

**EXCERPT OF MINUTES OF MEETING
OF THE GOVERNING BODY OF
THE CITY OF ANTHONY, KANSAS
HELD ON MAY 21, 2026**

The governing body of the City of Anthony, Kansas, met in regular session on May 21, 2026, at 5:00 p.m. at the regular meeting place in the City, the following Commissioners being present and participating, to-wit:

Absent:

The Mayor declared that a quorum was present and called the meeting to order.

(Other Proceedings)

* * * * *

The matter of authorizing the City to enter into a lease-purchase transaction came on for consideration and was discussed.

Thereupon, Commissioner _____ introduced an Ordinance entitled as follows:

AN ORDINANCE AUTHORIZING THE CITY OF ANTHONY, KANSAS, TO ENTER INTO A LEASE PURCHASE TRANSACTION, THE PROCEEDS OF WHICH WILL BE USED TO PAY THE COSTS OF ACQUIRING CERTAIN SOLAR EQUIPMENT IMPROVEMENTS TO THE CITY'S ELECTRIC UTILITY SYSTEM; AND TO APPROVE THE EXECUTION OF CERTAIN DOCUMENTS IN CONNECTION THEREWITH.

Thereupon, Commissioner _____ moved that said be passed. The motion was seconded by Commissioner _____. Said Ordinance was duly read and considered, and upon being put, the motion for the passage of said Ordinance was carried by the vote of the governing body, the vote being as follows:

Aye: _____

Nay: _____

Thereupon, the Mayor declared the Ordinance duly passed and the Ordinance was then duly numbered Ordinance No. S-326, and was signed by the Mayor and attested by the Clerk and it or a summary thereof was directed to be published one time in the official newspaper of the City.

* * * * *

(Other Proceedings)

There being no further business to come before the meeting, on motion duly made, seconded and carried by unanimous vote, the meeting was adjourned.

CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the governing body of the City of Anthony, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(SEAL)

Clerk

(Published in *THE ANTHONY REPUBLICAN* on May 27, 2026)

ORDINANCE NO. S-326

AN ORDINANCE AUTHORIZING THE CITY OF ANTHONY, KANSAS, TO ENTER INTO A LEASE PURCHASE TRANSACTION, THE PROCEEDS OF WHICH WILL BE USED TO PAY THE COSTS OF ACQUIRING CERTAIN SOLAR EQUIPMENT IMPROVEMENTS TO THE CITY'S ELECTRIC UTILITY SYSTEM; AND TO APPROVE THE EXECUTION OF CERTAIN DOCUMENTS IN CONNECTION THEREWITH.

WHEREAS, under the constitution and statutes of the State of Kansas, particularly Article 12, Section 5 of the Kansas Constitution and K.S.A. 12-101 *et seq.*, the City of Anthony, Kansas (the "City") is empowered to enter into certain leases, lease purchase agreements and installment purchase agreements for the lease and/or acquisition of property; and

WHEREAS, K.S.A. 10-1116b provides in pertinent part that nothing in the provisions of K.S.A. 10-1101 *et seq.* (Kansas Cash Basis Law) shall prohibit a municipality from entering into a lease agreement, with or without an option to buy, or an installment-purchase agreement, if any of such agreements specifically state that the municipality is obligated only to pay periodic payments or monthly installments under the agreement as may lawfully be made from (a) funds budgeted and appropriated for that purpose during such municipality's current budget year or (b) funds made available from any lawfully operated revenue producing source; and

WHEREAS, the City has immediate need for acquisition and construction of a 2.25MW-AC/3MW-DC solar array (the "Equipment") to further its governmental and public purposes as contemplated by law, including to improve its electric utility system, but does not have sufficient moneys on hand legally available to purchase the Equipment for its use; and

WHEREAS, in order to facilitate the foregoing and to pay the cost thereof, it is necessary and desirable for the City to enter into an annually renewable Equipment Lease Purchase Agreement (the "Lease") with Capital One Public Funding, LLC (the "Lessor"), pursuant to which the City will lease the Equipment on a year-to-year basis from the Lessor, with an option to purchase the Lessor's interest in the Equipment, a form of which has been submitted to the governing body for review.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ANTHONY, KANSAS, AS FOLLOWS:

Section 1. Authorization and Approval of Lease.

(a) The Lease is hereby approved in substantially the form submitted to the governing body on the date hereof, with such changes therein as shall be approved by the Mayor, and which are consistent with the Term Sheet from the Lessor and previously approved by the City, the Mayor's execution of the Lease to be conclusive evidence of such approval.

(b) The obligation of the City to pay Rental Payments (as defined in the Lease) under the Lease is subject to annual appropriation and shall constitute a current expense of the City and shall not in any way be construed to be an indebtedness or liability of the City in contravention of any applicable constitutional or statutory limitation or requirement concerning the creation of indebtedness or liability by the City, nor shall anything contained in the Lease constitute a pledge of the general tax revenues, funds or moneys of the City, and all provisions of the Lease shall be construed so as to give effect to such intent.

(c) The Mayor is hereby authorized and directed to execute and deliver the Lease on behalf of and as the act and deed of the City. The Clerk is hereby authorized to affix the City's seal to the Lease and attest said seal.

Section 2. Further Authority. The City shall, and the officials and agents of the City are hereby authorized and directed to, take such actions, expend such funds and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance and to carry out, comply with and perform the duties of the City with respect to the Lease, the other documents authorized or approved hereby and the Equipment.

Section 3. Effective Date. This Ordinance shall take effect and be in full force from and after its passage by the governing body, execution by the Mayor and publication in the official City newspaper.

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PASSED by the governing body of the City of Anthony, Kansas, this 21st day of May, 2026 and **SIGNED** by the Mayor.

Mayor

(SEAL)

ATTEST:

Clerk

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CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of the original ordinance; that said Ordinance was passed on May 21, 2026; that the record of the final vote on its passage is found on page ____ of journal ____; and that the Ordinance or a summary thereof was published in the *The Anthony Republican* on May 27, 2026.

DATED: May 20, 2026.

Clerk

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