

(Published in The Morning Sun on May 29<sup>th</sup>, 2015.)

**ORDINANCE NO. S-1020**

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$6,370,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2015A, OF THE CITY OF PITTSBURG, KANSAS, UNDER THE AUTHORITY OF ARTICLE 12, SECTION 5, OF THE CONSTITUTION OF THE STATE OF KANSAS, HOME RULE ORDINANCE NO. HR-5 OF THE CITY, K.S.A. 12-101, AND K.S.A. 10-101 to 125, INCLUSIVE, ALL AS AMENDED.**

**WHEREAS**, the Governing Body of the City of Pittsburg, Crawford County, Kansas (the "City") pursuant to K.S.A. 65-163d et seq., as amended, received a loan from the State of Kansas acting by and through the Kansas Department of Health and Environment ("KDHE") to finance certain improvements to the City's municipally-owned water treatment plant and system (KPWSLF Project No. 2489) pursuant to a loan agreement effective as of August 13, 2008, as amended, by and between the City and KDHE (the "Public Water Supply System Loan Agreement"); and

**WHEREAS**, the City has in accordance with the provisions of K.S.A. 65-3321 to 65-3329, inclusive, all as amended, received a loan from the State of Kansas acting by and through KDHE to finance certain improvements to the City's municipally-owned wastewater treatment system (KWPCRF Project No. C20 1527 01) pursuant to a loan agreement effective as of July 3, 2001, as amended, by and between the City and KDHE (the "Wastewater System Loan Agreement"); and

**WHEREAS**, the City wishes to refinance and prepay the Public Water Supply System Loan Agreement and the Wastewater System Loan Agreement (collectively referred to as the "Loan Agreements") on June 22, 2015, in the total amount of \$6,923,557.67 (consisting of principal in the amount of \$6,835,455.63 and accrued interest and fees in the amount of \$88,102.04) and permanently finance KPWSLF Project No. 2489 and KWPCRF Project No. C20 1527 01 (collectively referred to as the "Projects"), with proceeds of general obligation refunding bonds of the City; and

**WHEREAS**, pursuant to Article 12, Section 5, of the Constitution of the State of Kansas, K.S.A. 12-101, and Home Rule Ordinance No. HR-5 of the City, the City deems it necessary and advisable to issue its general obligation refunding bonds in the principal amount of \$6,370,000 to refinance and prepay the Loan Agreements and permanently finance the Projects;

**WHEREAS**, pursuant to Home Rule Ordinance No. HR-5 of the City adopted by its governing body April 14, 2015, the completion of the Projects was authorized and/or ratified and affirmed in accordance with both the plans and specifications therefore on file with the City Clerk of the City and the Act; and

**WHEREAS**, in accordance with all of the foregoing, the City deems it necessary and advisable to issue and sell its General Obligation Refunding Bonds, Series 2015A, in the aggregate principal amount of Six Million Three Hundred Seventy Thousand Dollars (\$6,370,000) to refinance and prepay the Loan Agreements and permanently refinance the Projects.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PITTSBURG, CRAWFORD COUNTY, KANSAS:**

**Section 1.** That for the purpose of providing funds to refinance and prepay the Loan Agreements, permanently finance the costs of the Projects, and pay the costs of issuing the bonds herein authorized, there is hereby authorized and directed to be issued General Obligation Refunding Bonds of the City in the aggregate principal amount of Six Million Three Hundred Seventy Thousand Dollars (\$6,370,000) (the "Bonds") as provided by Article 12, Section 5, of the Constitution of the State of Kansas, K.S.A. 12-101, Home Rule Ordinance No. HR-5 of the City, and Article 1 of Chapter 10, Kansas Statutes Annotated, all as amended. 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 by levying a tax upon all the taxable property 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.

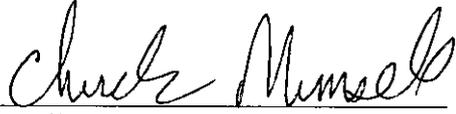
**Section 5.** That the Bonds shall be issued and sold to the purchaser thereof in accordance with both their bid for the purchase thereof and the terms and conditions of this Ordinance.

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

(REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK)

PASSED by the Governing Body and approved by the Mayor this 26th day of May 2015.

CITY OF PITTSBURG, KANSAS



Chuck Munsell, Mayor

ATTEST:



Tammy Nagel, City Clerk

(SEAL)

