

ORDINANCE NO. 303

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF WATER SYSTEM REVENUE BONDS OF THE CITY OF WATHENA, KANSAS, IN THE PRINCIPAL SUM OF \$110,000.00, FOR THE PURPOSE OF PAYING A PORTION OF THE COST OF CONSTRUCTING WATER TRANSMISSION LINES AND NECESSARY APPURTENANCES TO SERVE THE WATER SYSTEM OF THE CITY OF WATHENA, KANSAS, AND THE WATER AND ELECTRIC SYSTEM OF THE CITY OF ELWOOD, KANSAS, THE TOTAL COST OF THE PROJECT BEING NOT TO EXCEED \$380,000.00, OF WHICH \$220,000.00 WILL BE PAID BY THE CITY OF ELWOOD, KANSAS; PRESCRIBING THE FORM AND DETAILS OF SUCH REVENUE BONDS; AND PROVIDING FOR THE COLLECTION, SEGREGATION AND APPLICATION OF THE REVENUES OF SAID WATER SYSTEM.

WHEREAS, the governing body of the City of Wathena, Kansas, has declared it necessary to construct water transmission lines and necessary appurtenances to serve the water system of the City of Wathena, Kansas, and the water and electric system of the City of Elwood, Kansas, at a total cost of \$380,000.00, of which \$220,000.00 will be paid by the City of Elwood, Kansas, and not to exceed \$190,000.00 will be paid by the City of Wathena, Kansas; and

WHEREAS, at an election duly and legally called and held on January 22, 1973, a majority of the electors of the City of Wathena, Kansas, voting on the proposition at said election voted in favor of issuing Waterworks System Revenue Bonds in the sum of not to exceed \$190,000.00 to pay the City of Wathena's portion of the cost of said project; and

WHEREAS, the governing body of the City of Wathena, Kansas, now declares it necessary and advisable to authorize and provide for the issuance of \$110,000.00 in aggregate principal amount of Water System Revenue Bonds of said City for the purpose of paying a portion of the cost thereof:

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

SECTION 1. Construction of water transmission lines and necessary appurtenances to serve the water system of the City of Mathena, Kansas, and the water and electric system of the City of Elwood, Kansas, are hereby authorized and ordered, and revenue bonds in the amount of \$110,000.00 shall be issued to pay for a portion of the cost of the same, the balance of the City of Mathena's share of the total cost to be paid from other funds on hand and available for such purpose.

SECTION 2. That there are hereby authorized and directed to be issued negotiable Water System Revenue Bonds of the City of Mathena, Kansas in the aggregate principal amount of \$110,000.00 as provided by K.S.A. 10-1201, et seq., as amended, for the purpose of providing funds to pay a portion of the cost of said improvements, such bonds and the interest thereon to be paid by the City of Mathena, Kansas, solely from the revenues derived from the operation of its said Water System, and the rates, fees and charges collected for the use thereof or service therefrom, and not from any other fund or source.

SECTION 3. Said Water System Revenue Bonds shall be dated April 1, 1974, shall be designated Series A, 1974, shall be in denomination of \$5,000.00 each, shall be numbered from 1 to 22, inclusive, and shall mature and bear interest as set forth in the following schedule, to wit:

<u>Bond Numbers</u>	<u>Amount</u>	<u>Interest Per Annum</u>	<u>Maturity Date</u>
1	\$ 5,000.00	6%	April 1, 1977
2	5,000.00	6%	April 1, 1978
3	5,000.00	6%	April 1, 1979
4	5,000.00	6%	April 1, 1980
5	5,000.00	6%	April 1, 1981

6	5,000.00	6%	April 1, 1982
7	5,000.00	6%	April 1, 1983
8	5,000.00	6%	April 1, 1984
9	5,000.00	6%	April 1, 1985
10	5,000.00	6%	April 1, 1986
11	5,000.00	6-1/4%	April 1, 1987
12	5,000.00	6-1/4%	April 1, 1988
13	5,000.00	6-1/4%	April 1, 1989
14	5,000.00	6-1/4%	April 1, 1990
15 and 16	10,000.00	6-3/8%	April 1, 1991
17 and 18	10,000.00	6-3/8%	April 1, 1992
19 and 20	10,000.00	6-3/8%	April 1, 1993
21 and 22	10,000.00	6-3/8%	April 1, 1994

Interest shall be payable on said bonds October 1, 1974, and semi-annually thereafter on the first day of April and October in each year until the principal sum shall have been paid.

