

(PUBLISHED IN THE *HORTON HEADLIGHT* ON MARCH 18, 2010)

ORDINANCE NO. 1109

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF \$151,400 PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, SERIES 2010-1, OF THE CITY OF HORTON, 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 is a city of the second class, duly created, organized and existing under the Constitution and laws of the State; and

WHEREAS, pursuant to K.S.A. 12-110c, 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:

<i>Project Description</i>	<i>Res/Ord. No.</i>	<i>Authority</i>
Acquisition of Fire Truck	2008-010	K.S.A. 12-110C
Acquisition of storm sirens	1108	Article 12, Section 5 of the Kansas Constitution

; 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, none of such general obligation bonds heretofore authorized have been issued and the City proposes to issue \$151,400 of its general obligation bonds 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 amount of \$151,400, the proceeds of which, together with funds derived from a grant from RD/USDA in the amount of \$14,000 will be used to fund the Improvements, all pursuant to a Letter of Conditions dated December 17, 2008 and an approval letter dated December 29, 2008.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HORTON, 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.*, K.S.A. 12-110c, Article 12, Section 5 of the Kansas Constitution and Ordinance No. _____ of the Issuer, 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 of the City prescribing the terms and details of the Bonds and making covenants with respect thereto.

"**Bonds**" means the Issuer's General Obligation Bonds, Series 2010-1, in the aggregate principal amount of \$151,400, and dated as of the Dated Date, authorized by this Ordinance.

"**City**" means the City of Horton, Kansas.

"**Clerk**" means the duly appointed and acting Clerk of the City or, in the Clerk's absence, the duly appointed Deputy Clerk or Acting Clerk.

"**Code**" means the Internal Revenue Code of 1986, as amended, and the applicable regulations proposed or promulgated thereunder of the United States Department of the Treasury.

"**Improvements**" means the improvements referred to in the preamble to this Ordinance.

"**Mayor**" means the duly elected and acting Mayor 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 General Obligation Bonds, Series 2010-1, of the City in the principal amount of \$151,400, 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 a 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. 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 are collected.

Section 6. Tax Covenants. The City covenants and agrees that (a) it will comply with all applicable provisions of the Code, including Code § 103 and 141 through 150, necessary to maintain the exclusion from federal gross income of the interest on the Bonds; and (b) it will not use or permit the use of any proceeds of Bonds or any other funds of the City, nor take or permit any other action, or fail to take any action, which would adversely affect the exclusion from federal gross income of the interest on the Bonds. The City will also adopt such other ordinances or resolutions and take such other actions as may be necessary to comply with the Code and with other applicable future law, in order to ensure that the interest on the Bonds will remain excluded from federal gross income, to the extent any such actions can be taken by the City.

Section 7. 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 8. Governing Law. This Ordinance and the Bonds shall be governed exclusively by and construed in accordance with the applicable laws of the State.

Section 9. Effective Date. This Ordinance shall take effect and be in full force from and after its passage by the governing body of the City and publication in the official City newspaper.

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PASSED by the governing body of the City on March 15, 2010 and signed by the Mayor.

(SEAL)

Mayor

ATTEST:

Clerk