

RESOLUTION NO. 20-341

A RESOLUTION DECLARING IT NECESSARY TO ISSUE GENERAL OBLIGATION SALES TAX BONDS OF THE CITY OF WICHITA, KANSAS, FOR THE PURPOSE OF PAYING THE COSTS OF FINANCING ROAD AND HIGHWAY IMPROVEMENTS OF THE CITY; AND PROVIDING FOR THE GIVING OF NOTICE OF SAID INTENTION AS REQUIRED BY LAW.

WHEREAS, the City of Wichita, Kansas (the “City”) is a municipal corporation, duly created, organized and existing under the Constitution and laws of the State; and

WHEREAS, Sedgwick County, Kansas (the “County”) pursuant to the authority of K.S.A. 12-187 *et seq.* (the “Act”) imposes a one percent (1%) retailers’ sales tax within the County (the “Sales Tax”); and

WHEREAS, pursuant to the Act, the City is the recipient of funds derived from the Sales Tax and is authorized pursuant to K.S.A. 12-195b to issue general obligation bonds secured by a pledge of the Sales Tax, provided certain procedural requirements contained in the Act are satisfied and the city obtains a comprehensive feasibility study showing that the City’s revenues from such Sales Tax will be sufficient to retire such Bonds; and

WHEREAS, pursuant to the Act, the City Council (the “Governing Body”) of the City has heretofore passed Ordinance No. 41-815 pledging one-half of the City’s receipts from the Sales Tax for the purpose of financing the costs of road, highway and bridge projects in the city and related right-of-way acquisition; and

WHEREAS, the Governing Body, by separate Resolution, has found it necessary and desirable to make certain public road and highway improvements described as “construction costs, including contingencies, and staff oversight” of improvements for **Improvements to North Junction-Accelerated Gold Project (472-85470)** (the “Improvements”); and

WHEREAS, the City is authorized under the laws of the State of Kansas to issue general obligation bonds to construct the Improvements; and

WHEREAS, the Governing Body hereby finds and determines it to be necessary to issue sales tax/general obligation bonds under the authority of the Act for purposes of financing the costs of the Improvements and to pledge fifty percent (50%) of the City’s revenues from the Sales Tax to the payment of such sales tax/general obligation bonds:

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, AS FOLLOWS:

Section 1. Bond Authorization. It is hereby determined and declared to be necessary to issue sales tax/general obligation bonds for the purpose of paying **\$4,000,000** of the costs of the Improvements and related interest and financing costs (the “Bonds”). The Bonds shall be general obligation bonds of the City, to be paid and secured by a pledge of a portion of the City’s receipts from the Sales Tax as set forth in Section 2 hereof, and, if not so paid, shall be paid from ad valorem taxes which may be levied by the City for such purpose without limit as to rate or amount. The Bonds may be issued to reimburse expenditures made before the date of adoption of this Resolution, pursuant to Treasury Regulation § 1.150-2.

Section 2. Pledge of Sales Tax. The Governing Body hereby pledges fifty percent (50%) of City’s revenues from the Sales Tax to the payment of the Bonds.

Section 3. Publications. This Resolution shall be published once a week for two (2) consecutive weeks in the official newspaper of the City. If within thirty (30) days after the final publication, there shall be filed with the Sedgwick County Election Commissioner, a written petition requesting an election on the issuance of the Bonds and the pledge of the Sales Tax, signed by not less than five percent (5%) of the electors of the City who voted at the last preceding general election of the City, then no such Bonds shall be issued or Sales Tax pledged unless such proposition shall be submitted to and approved by a majority of the voters of the City voting at an election held thereon. If no sufficient protest is filed within the period of time hereinbefore stated, then the Governing Body shall be authorized to issue the Bonds pursuant to the act and pledge a portion of the City's portion of the Sales Tax to the payment thereof.

Section 4. Effective Date. This Resolution shall be in full force and effect from and after its adoption by the Governing Body.

ADOPTED by the City Council of the City of Wichita, Kansas, on November 3, 2020.

(SEAL)

Brandon J. Whipple, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Jennifer Magaña, City Attorney and Director of Law