

(Published in *THE WELLINGTON DAILY NEWS*, on September, 27 2008.)

ORDINANCE NO. 4028

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE CALLING OF A SPECIAL QUESTION ELECTION IN THE CITY OF WELLINGTON, KANSAS, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF THE CITY THE QUESTION OF REQUESTING THE PUBLIC BUILDING COMMISSION OF THE CITY OF WELLINGTON, KANSAS TO ISSUE ITS REVENUE BONDS TO FINANCE RENOVATION, REMODELING AND IMPROVEMENT OF THE EXISTING MEMORIAL AUDITORIUM BUILDING OF THE CITY AND LEASING THE IMPROVED BUILDING FROM THE PUBLIC BUILDING COMMISSION.

WHEREAS, the Council (the "Governing Body") of the City of Wellington, Kansas (the "City") has determined it advisable to (a) request that the Public Building Commission of the City of Wellington, Kansas (the "PBC") issue its revenue bonds in an amount of \$9,500,000 (the "Bonds") to pay the estimated costs to renovate, remodel and improve the existing Memorial Auditorium building of the City into a recreation and community center and make all other necessary building improvements appurtenant thereto, including demolishing the old fire station building for the purpose of constructing an indoor therapy and leisure aquatic center and modifying and renovating the existing Heritage Park (the "Project"), and (b) lease the Project from the PBC; and

WHEREAS, pursuant to K.S.A. 12-1757 *et seq.*, as amended and supplemented by charter ordinance of the City of Wellington, Kansas (the "PBC Act"), the PBC has been created by the City and is authorized to undertake and finance certain public building projects, including the Project; and

WHEREAS, pursuant to Ordinance No. 4027 of the City, which is a home rule ordinance of the City passed pursuant to Article 12, Section 5 of the Kansas Constitution and K.S.A. 12-101 *et seq.* (the "Home Rule Act") limiting the powers of the PBC, the PBC may not adopt a resolution of intent relating to the Bonds, the Project and the leasing of the Project to the City unless the question of the City requesting the issuance of such Bonds and leasing the Project from the PBC is first approved by a majority of the electors of the City voting at an election wherein such question is submitted to such electors; and

WHEREAS, it is therefore deemed necessary to call a special question election in the City, to be held in conjunction with the general election on November 4, 2008, on the question of the City requesting the issuance of such Bonds and leasing the Project from the PBC.

THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WELLINGTON, KANSAS:

SECTION 1. Special Question Election. It is hereby authorized, ordered and directed that pursuant to the provisions of the Home Rule Act, the PBC Act and Ordinance No. 4027 of the City, a special question election shall be and is hereby called to be held in the City, in conjunction with the general election, on November 4, 2008, 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 Wellington, Kansas (1) request the Public Building Commission of the City of Wellington, Kansas to issue its revenue bonds in an amount of \$9,500,000 to pay the estimated costs to renovate, remodel and improve the existing Memorial Auditorium building of the City into a recreation and community center and make all other necessary building improvements appurtenant thereto, including demolishing the old fire station building for the purpose of constructing an indoor therapy and leisure aquatic center and modifying and renovating the existing Heritage Park, and (2) lease the improved Memorial Auditorium building from the Public Building Commission? Such bonds, if issued, would be payable from lease payments made by the City, and the City intends to fund those lease payments from ad valorem taxes within the territorial limits of the City. The average annual mill levy rate for lease payments is expected to be 16.5 mills.

SECTION 2. 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 City Clerk shall provide a certified copy of this Ordinance to the County Clerk of Sumner County, Kansas, and request that the County Clerk give notice of the 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 election, and the last publication being not more than ninety (90) days prior to the date of the election.

SECTION 3. Effective Date. This Ordinance shall be in full force and effect from and after its adoption and publication one time in the official City newspaper.

PASSED by the Governing Body of the City of Wellington, Kansas, on September 17, 2008, and **APPROVED AND SIGNED** by the Mayor.

(SEAL)

Mayor

ATTEST:

Clerk

EXHIBIT A

(Published in *Wellington Daily News*
on October __, 2008 and subsequently on October __, 2008.)

**NOTICE OF SPECIAL QUESTION ELECTION
THE CITY OF WELLINGTON, KANSAS**

Notice is hereby given to the qualified electors of the City of Wellington, Kansas (the "City") that a special question election has been called and will be held in conjunction with the general election on November 4, 2008, for the purpose of submitting to the qualified electors of the City the following proposition:

Shall the following be adopted?