Bonds numbered 9 to 22, inclusive, shall be callable and redeemable at the City's option prior to their respective maturities in inverse numerical order on April 1, 1984, or on any interest payment date thereafter, on notice published once in the official state paper of Kansas and in the official city paper of the City of Wathena, Kansas, and mailed to Ranson & Company, Inc. 206 Century Plaza Building, Wichita, Kansas 67202, at least thirty (30) days before the call date, at the following redemption prices (expressed in percentage of the principal amount), plus accrued interest thereon to the redemption date:

<u>Date Fixed for Redemption:</u>	<u>Redemption Price:</u>
April 1, 1984 through October 1, 1985	104%
April 1, 1986 through October 1, 1990	103%
April 1, 1991 through thereafter	102%

Said bonds shall be signed by the signature of the Mayor, have the corporate seal of the City affixed thereon, and be attested by the signature of the City Clerk. Said bonds shall be registered by the City Clerk in his office and by the State Auditor of the State of Kansas as required by law. The interest coupons shall bear lithographed facsimile signatures of the Mayor and City Clerk.

When executed by the signatures of the Mayor and City Clerk and registered as herein authorized, said bonds shall import absolute verity and shall be conclusive in favor of all persons purchasing said bonds of the fact that all conditions precedent have been had and performed and exist in due and proper form to authorize the issuance thereof.

SECTION 4. Each of said bonds and interest coupons, and the certificates attached thereto, shall be in substantially the following form:

No. _____

UNITED STATES OF AMERICA
STATE OF KANSAS
COUNTY OF DONIPHAN

\$5,000.00

CITY OF WATHENA

WATER SYSTEM REVENUE BOND
Series A, 1974

KNOW ALL MEN BY THESE PRESENTS: That the City of Wathena in the County of Doniphan and State of Kansas, is indebted to and promises to pay to the bearer the sum of

FIVE THOUSAND DOLLARS

in lawful money of the United States of America on the first day of April, 19____, with interest thereon at the rate of _____ percent (____%) per annum payable October 1, 1974, and thereafter semiannually on the first days of April and October of each year, upon the presentation and delivery of proper coupons hereto annexed signed with the lithographed signatures of the Mayor and Clerk of said City. Both principal and interest on this bond are payable solely out of the Water Fund hereinafter referred to at the Office of the State Treasurer in the City of Topeka, Kansas.

THIS BOND is one of a series of twenty-two (22) bonds, numbered from one (1) to twenty-two (22), inclusive, aggregating One Hundred Ten Thousand Dollars (\$110,000.00) of like tenor and effect, except as to number, interest rate and maturity date, issued by the City of Wathena, Kansas, for the purpose of providing funds to pay a portion of the cost of constructing water transmission lines and necessary appurtenances to serve the water system of the City of Wathena, Kansas, and the water and electric system of the city of Elwood, Kansas, and is issued under authority of and in conformity with the provisions, restrictions and limitations of the Constitution and Laws of the State of Kansas, including K.S.A. 10-1201 et seq., and all acts amendatory, supplementary and complementary thereto. Bonds numbered 9 to 22, inclusive, shall be callable and redeemable at the City's option prior to their respective maturities in inverse numerical order on April 1, 1984, or on any interest payment date thereafter, on notice published once in the official state paper of Kansas and in the official city paper of the City of Wathena, Kansas, and mailed to Ranson & Company, Inc., 206 Century Plaza Building, Wichita, Kansas 67202, at least thirty (30) days before the call date, at the following redemption prices (expressed in percentage of the principal amount), plus accrued interest thereon to the redemption date:

<u>Date Fixed for Redemption:</u>	<u>Redemption Price:</u>
April 1, 1984 through October 1, 1985	104%
April 1, 1986 through October 1, 1990	103%
April 1, 1991 and thereafter	102%

All terms and conditions of security for and payment of bonds of this issue are subject to the provisions of Ordinance No. _____ of the City of Wathena, Kansas under which these bonds are issued.

