

ORDINANCE NO. 19841

A HOME RULE ORDINANCE INTRODUCED BY CITY MANAGER JIM COLSON AUTHORIZING AND PROVIDING FOR THE PUBLIC SALE AND ISSUANCE OF TAXABLE GENERAL OBLIGATION BONDS OF THE CITY OF TOPEKA, KANSAS, TO FUND CERTAIN EMPLOYEE SEPARATION BENEFIT COSTS OF THE CITY FOR ELIGIBLE EMPLOYEES OF THE CITY AND PAY THE COSTS OF ISSUING SUCH BONDS AND FUNDING CAPITALIZED INTEREST ON THE BONDS; SETTING FORTH THE DETAILS OF SAID SALE; AND PROVIDING FOR THE GIVING OF NOTICE THEREOF.

WHEREAS, pursuant to Article 12, Section 5 of the Constitution of the State of Kansas (the “Constitution”) all cities of the State of Kansas are empowered in accordance with their power of home rule to determine their local affairs and government, except as is limited or prohibited by the Constitution; and

WHEREAS, the governing body (the “Council”) of the City of Topeka, Kansas, (the “City”) in the exercise of its Constitutional power of home rule wishes to issue general obligation bonds of the City in the maximum principal amount of \$7,500,000 (the “Bonds”) to (1) fund the City’s obligation to make final payments of accrued leave, including but not limited to vacation leave, sick leave, compensatory time and other accrued leave, to which any employee is entitled pursuant to the Topeka Municipal Code or pertinent labor agreements for City employees separating from City employment, (2) fund capitalized interest on the Bonds, and (3) pay the costs of issuing the Bonds, and such other costs, expenses and obligations in connection with the issuance of the Bonds; and

WHEREAS, the issuance of the Bonds for such purposes is not prohibited or otherwise limited by the Constitution; and

WHEREAS, pursuant to the Constitution, the Council of the City deems it necessary and advisable to issue and sell the Bonds as hereinafter provided to finance the previously described employee separation benefit costs, capitalized interest on such Bonds, and pay the costs of issuing the Bonds.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS:

Section 1. That the City is hereby authorized to issue and sell its general obligation bonds upon such terms and conditions as it may determine in accordance with applicable law in the maximum principal amount of \$7,500,000 to (1) fund the City’s obligation to make final payments of accrued leave, including but not limited to vacation leave, sick leave, compensatory time and other accrued leave, to which any employee is entitled pursuant to the Topeka Municipal Code or pertinent labor agreements for City employees separating from City employment, (2) fund capitalized interest on the Bonds, and (3) pay the costs of issuing the Bonds, and such other costs, expenses and obligations in connection with the issuance of the Bonds.

Section 2. That it is hereby determined to be necessary and it is hereby authorized, directed and ordered, that Taxable General Obligation Bonds, Series 2013-C (Employee Separation Benefit Funding) of the City of Topeka, Kansas, shall be sold at public sale and in the

manner provided by law, on Tuesday, September 10, 2013, at 10:30 a.m. C.D.T. Such bonds shall be in the maximum principal amount of \$7,500,000 and shall be dated September 30, 2013.

Section 3. That it is hereby further authorized, ordered and directed that the Summary Notice of Bond Sale, in substantially the form attached hereto and made a part hereof by reference as though fully set out herein, shall be published one time not more than 30 days and not less than 6 days prior to the date of said sale as required by law, one time in The Topeka Metro News, the official newspaper of the City, and one time in the Kansas Register, as provided by law.

Section 4. That the Mayor and other officers of the City are hereby authorized to provide for the preparation of a Preliminary Official Statement, to be "deemed final" except for the omission of certain information as provided in the Securities and Exchange Commission Rule 15c2-12, and the Mayor and Clerk are hereby authorized to execute such Preliminary Official Statement, with such changes thereto as such officials shall deem appropriate, and to use such document in connection with the offering of the Bonds.

Section 5. That the officers and representatives of the City are hereby authorized and directed to take such action as may be necessary, after consultation with Columbia Capital Management, LLC, Overland Park, Kansas, as Financial Advisors to the City, and Nichols and Wolfe Chartered, Topeka, Kansas, as Bond Counsel, to take such other action as may be necessary to carry out the offering for sale of the Bonds.

Section 6. That it is hereby further authorized, ordered and directed that copies of the Preliminary Official Statement, Official Notice of Bond Sale and the City's bid form for this issue of Bonds, be distributed to prospective bidders of the Bonds.

Section 7. That all Bonds issued under the provisions of the Ordinance shall be issued in accordance with the provisions of the General Bond Law of the State of Kansas.

Section 8. That this Ordinance shall be of full force and effect after its passage and approval by the City Council of the City of Topeka, Kansas, and its publication in the official City newspaper.

Passed by the Governing Body and approved by the Council of the City of Topeka, Kansas, this 20th day of August, 2013.

CITY OF TOPEKA, KANSAS

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk

(SEAL)

I, BRENDA YOUNGER, City Clerk of the City of Topeka, Shawnee County, Kansas, do hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 19841 adopted and approved by the City Council on August 20, 2013.

Brenda Younger, City Clerk