SERIES 232 BOND ORDINANCE AND RESOLUTION

A. Excerpt of Minutes of Meeting approving sale, approving Ordinance/Bond Resolution
B. Ordinance
C. Ordinance Summary for Publication
D. Bond Resolution
The governing body met in regular session at the usual meeting place in the City, at 7:00 p.m., the following members being present and participating, to-wit:

Present: ____________________________________________________________

Absent: __________________________________________________________

The Mayor declared that a quorum was present and called the meeting to order.

*****************

(Other Proceedings)

The Director of Resource Management reported that pursuant to the Notice of Sale, bids for the purchase of General Obligation Improvement and Refunding Bonds, Series 232, dated July 18, 2019, of the City had been received. A tabulation of said bids is set forth as EXHIBIT A hereto.

Thereupon, the governing body reviewed and considered the bids and it was found and determined that the bid of __________, __________, _____________, was the best bid for the Bonds, a copy of which is attached hereto as EXHIBIT B.

Thereupon, there was presented an Ordinance entitled:

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION IMPROVEMENT AND REFUNDING BONDS, SERIES 232, OF THE CITY OF OLATHE, 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.

Thereupon, Councilmember _______ moved that said Ordinance be passed. The motion was seconded by Councilmember __________. Said Ordinance was duly read and considered, and upon being put, the motion for the passage of said Ordinance was carried by the vote of the governing body, the vote being as follows:

Yea: ____________________________________________________________

Nay: ___________________________________________________________

Thereupon, the Mayor declared said Ordinance duly passed and the Ordinance was then duly numbered Ordinance No. 19-__ was signed and approved by the Mayor and attested by the Clerk and the Ordinance or a summary thereof was directed to be published one time in the official newspaper of the City.

Thereupon, there was presented a Resolution entitled:
A RESOLUTION PRESCRIBING THE FORM AND DETAILS OF AND AUTHORIZING AND DIRECTING THE SALE AND DELIVERY OF GENERAL OBLIGATION IMPROVEMENT AND REFUNDING BONDS, SERIES 232, OF THE CITY OF OLATHE, KANSAS, PREVIOUSLY AUTHORIZED BY ORDINANCE NO. 19-__ OF THE ISSUER; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS CONNECTED THEREWITH.

Thereupon, Councilmember __________ moved that said Resolution be adopted. The motion was seconded by Councilmember __________. Said Resolution was duly read and considered, and upon being put, the motion for the adoption of said Resolution was carried by the vote of the governing body, the vote being as follows:

Yea: 

Nay: 

Thereupon, the Mayor declared said Resolution duly adopted and the Resolution was then duly numbered Resolution No. 19-____ and was signed by the Mayor and attested by the Clerk.

**************

(Other Proceedings)

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]
On motion duly made, seconded and carried, the meeting thereupon adjourned.

CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the governing body of the City of Olathe, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(SEAL)

City Clerk
EXHIBIT A

(BID TABULATION)
EXHIBIT B

(BID OF PURCHASER)
ORDINANCE NO. 19-38

OF

THE CITY OF OLATHE, KANSAS

PASSED

JUNE 18, 2019

GENERAL OBLIGATION IMPROVEMENT AND REFUNDING BONDS
SERIES 232
ORDINANCE NO. 19-38

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION IMPROVEMENT AND REFUNDING BONDS, SERIES 232, OF THE CITY OF OLATHE, 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 Olathe, Kansas (the “City”) is a city of the first class and political subdivision, duly created, organized and existing under the Constitution and laws of the State; and

WHEREAS, pursuant to K.S.A. 10-101 to 10-125, inclusive, K.S.A. 12-685 et seq., Charter Ordinance No. 74 of the Issuer and Article 12, Section 5 of the Constitution of the State of Kansas, as amended, 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:

<table>
<thead>
<tr>
<th>Project Number</th>
<th>Project Name</th>
<th>Authorizing Ord./Res.</th>
<th>Authority</th>
<th>Amount*</th>
</tr>
</thead>
<tbody>
<tr>
<td>3-C-037-13</td>
<td>143rd Street, Pflumm to Quivira</td>
<td>14-1065</td>
<td>Charter Ord. No. 74</td>
<td>$1,678,209.06</td>
</tr>
<tr>
<td>3-C-001-15</td>
<td>College Blvd, Lone Elm to Woodland</td>
<td>15-1020</td>
<td>K.S.A. 12-685 et seq.</td>
<td>2,500,000.00</td>
</tr>
<tr>
<td>3-P-000-19</td>
<td>Street Preservation Program</td>
<td>19-1007</td>
<td>Charter Ord. No. 74</td>
<td>1,000,000.00</td>
</tr>
<tr>
<td>3-TS-000-19</td>
<td>Traffic Signals</td>
<td>19-1008</td>
<td>Charter Ord. No. 74</td>
<td>620,000.00</td>
</tr>
<tr>
<td>3-R-000-19</td>
<td>Street Reconstruction Program</td>
<td>18-1078</td>
<td>Charter Ord. No. 74</td>
<td>5,100,000.00</td>
</tr>
<tr>
<td>3-C-072-19</td>
<td>Sidewalk Construction</td>
<td>19-1005</td>
<td>Charter Ord. No. 74</td>
<td>80,000.00</td>
</tr>
<tr>
<td>3-G-000-19</td>
<td>Bridge Repair</td>
<td>19-1004</td>
<td>Charter Ord. No. 74</td>
<td>250,000.00</td>
</tr>
<tr>
<td>3-C-093-19</td>
<td>Miscellaneous ADA Sidewalk Repair</td>
<td>19-1002</td>
<td>Charter Ord. No. 74</td>
<td>300,000.00</td>
</tr>
<tr>
<td>3-C-037-19</td>
<td>ATMS Replacement &amp; Repair</td>
<td>19-1003</td>
<td>Charter Ord. No. 74</td>
<td>100,000.00</td>
</tr>
<tr>
<td>6-C-009-18</td>
<td>Fire Station #8 Land</td>
<td>18-1095</td>
<td>Charter Ord. No. 74</td>
<td>230,000.00</td>
</tr>
<tr>
<td>7-C-001-19</td>
<td>Municipal Court Security Enhancements</td>
<td>18-1107</td>
<td>Charter Ord. No. 74</td>
<td>800,000.00</td>
</tr>
</tbody>
</table>

