

(First Published in *The Hillsboro Star Journal* on November 11, 2015)

ORDINANCE NO. 1262

AN ORDINANCE OF THE CITY OF HILLSBORO, KANSAS, AUTHORIZING THE CITY TO MAKE CERTAIN WATER SYSTEM IMPROVEMENTS TO THE CITY'S WATERWORKS UTILITY SYSTEM AND AUTHORIZING THE CITY TO ISSUE GENERAL OBLIGATION BONDS IN A PRINCIPAL AMOUNT OF NOT TO EXCEED \$225,000 TO PAY THE COSTS THEREOF.

WHEREAS, the governing body of the City of Hillsboro, Kansas (the "City") operates a public water supply system as defined in K.S.A. 65-163d through 65-163u (the "Water Act"), and is authorized under the Water Act to acquire, construct, reconstruct, improve, extend, rehabilitate and equip all or any of a public water supply system; provided such improvements are not related to the diversion or transportation of water acquired through a water transfer, as defined by K.S.A. 82a-1501 and to issue general obligation bonds to pay the costs of such improvements; and

WHEREAS, the City finds it necessary and desirable to replace and improve a portion of the public water supply system by the purchase, acquisition, construction, equipping, and installing of water lines and related improvements to be located from the City's existing water tower (which is adjacent to the Tabor College campus) north to D Street (the "Project"); and

WHEREAS, the City finds it necessary and desirable to issue its general obligation bonds (the "Bonds"), pursuant to the Water Act, for the purpose of paying the cost to purchase, acquire, construct, equip, and install the Project.

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

Section 1. Authorization of the Project. It is hereby authorized, ordered and directed that the Project be purchased, acquired, constructed, equipped, and installed.

Section 2. Payment of Project Costs. It is hereby further authorized, ordered and directed that the costs of purchasing, acquiring, constructing, equipping, and installing the Project shall be paid in part from (i) funds provided by Tabor College (estimated at \$38,875, depending on actual final construction costs) and (ii) the balance of said costs to be paid from the proceeds of the City's general obligation bonds to be issued by the City in an amount which shall not exceed \$225,000.

Section 3. Temporary Notes. It is hereby further authorized, ordered and directed that in order to temporarily finance the estimated costs of the Project until the issuance of the general obligation bonds as hereinbefore provided, there shall be issued temporary improvement notes (the "Notes"), such notes to be issued from time to time upon subsequent resolution or resolutions of the City which shall provide and set forth the details of the Notes, including the fixing of the dates, terms, denominations, interest rates and maturity dates. Such Notes shall be issued and provision shall be made therefor as funds are needed and required for the orderly construction of the Project;

and the Mayor and City Clerk are hereby authorized, ordered and directed to prepare and execute each of such Notes in accordance with the terms of this Ordinance and the terms of the subsequent resolution or resolutions providing for same; and shall deliver the Notes to persons having claims against the City in connection with the improvements, or may sell the Notes at private or public sale and apply the proceeds therefrom to the payment of the actual costs and expenses of the improvements. Any Notes issued under the authority of this Section shall be issued under and will contain a recital that they are issued under the authority of K.S.A. 10-123 and K.S.A. 65-162, *et seq.*, inclusive, as amended and supplemented, and shall contain all other usual and required recitals and covenants and be in the form required therefor by said K.S.A. 10-123; and said Notes may be issued in combinations with any other temporary notes being issued by the City as shall be determined by the governing body at the time of such issuance to be in the City's best interest.

Section 4. Further Authority. 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 all as necessary to carry out and give effect to the transactions contemplated hereby and thereby.

Section 5. Reimbursement. The obligations authorized by this Ordinance are authorized to reimburse expenditures made by the City 60 days before the date of this Ordinance and thereafter, as provided in United States Treasury Regulation § 1.150-2.

Section 6. Effective Date. This Ordinance shall be in full force and take effect from and after its adoption and approval, and its publication one time in the official newspaper of the City.

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ADOPTED, PASSED AND APPROVED by the governing body of the City of Hillsboro,
Kansas this 3rd day of November, 2015.

CITY OF HILLSBORO, KANSAS

[seal]

/s/
Delores Dalke, Mayor

ATTEST:

/s/
Janice K. Meisinger, City Clerk

On November 3, 2015, the City of Hillsboro, Kansas adopted Ordinance 1262 authorizing the City to make certain water system improvements to the City's waterworks utility system and authorizing the City to issue General Obligation Bonds in a principal amount of not to exceed \$225,000 to pay the costs thereof. A complete copy of this ordinance is available at www.cityofhillsboro.net or at City Hall, 118 E. Grand. This summary is certified by Josh Boehm, City Attorney.

Josh Boehm, Hillsboro City Attorney

EXCERPT OF MINUTES

The Governing Body of the City of Hillsboro, Kansas met at the usual meeting place in the City on November 3, 2015 at 4:00 p.m., with the Mayor Delores Dalke presiding, and the following members of the governing body present:

and the following members absent:

Thereupon, there was presented to the Governing Body an Ordinance entitled:

AN ORDINANCE OF THE CITY OF HILLSBORO, KANSAS, AUTHORIZING THE CITY TO MAKE CERTAIN WATER SYSTEM IMPROVEMENTS TO THE CITY'S WATERWORKS UTILITY SYSTEM AND AUTHORIZING THE CITY TO ISSUE GENERAL OBLIGATION BONDS IN A PRINCIPAL AMOUNT OF NOT TO EXCEED \$225,000 TO PAY THE COSTS THEREOF.

Thereupon, the Ordinance was considered and discussed, and upon the motion of _____ seconded by _____, the Ordinance was adopted by a majority vote of the governing body, it was given No. _____ and was directed to be signed by the Mayor and attested by the City Clerk; and the City Clerk was directed to publish the Ordinance one time in the City's official newspaper as required by law and as provided therein.

CITY CLERK'S
CERTIFICATION OF EXCERPT OF MINUTES

I hereby certify that the foregoing is a true and correct Excerpt of the Minutes of the proceedings at the November 3, 2015 meeting of the governing body of the City of Hillsboro, Kansas.

[seal]

Janice K. Meisinger, City Clerk