bond and Interest Fund.

If at any time said taxes are not collected in time to pay the principal of or interest on the Bonds when due, the 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 are collected.

Section 6. Further Authority. The Mayor, 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 of the City, approval by the Mayor and publication of the Ordinance or a summary thereof in the official City newspaper.

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PASSED by the governing body of the City on May 2, 2017 and **APPROVED AND SIGNED** by the Mayor.

(SEAL)

Mayor

ATTEST:

Clerk

(PUBLISHED IN THE *LAWRENCE JOURNAL WORLD* ON MAY 5, 2017)

SUMMARY OF ORDINANCE NO. 9351

On May 2, 2017, the governing body of the City of Lawrence, Kansas passed an ordinance entitled:

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION ENERGY IMPROVEMENT BONDS, SERIES 2017-B, OF THE CITY OF LAWRENCE, KANSAS; 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 2017-B Bonds approved by the Ordinance are being issued in the principal amount of \$11,375,000, to finance certain internal improvements in the City, and constitute general obligations of the City payable as to both principal and interest 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, Six East 6th Street, Lawrence, Kansas 66044. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at <https://lawrenceks.org/ordinances-resolutions/>.

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

DATED: May 2, 2017.

City Attorney

