

(Published in The Topeka Metro News on September 16, 2013.)

## ORDINANCE NO. 19846

**AN ORDINANCE INTRODUCED BY CITY MANGER JIM COLSON AUTHORIZING THE ISSUANCE OF \$5,000,000 AGGREGATE PRINCIPAL AMOUNT OF TAXABLE GENERAL OBLIGATION BONDS, SERIES 2013-C (EMPLOYEE SEPARATION BENEFIT FUNDING), OF THE CITY OF TOPEKA, KANSAS, UNDER THE AUTHORITY OF K.S.A. 10-101 to 125, INCLUSIVE, THE HOME RULE AUTHORITY GRANTED TO THE CITIES OF THE STATE OF KANSAS BY SECTION 5 OF ARTICLE 12 OF THE KANSAS CONSTITUTION, AND HOME RULE ORDINANCE NO. 19841 OF THE CITY, ALL AS AMENDED.**

**WHEREAS**, pursuant to the home rule authority granted to the cities of the State of Kansas by Section 5 of Article 12 of the Kansas Constitution, and Home Rule Ordinance No. 19841 of the City of Topeka, Kansas, (the "City") and other provisions of the laws of the State of Kansas applicable thereto, by proceedings duly had, the City has authorized the issuance of general obligation bonds 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 (the "Project").

**WHEREAS**, all legal requirements pertaining to the Project have been complied with, and the governing body of the City now finds and determines that the total costs of the Project and related expenses are at least \$5,000,000 (the "Project Costs"), to be paid for by the issuance of general obligation bonds; and

**WHEREAS**, in accordance with all of the foregoing, the City deems it necessary and advisable to issue and sell its Taxable General Obligation Bonds, Series 2013-C (Employee Separation Benefit Funding) in the aggregate principal amount of Five Million Dollars (\$5,000,000) for the purpose of paying the cost of the Project.

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

**Section 1.** That for the purpose of funding the Project hereinbefore described, there is hereby authorized and directed to be issued Taxable General Obligation Bonds, Series 2013-C (Employee Separation Benefit Funding) of the City in the aggregate principal amount of Five Million Dollars (\$5,000,000) (the "Bonds") as provided by the home rule authority granted to the

47 cities of the State of Kansas under Section 5 of Article 12 of the Kansas Constitution, Home Rule  
48 Ordinance No. 19841 of the City and Article 1 of Chapter 10, Kansas States Annotated, all as  
49 amended. The Bonds shall be dated and bear interest, shall mature and be payable at such times,  
50 shall be in such form, shall be subject to redemption and payment prior to the maturity thereof  
51 and shall be issued in the manner prescribed and subject to the provisions, covenants and  
52 agreements set forth in a resolution of the Governing Body of the City adopted the same date as  
53 the date of the passage and approval of this Ordinance (the "Resolution").  
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55 **Section 2.** That the Mayor or Deputy Mayor and City Clerk or Deputy City Clerk are  
56 hereby authorized to prepare and execute the Bonds and when so executed, the Bonds shall be  
57 registered as required by law and the Governing Body shall annually make provisions for the  
58 payment of the principal of, redemption premium, if any, and interest on the Bonds as the same  
59 shall become due by levying a tax upon all the taxable property of the City.  
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61 **Section 3.** That the City shall, and the officers, agents and employees of the City are  
62 hereby authorized and directed to, take such action and execute such other documents,  
63 certificates and instruments as may be necessary or desirable to carry out and comply with the  
64 provisions of this Ordinance and to carry out, comply with and perform the duties of the City  
65 with respect to the Bonds and the Resolution all as necessary to carry out and give effect to the  
66 transaction contemplated hereby and thereby.  
67

68 **Section 4.** That if any portion or provision of this Ordinance or the Bonds shall for any  
69 reason be held to be invalid or unenforceable, the invalidity or unenforceability of such portion  
70 or provisions shall not affect any of the remaining provisions of this Ordinance or the Bonds but  
71 this Ordinance and said Bonds shall be construed and enforced as if such illegal or invalid  
72 provision had not been contained herein.  
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74 **Section 5.** That the Bonds shall be issued and sold to the purchaser thereof in accordance  
75 with both their bid for the purchase thereof and the terms and conditions of this Ordinance.  
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77 **Section 6.** That this Ordinance shall take effect and be in force from and after its passage  
78 and publication in the official City newspaper.

79 (REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK)  
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81 Passed and approved by the Council of the City of Topeka, Kansas, this 10th day of  
82 September, 2013.

83  
84 **CITY OF TOPEKA, KANSAS**  
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88 \_\_\_\_\_  
89 **Larry E. Wolgast, Mayor**

90 **ATTEST:**  
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92 \_\_\_\_\_  
93 **Brenda Younger, City Clerk**  
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95 **(SEAL)**  
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98 **I, BRENDA YOUNGER**, City Clerk of the City of Topeka, Shawnee County, Kansas,  
99 do hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 19846  
100 adopted and approved by the City Council on September 10, 2013.  
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105 **Brenda Younger, City Clerk**