
ORDINANCE NO. [2182]

OF

THE CITY OF CANEY, KANSAS

PASSED

JULY 18, 2022

**GENERAL OBLIGATION BONDS, SERIES 2022-A
AND
GENERAL OBLIGATION BONDS, SERIES 2022-B**

ORDINANCE NO. [2182]

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS, SERIES 2022-A, AND GENERAL OBLIGATION BONDS, SERIES 2022-B, OF THE CITY OF CANEY, 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 Caney, Kansas (the “City”) is a city of the second class, duly created, organized and existing under the Constitution and laws of the State; and

WHEREAS, pursuant to the provisions of the laws of the State of Kansas applicable thereto, by proceedings duly had, the City Council of the City (the “Governing Body”) has authorized the following improvements (collectively the “Improvements”) to be made in the City, to-wit:

<i>Project Description</i>	<i>Res. No.</i>	<i>Authority (K.S.A.)</i>	<i>Estimated Cost</i>
Sanitary sewer improvements-Phase 2B	1402/[]	12-617 <i>et seq.</i> /Ch. Ord. 30	\$1,066,000
Sanitary sewer improvements-Phase 2B supplement	1402/[]	12-617 <i>et seq.</i> /Ch. Ord. 30	<u>868,000</u>
<i>Total</i>			<i>\$1,934,000</i>

WHEREAS, all legal requirements pertaining to the Improvements have been complied with, and the Governing Body now finds and determines that the total cost of the Improvements (including issuance costs of the general obligation bonds) and related expenses are at least \$1,934,000, with \$1,245,000 to be paid by the City at large by the issuance of general obligation bonds; and

WHEREAS, the Governing Body 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 has received a commitment from the United States of America, acting through the Department of Agriculture – Rural Development (“RD/USDA”) to purchase the City's general obligation bonds in an aggregate amount of \$1,245,000, the proceeds of which, together with funds derived from federal grants in the amount of \$689,000, will be used to fund the Improvements, all pursuant to letters of conditions dated August 28, 2018, May 18, 2020, September 20, 2021, and May 16, 2022, and one or more approval letters received from RD/USDA.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CANEY, 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 following meaning:

“Act” means the Constitution and statutes of the State including K.S.A. 10-101 to 10-125, inclusive, K.S.A. 10-620 *et seq.*, and K.S.A. 12-617 *et seq.*, as amended by Charter Ordinance No. 30 of the City, 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 prescribing the terms and details of the Bonds and making covenants with respect thereto.

“Bonds” means collectively the City's General Obligation Bonds, Series 2022-A, and General Obligation Bonds, Series 2022-B, all dated August 10, 2022, authorized by this Ordinance.

“City” means the City of Caney, 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.

“Governing Body” means the City Council of the City.

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

“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.

“Owner” when used with respect to any Bond means the Person in whose name such Bond is registered on the Bond Register.

“Paying Agent” means the State Treasurer, and any successors and assigns.

“RD/USDA” means Rural Development, United States Department of Agriculture.

“State” means the State of Kansas.

Section 2. Authorization of the Bonds. There shall be issued and hereby are authorized and directed to be issued the City's General Obligation Bonds, Series 2022-A, in the principal amount of \$668,000, and General Obligation Bonds, Series 2022-B, in the principal amount of \$577,000, all 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.

Section 5. Levy and Collection of Annual Tax. The Governing Body 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 and publication of the Ordinance or a summary thereof in the official City newspaper.

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PASSED by the City Council on July 18, 2022 and SIGNED by the Mayor.

(SEAL)



ATTEST:

Joshua Elliott
Mayor

Debbie Morrison
Clerk

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CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of the original ordinance; that said Ordinance was passed on July 18, 2022; that the record of the final vote on its passage is found on page ____ of journal ____; and that the Ordinance or a summary thereof was published in the *Montgomery County Chronicle* on July 28, 2022.

DATED: July 28, 2022.


Clerk

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**EXCERPT OF MINUTES OF A MEETING
OF THE CITY COUNCIL OF
THE CITY OF CANEY, KANSAS
HELD ON JULY 18, 2022**

The City Council (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:

Marianne Ranes; Lori Patterson; Zachary Ellison; Debbie Wood; Kenith Butts;
Aaron Elliott; Shirley Davis

Absent: Nathan Rains

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

* * * * *

(Other Proceedings)

There was presented the following Ordinance and Resolution:

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS, SERIES 2022-A, AND GENERAL OBLIGATION BONDS, SERIES 2022-B, OF THE CITY OF CANEY, 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.

A RESOLUTION AUTHORIZING AND DIRECTING THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION BONDS, SERIES 2022-A, AND GENERAL OBLIGATION BONDS, SERIES 2022-B, OF THE CITY OF CANEY, 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; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS CONNECTED THEREWITH.

Councilmember Patterson moved that the Ordinance be passed and the Resolution be adopted. The motion was seconded by Councilmember Wood. The Ordinance and Resolution were duly read and considered, and upon being put, the motion for the passage of the Ordinance and adoption of the Resolution was carried by the vote of the Governing Body as follows:

Yea: Ranes; Patterson; Ellison; Wood; Butts; Elliott and Davis

Nay: None

The Mayor declared the Ordinance duly passed and the Ordinance was then duly numbered Ordinance No. [2182], was signed 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. The Mayor further declared the Resolution duly adopted and the Resolution was then duly numbered Resolution No. [1413], and was signed by the Mayor and attested by the Clerk

(Other Proceedings)

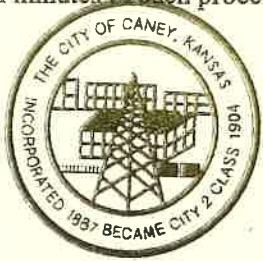
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On motion duly made, seconded and carried, the meeting thereupon adjourned.

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 Caney, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(SEAL)



Debbie Morrison
Clerk