Total: $12,658,209.06

; and

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 City previously issued and has outstanding the Refunded Bonds and is authorized by K.S.A. 10-427 et seq. to issue general obligation refunding bonds of the City for the purpose of refunding the Refunded Bonds; and

WHEREAS, in order to achieve interest cost savings through early redemption of the Refunded Bonds and provide an orderly plan of finance for the City, it has become desirable and in the best interest of the City and its inhabitants to refund the Refunded Bonds; and

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

*Improvement costs to be financed with proceeds of the Bonds; excludes Costs of Issuance.
NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OLATHE, 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.


“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 Improvement and Refunding Bonds, Series 232, dated July 18, 2019, authorized by this Ordinance.

“City” means the City of Olathe, 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, Mayor Pro Tem or Acting Mayor of the City.

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

“Refunded Bonds” means collectively: (a) the Series 215 Bonds maturing in the years 2020 and 2028 to 2030, inclusive, in the aggregate principal amount of $9,360,000; and (b) the Series 219 Bonds maturing in the years 2020 to 2023, inclusive, in the aggregate principal amount of $2,135,000.

“Refunded Notes” means a portion of the Series 2018-A Notes maturing on August 1, 2019 in the aggregate principal amount of $26,735,000.


“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 Improvement and Refunding Bonds, Series 232, of the City in the principal amount of $[PRINCIPAL AMOUNT], for the purpose of providing funds to: (a) pay the costs of the Improvements; (b) pay the costs of issuance of the Bonds; (c) refund the Refunded Bonds; and (d) retire the Refunded Notes.

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 for the Bonds. The proceeds derived from said taxes and/or assessments 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 and/or assessments 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.

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]
PASSED by the governing body of the City on June 18, 2019 and APPROVED AND SIGNED by the Mayor.

(SEAL)

ATTEST:

(Signature Page to Bond Ordinance – Series 232 Bonds)
SUMMARY OF ORDINANCE NO. 19-38

On June 18, 2019, the governing body of the City of Olathe, Kansas passed an ordinance entitled:

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION IMPROVEMENT AND REFUNDING BONDS, SERIES 232, OF THE CITY OF OLATHE, 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 232 Bonds approved by the Ordinance are being issued in the principal amount of $[PRINCIPAL AMOUNT] to finance certain internal improvements in the City and refund previously issued general obligation bonds of the City, and constitute general obligations of the City payable as to both principal and interest, to the extent necessary, 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, 100 East Santa Fe. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at http://www.olatheks.org/government/city-clerk/public-notices.

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

DATED: June 18, 2019.

City Attorney
STATE OF KANSAS
JOHNSON COUNTY, SS

Brandon Humble, being first duly sworn, deposes and says: That he is the editor of THE GARDNER NEWS A weekly newspaper printed in the State of Kansas, and published in and of general circulation in Johnson County, Kansas and that said newspaper is a bi-weekly published at least weekly, 52 times a year; has been published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office in Gardner, Kansas in said county as second class matter.

That the attached notice is a true copy there of and was published in the regular and entire issue of said newspaper for 1 consecutive weeks(s),
The first publication there of being made as aforesaid on 6/26/19
Publications being made on the following:

EDITOR

SUBSCRIBED AND SWORN TO ME THIS : June 26, 2019

NOTARY PUBLIC

MY COMMISSION EXPIRES  5-1-22

COST---------

ADDITIONAL COPIES------------------

IN THE DISTRICT COURT OF JOHNSON, COUNT

The within Proof Of Publication approved

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Public Notice

First published in The Gardner News Wednesday, June 26, 2019
(PUBLISHED IN THE Gardner News ON JUNE 26, 2019)

SUMMARY OF ORDINANCE NO. 19-39

On June 18, 2019, the governing body of the City of Olathe, Kansas passed an ordinance entitled:

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION IMPROVEMENT AND REFINancing BONDS, SERIES 232, OF THE CITY OF OLATHE, 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 232 Bonds approved by the Ordinance are being issued in the principal amount of $PRINCIPAL AMOUNT to finance certain Improvement projects in the City and related previously issued general obligation bonds of the City, and constitute general obligations of the City payable as to both principal and interest, to the extent necessary, 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, 100 East Santa Fe. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at

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

DATED: June 18, 2019.

City Attorney