

RESOLUTION NO. 1122

A RESOLUTION AUTHORIZING AND PROVIDING FOR THE CALLING OF A SPECIAL QUESTION ELECTION IN THE CITY OF COLBY, KANSAS, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF THE CITY THE QUESTION OF AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY TO FINANCE PUBLIC BUILDING IMPROVEMENTS AND IMPOSING A THREE-QUARTERS PERCENT (0.75%) CITYWIDE RETAILERS' SALES TAX; AND PROVIDING FOR THE GIVING OF NOTICE OF SAID ELECTION.

WHEREAS, K.S.A. 12-1736 *et seq.* (the "Public Building Act") authorizes the City of Colby, Kansas (the "City") to erect or construct, acquire a public building or buildings and procure any necessary site therefor and may alter, repair, reconstruct, remodel, replace or make additions to, furnish and equip a public building or buildings, and to finance such costs associated with the foregoing through the issuance of general obligation bonds of the City; and

WHEREAS, the Public Building Act requires an election to authorize the issuance of general obligation bonds for the purpose of acquiring or constructing city offices, public libraries, auditoriums, community or recreational buildings; and

WHEREAS, the governing body (the "Governing Body") of the City hereby deems it advisable pursuant to the Public Building Act to construct, furnish and equip a new community events center, a community building in the City, and improvements related thereto (the "Project") at an estimated cost of \$15,667,967 and to issue the City's general obligation bonds in a principal amount not to exceed \$12,000,000 (the "Bonds") to provide for payment of a portion of the costs of the Project, interest costs during construction thereof and associated issuance costs, with the balance of the costs of the Project to be paid from available City funds; and

WHEREAS, K.S.A. 12-187 *et seq.*, as amended (the "Sales Tax Act"), authorizes the Governing Body to submit to the electors of the City the question of imposing Citywide retailers' sales taxes, which in the aggregate may be in amounts not to exceed two percent (2%) for general purposes and not to exceed one percent (1%) for special purposes, provided sales taxes for special purposes shall expire ten (10) years from the initial date of collection thereof; and

WHEREAS, pursuant to the Sales Tax Act, the electors of the City have heretofore approved a proposition to authorize the levy of a three-quarters percent special purpose retailers' sales tax commencing on April 1, 2010 and ending on March 31, 2020 (the "2010 Special Sales Tax"); and

WHEREAS, upon the expiration of the 2010 Special Sales Tax, the Governing Body hereby deems it advisable to impose a general purpose three-quarters percent (0.75%) Citywide retailers' sales tax (the "Sales Tax"); to finance all or a portion of: (a) the costs of the Project and the operation thereof, (b) the costs of improvements to City streets and public parks, (c) the operation and maintenance of the City's aquatic center, (d) the debt service requirements on the City's general obligation bonds or temporary notes issued to finance such projects, and (e) paying such other governmental purposes as may be in the best interests of the City; provided the electors of the City approve the imposition of such Sales Tax at a special question election held in the City for such purpose; and

WHEREAS, the Governing Body deems it advisable to provide for the calling of a special question election in the City on November 6, 2018, for the purpose of submitting to the qualified electors of the City

the question of (1) authorizing the issuance of the Bonds to finance the costs of the Project, and (2) imposing the Sales Tax; and

WHEREAS, if approved, the Sales Tax will constitute a sales tax imposed for general purposes, as said term is described in K.S.A. 12-189, as amended.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF COLBY, KANSAS:

SECTION 1. Public Purpose. It is hereby deemed necessary and advisable and in the best interests of the citizens of the City to proceed with the Project in accordance with plans and specifications therefore to be approved by the Governing Body at an estimated cost of \$15,667,967.

SECTION 2. Implementation of the Sales Tax; Bond Financing. In order to pay: (a) a portion of the costs of the Project and the operation thereof, (b) the costs of improvements to City streets and public parks, (c) the operation and maintenance of the City's aquatic center, (d) the debt service requirements on the City's general obligation bonds or temporary notes issued to finance such projects, and (e) such other governmental purposes as may be in the best interests of the City, it is necessary and advisable to issue the Bonds pursuant to the Public Building Act and to impose the Sales Tax pursuant to the Sales Tax Act. Collection of the Sales Tax, if approved by the electors of the City, shall commence upon the expiration of the 2010 Special Sales Tax on April 1, 2020, or as soon thereafter as permitted by law, and shall terminate on March 31, 2035. All proceeds of the Sales Tax shall be applied for the purposes set forth in this *Section 2*; provided, however, in the event that other City funds are required to be utilized for such purposes, such City funds may be reimbursed from the proceeds of the Sales Tax.

SECTION 3. Special Question Election. It is hereby authorized, ordered and directed that a special question election shall be and is hereby called to be held in the City on November 6, 2018, at which time there shall be submitted to the qualified electors of the City the following proposition:

Shall the following be adopted?

Shall the City of Colby, Kansas be authorized to: (1) construct, furnish and equip a new community events center and improvements related thereto (the "Project") at an estimated cost of \$15,667,967, and to issue the City's general obligation bonds pursuant to K.S.A. 12-1736 *et seq.*, in an amount not to exceed \$12,000,000 (the "Bonds") to provide for payment of a portion of the costs of the Project, with the balance of such costs to be paid from available City funds; and (2) impose a three-quarters percent (0.75%) city-wide retailers' sales tax pursuant to K.S.A. 12-187 *et seq.* (the "Sales Tax"), the proceeds of which shall be used to: (a) finance all or a portion of the costs of the Project, including payment of debt service on the Bonds, and the operating and maintenance costs thereof; (b) finance all or a portion of the costs of improvements to City street and public parks, including related financing costs, if any; (c) finance the operation and maintenance of the City's existing aquatic center; and (d) pay such other governmental purposes as may be in the best interests of the City; the collection of such Sales Tax to commence upon the expiration of the existing three-quarters percent (0.75%) city-wide retailers' sales tax on April 1, 2020, or as soon thereafter as permitted by law and shall terminate on March 31, 2035?

SECTION 4. Special Question Election Procedures. The vote at said special question election shall be by ballot, and the proposition stated above shall be printed on the ballots, together with voting instructions as provided by law. The Clerk shall transmit a copy of this Resolution to the County Clerk of

Thomas County, Kansas, to give notice of the special question election as provided by law by publishing a Notice of Special Question Election in substantially the form attached hereto as *Exhibit A* once each week for two (2) consecutive weeks in a newspaper of general circulation in the City, with the first publication to be not less than twenty-one (21) days prior to the date of the special question election, and the last publication shall be not more than ninety (90) days prior to the date of the special question election.

SECTION 5. Effective Date. This Resolution shall be effective from and after its adoption by the Governing Body.

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ADOPTED AND APPROVED by the governing body of the City of Colby, Kansas, on September 4, 2018.

(Seal)

Gary L. Adrian, Mayor

ATTEST:

Joni L. Ketchum, City Clerk

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of the Resolution No. 1122 of the City of Colby, Kansas, adopted by the governing body on September 4, 2018, as the same appears of record in my office.

DATED: September 4, 2018.

Joni L. Ketchum, City Clerk

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