

ORDINANCE NO. 20443

OF

THE CITY OF TOPEKA, KANSAS

PASSED

AUGUST 8, 2023

\$5,515,000
GENERAL OBLIGATION BONDS
SERIES 2023-A

DATED SEPTEMBER 5, 2023

(PUBLISHED IN THE **TOPEKA METRO NEWS** ON AUGUST 14, 2023)

ORDINANCE NO. 20443

AN ORDINANCE INTRODUCED BY INTERIM CITY MANAGER RICHARD NIENSTEDT AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS, SERIES 2023-A, OF THE CITY OF TOPEKA, 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 Topeka, Kansas (the “City”) is a city of the first class, duly created, organized and existing under the Constitution and laws of the State of Kansas (the “State”); and

WHEREAS, pursuant to the provisions of the laws of the State applicable thereto, as described in the definition of the “Act” herein, by proceedings duly had, the City Council (the “Governing Body”) of the City has caused or authorized, and does by this Ordinance hereby further authorize, certain capital improvements, as more fully listed and in the amounts shown on ***Schedule I*** to the hereinafter defined Bond Resolution (collectively the “Improvements”) to be made; and

WHEREAS, all legal requirements pertaining to the Improvements have been complied with, and the Governing Body has found and determined that the total cost of the Improvements (including interest on temporary notes of the City and issuance costs of the Bonds) and related expenses, less other funds available to the City as detailed on said ***Schedule I***, leaves a balance of at least \$5,515,000 to be paid by the City at large and to be financed by the issuance of general obligation bonds of the City; and

WHEREAS, the Governing Body is authorized by law to issue general obligation bonds of the City to pay all or a portion of the costs of the Improvements; and

WHEREAS, none of such general obligation bonds heretofore authorized have been issued and the City proposes to issue \$5,515,000 of its general obligation bonds, together with bid premium thereon, to pay the costs of a portion of the Improvements, and retire a portion of the City’s General Obligation Temporary Renewal and Improvement Notes, Series 2022-B; and

WHEREAS, the Governing Body has advertised the sale of the Bonds in accordance with the law and at a meeting held in the City on this date awarded the sale of such Bonds to the best bidders.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, 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 to 10-125, inclusive, K.S.A. 10-620 *et seq.*, K.S.A 12-6a01 *et seq.*, Charter Ordinance No. 123 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 prescribing the terms and details of the Bonds and making covenants with respect thereto.

“Bonds” means the City's General Obligation Bonds, Series 2023-A, in the aggregate amount of \$5,515,000 dated September 5, 2023, and authorized by this Ordinance.

“City” means the City of Topeka, 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.

“Chief Financial Officer” means the duly appointed and acting Chief Financial Officer of the City or, in the absence of the Chief Financial Officer, the duly appointed Deputy, Assistant or Acting Chief Financial Officer of the City.

“Improvements” means the improvements described in *Schedule I* to the Bond Resolution and any Substitute Improvements.

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

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

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

“Series 2022-B Notes” means the City's General Obligation Temporary Renewal and Improvement Notes, Series 2022-B, dated August 30, 2022.

“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 Bonds, Series 2023-A, of the City in the principal amount of \$5,515,000, for the purpose of providing funds to: (a) pay a portion of the costs of the Improvements; (b) pay costs of issuance of the Bonds; and (c) retire a portion of the City's Series 2022-B Notes.

Section 3. Security for the Bonds. The Bonds shall be general obligations of the Issuer payable as to both principal and interest in part from special assessments levied upon the property benefited by the construction of the Improvements and, if not so paid, 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 balance of the principal and interest on the Bonds is payable 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 Issuer. The full faith, credit and resources of the Issuer

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 for the Bonds. 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 City 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, Chief Financial Officer, 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, approval by the Mayor and publication of the Ordinance or a summary thereof in the official City newspaper.

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PASSED AND APPROVED by the Governing Body on August 8, 2023 and **SIGNED** by the Mayor.

(SEAL)

Mayor

ATTEST:

Clerk

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