

**EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF ARKANSAS CITY, KANSAS
HELD ON JANUARY 3, 2023**

The City Commission (the “Governing Body”) met in regular session at the usual meeting place in the City, at 5:30 P.M., the following members being present and participating, to-wit:

Absent:

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

(Other Proceedings)

There was presented an Ordinance entitled:

**A HOME RULE ORDINANCE OF THE CITY OF ARKANSAS CITY, KANSAS,
AUTHORIZING THE ACQUISITION OF REAL PROPERTY FOR ECONOMIC
AND RESIDENTIAL DEVELOPMENT PURPOSES; AND AUTHORIZING THE
ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY TO PAY THE
COSTS THEREOF.**

Commissioner _____ moved that the Ordinance be passed. The motion was seconded by Commissioner _____. The Ordinance was duly read and considered, and upon being put, the motion for approval was carried by the following vote of the Governing Body:

Aye:

Nay:

The Mayor declared the Ordinance duly passed and the Ordinance was then duly numbered Ordinance No. 2023-__-____, was signed by the Mayor and attested by the Clerk and the Ordinance was directed to be published one time in the official newspaper of the City.

(Other Proceedings)

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On motion duly made, seconded and carried, the meeting thereupon 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 Arkansas City, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(SEAL)

Clerk

ORDINANCE NO. 2023-[__ - ____]

A HOME RULE ORDINANCE OF THE CITY OF ARKANSAS CITY, KANSAS, AUTHORIZING THE ACQUISITION OF REAL PROPERTY FOR ECONOMIC AND RESIDENTIAL DEVELOPMENT PURPOSES; AND AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY TO PAY THE COSTS THEREOF.

WHEREAS, the governing body of the City of Arkansas City, Kansas (the “City”) has considered the needs of the City and its environs for securing and developing new areas for residential uses, business uses, and industrial uses, in order to enhance and provide for the general and economic welfare of the citizens of the City; and

WHEREAS, Article 12, § 5 of the Constitution of the State of Kansas (the “Home Rule Amendment”) empowers cities to determine their local affairs and government and provides that such power and authority granted thereby to cities shall be liberally construed for the purpose of giving to cities the largest measure of self-government and shall be exercised by ordinance, subject only to (a) enactments of the Kansas legislature of statewide concern applicable uniformly to all cities, (b) other enactments of the legislature applicable uniformly to all cities, (c) enactments of the legislature applicable uniformly to all cities of the same class limiting or prohibiting the levying of any tax, excise, fee, charge or other action and (d) enactments of the legislature prescribing limits of indebtedness; and

WHEREAS, the Kansas Supreme Court has considered the Home Rule Amendment and determined that (a) home rule legislation should be permitted to stand unless an actual conflict exists between the home rule legislation and a state legislative enactment, or unless the legislature has clearly preempted the field so as to preclude municipal action, and (b) legislative intent to reserve to the state exclusive jurisdiction to regulate an area must be clearly manifested by statute before it can be held that the state has withdrawn from the cities the power to regulate in the field; and

WHEREAS, the City is a city within the meaning of the Home Rule Amendment; and

WHEREAS, the governing body of the City has found and determined that it is in the interest of the public health, safety and welfare of the City to authorize the purchase and acquisition of certain real property consisting of approximately 101.75 acres generally located south of W. Skyline Road, west of N. 8th Street, north of Forrest Glenn addition, and east of N. 15th Street (the “Site”), upon terms and conditions deemed advisable to the governing body of the City, as a residential and economic development measure for the City; and

WHEREAS, the governing body of the City has further found and determined that it is necessary and advisable and in the interest of the public health, safety and welfare of the City to authorize the issuance of general obligation bonds of the City to finance the costs of purchasing and acquiring the Site; and

WHEREAS, the governing body of the City now further finds and determines that (a) it has no present plan or intention to use the Site in any manner that would subject it and the City to an enactment of the Kansas legislature, (b) there are no enactments of the Kansas legislature of statewide concern applicable uniformly to all cities or applicable to the City relating to a city authorizing the purchase and acquisition of real property for economic and residential development purposes and the issuance of general obligation bonds of a city to provide funds for such purposes, (c) no conflict exists between the provisions of this

Ordinance and a state legislative enactment, and (d) the legislature has not clearly preempted, or clearly manifested its intent to preempt, the field of land acquisition for municipal residential and economic development so as to preclude this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF ARKANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. Authorization of Site Acquisition. The governing body of the City hereby finds and determines that the purchase and acquisition of the Site will stimulate and foster economic development in the City and its environs in order to enhance and provide for the general and economic development and welfare of the City and its citizens. The purchase and acquisition of the Site is authorized at an estimated acquisition cost of \$610,500, plus related closing costs, if necessary, all upon terms and conditions deemed advisable by the governing body of the City.

Section 2. Authorization of Bonds. The costs of purchasing and acquiring the Site and related closing costs, costs of issuance and interest on temporary financing may be paid, in whole or in part, from the proceeds of general obligation bonds of the City (the "Bonds"), which are authorized to be issued for such purposes pursuant to the authority of the Home Rule Amendment. The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of this Home Rule Ordinance, pursuant to Treasury Regulation §1.150-2.

Section 3. Further Authority. The officials of the City, the City Attorney, Bond Counsel and other consultants are authorized to proceed with such action as is necessary in order to comply with the intent of this Home Rule Ordinance, subject to final approval of such documents by the governing body.

Section 4. Effective Date. This Home Rule Ordinance shall be effective from and after final passage by the governing body, signature by the Mayor and publication once in the official City newspaper.

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PASSED by the City Commission on January 3, 2023, and **SIGNED** by the Mayor.

(SEAL)

Mayor

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 January 3, 2023; that the record of the final vote on its passage is found on page ____ of journal ____; and that the Ordinance was published in *The Cowley CourierTraveler* on January 7, 2023.

DATED: January 7, 2023.

Clerk

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