Shall the City of Wellington, Kansas (1) request the Public Building Commission of the City of Wellington, Kansas to issue its revenue bonds in an amount of \$9,500,000 to pay

the estimated costs to renovate, remodel and improve the existing Memorial Auditorium building of the City into a recreation and community center and make all other necessary building improvements appurtenant thereto, including demolishing the old fire station building for the purpose of constructing an indoor therapy and leisure aquatic center and modifying and renovating the existing Heritage Park, and (2) lease the improved Memorial Auditorium building from the Public Building Commission? Such bonds, if issued, would be payable from lease payments made by the City, and the City intends to fund those lease payments from ad valorem taxes within the territorial limits of the City. The average annual mill levy rate for lease payments is expected to be 16.5 mills.

IT IS IMPORTANT FOR EACH QUALIFIED VOTER TO NOTE THAT YOUR BALLOT CANNOT BE COUNTED UNLESS YOU TAKE THE APPROPRIATE STEPS:

To vote in favor of any question submitted on this ballot, make a cross or check mark in the square to the left of the word "Yes." To vote against it, make a cross or check mark in the square to the left of the word "No."

YES

NO

The polls will open at 7:00 A.M. and will close at 7:00 P.M., on November 4, 2008, the election day. The voting places in the County, and the area each voting place will serve, will be as follows:

Voters Residing In

Will Vote At

[TO BE INSERTED BY COUNTY CLERK]

The election will be conducted by the officers and/or persons provided by law for holding elections, and the method of voting will be by ballot. Registered voters are eligible to vote by advance voting ballot upon application to the County Clerk set forth below pursuant to K.S.A. 25-1117 *et seq.*

ADDITIONAL INFORMATION

General

The following additional information is provided by the City with respect to the impact of this ballot question. Passage of this ballot proposition would authorize the City to request the issuance of its bonds by the Public Building Commission of the City of Wellington, Kansas to finance improvements to the Memorial Auditorium building of the City, and would authorize the City to lease such improved building from the Public Building Commission. The lease payments made by the City would fund the principal and interest payments on the aforementioned bonds.

Project Costs

The following additional information is provided by the City with respect to compliance with the provisions of K.S.A. 12-6,122. This information has been obtained from sources deemed reliable by the City. Certain portions of this information are based upon projections. No assurances can be given that these projections will be accurate due to changing market conditions and other matters unknown or unavailable at this time.

Projected Summary of Project Costs

Sources

Project Costs

PBC Bonds	\$9,500,000	Construction	\$9,300,000
		Bond Issuance Expenses	200,000

Total Sources	<u>\$9,500,000</u>	Total Project Costs	\$9,500,000
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Projected Summary of Bond Issue Repayments

Principal payments over 20 years	Average Interest Rate	5.25%
Total Interest Cost to Maturity \$6,100,000	Assessed Valuation(2007)	\$47,267,701
Average Annual Principal and Interest Payments		\$780,000

Average Annual Property Tax Mill Levy Rate
16.50 mills

Election Information

The election officer conducting the election will be the Clerk of Sumner County, Kansas, whose address is: 501 North Washington Avenue, Wellington, Kansas 67152.

DATED: _____, 2008.

Shane Shields, Clerk
Sumner County, Kansas

BALLOT CERTIFICATE

STATE OF KANSAS)
) ss:
COUNTY OF SUMNER)

I, Clerk of Sumner County, Kansas, do hereby certify that attached below is a true and correct copy of the ballot label used at the bond election held on November 4, 2008, in the City of Wellington, Kansas on the proposition set forth in the ballot; and that the judges and clerks duly qualified by taking their respective oaths before assuming their duties at the election.

WITNESS my hand and official seal on November 4, 2008.

(Seal)

Shane Shields
Clerk
Sumner County, Kansas

[affix copy of ballot label]

**STATE OF KANSAS
OFFICIAL BALLOT**

I, the undersigned Clerk of Sumner County, Kansas, do hereby certify that the following are the true and correct results according to the abstract of votes cast at the bond election held on November 4, 2008, in the City of Wellington, Kansas, on the following proposition:

Shall the Following Be Adopted?

Shall the City of Wellington, Kansas (1) request the Public Building Commission of the City of Wellington, Kansas to issue its revenue bonds in an amount of \$9,500,000 to pay the estimated costs to renovate, remodel and improve the existing Memorial Auditorium building of the City into a recreation and community center and make all other necessary building improvements appurtenant thereto, including demolishing the old fire station building for the purpose of constructing an indoor therapy and leisure aquatic center and modifying and renovating the existing Heritage Park, and (2) lease the improved Memorial Auditorium building from the Public Building Commission? Such bonds, if issued, would be payable from lease payments made by the City, and the City intends to fund those lease payments from ad valorem taxes within the territorial limits of the City. The average annual mill levy rate for lease payments is expected to be 16.5 mills.

as shown by the returns of said election which are on file in the Office of the Clerk and canvassed as provided by law:

Yes -----	_____
No -----	_____
Void -----	_____
Total Vote -----	_____

WITNESS my hand and official seal on November 7, 2008.

(Seal)

Shane Shields, Clerk
Sumner County, Kansas