The principal and interest of this bond and all other bonds of said issue are hereby made a lien on the revenues produced from said water system and are to be paid solely and only from a separate and special fund identified as the Water Fund, into which there are to be paid from revenues derived from the rates, fees and charges for the use thereof and for all services rendered by said water system collected by said City from the operation of said system as the same now exists or may hereafter be improved and extended, sums sufficient to make said payments when due and providing for the reserve funds and other conditions specified in Ordinance No. _____, subject only to payment of reasonable operation and maintenance expenses. This bond and the issue of which it forms a part shall not in any respect constitute a general obligation on said City.

The City covenants that it will fix, maintain and collect an aggregate of rates, fees and charges for the use of said system sufficient to pay the cost of reasonable operation and maintenance of said system, and to create and maintain the funds and accounts for payment of this issue as provided for in Ordinance No. _____, and that the City will in all other respects faithfully comply with all the provisions of K.S.A. 10-1201, et seq., and all acts amendatory, supplementary and complementary thereto, and the said Ordinance under which this bond is issued.

This bond and all other bonds of said issue are negotiable and shall, in the hands of bona fide holders, have all the qualities of negotiable instruments under the laws of the State of Kansas. This bond and all other bonds of said issue have been duly registered in the Office of the Auditor of the State of Kansas, in accordance with the forms of registry certificates on the back hereof.

Upon certain conditions specified in said Ordinance No. _____, the City may issue additional bonds for Water System extensions, enlargements and improvements, which bonds shall be co-equal with bonds of this issue in stature and priority.

IN WITNESS WHEREOF, the said City of Mathena in the County of Doniphan, State of Kansas, by its governing body has caused this bond to be signed by the signature of its Mayor, its corporate seal to be hereto affixed and attested by the signature of its City Clerk, and the interest coupons hereto attached to be executed with the facsimile signatures of said Mayor and City Clerk, and this bond to be dated the first day of April, 1974.

MAYOR

ATTEST:

CITY CLERK

(Form of coupon for all coupons due on or after October 1, 1974)

No. _____ On the first day of _____,
19____, unless this bond be sooner called for
redemption and payment, the City of Wathena,
Doniphan County, Kansas, will pay to bearer
out of the Water Fund the sum of _____
Dollars (\$ _____) lawful
money of the United States of America at the
Office of the State Treasurer in the City of
Topeka, Kansas, being six months' interest
on its Water System Revenue Bond, Series A,
1974, dated April 1, 1974, No. _____.

_____, 19____
City of Wathena,
Kansas, Water
System Revenue Bond
Series A, 1974
\$ _____

(facsimile)

Mayor

Attest:

(facsimile)

City Clerk

(Form of coupon for all coupons due on or before April 1, 1984)

No. _____ On the first day of _____,
19____, the City of Wathena, Doniphan County,
Kansas, will pay to bearer out of the Water
Fund the sum of _____
Dollars (\$ _____) lawful money of the
United States of America at the Office of the
State Treasurer in the City of Topeka, Kansas,
being six months' interest on its Water
System Revenue Bond, Series A, 1974, dated
April 1, 1974, No. _____.

_____, 19____
City of Wathena,
Kansas, Water
System Revenue Bond
Series A, 1974
\$ _____

(facsimile)

Mayor

Attest:

(facsimile)

City Clerk

(Form of registration certificate for City Clerk)

STATE OF KANSAS)
) ss.:
DONIPHAN COUNTY)

I, the undersigned, Clerk of the City of Mathena, Kansas, do hereby certify that the within Water System Revenue Bond has been duly registered in my office this _____.

WITNESS my hand and official seal.

CITY CLERK

(Form of certificate for State Auditor)

OFFICE OF THE AUDITOR OF THE STATE OF KANSAS:

I, CLAY E. HEDRICK, Auditor of the State of Kansas, do hereby certify that a transcript of the proceedings leading up to the issuance of this bond has been filed in my office and this bond and the coupons attached hereto were registered in my office according to law this _____.

WITNESS my hand and official seal.

Auditor of the State of Kansas

By _____
Assistant Auditor of State

SECTION 5. All accrued interest received on sale of the bonds shall upon receipt be immediately deposited in the WATER SYSTEM PRINCIPAL AND INTEREST ACCOUNT hereinafter created by this Ordinance. The full cash proceeds of all the bonds authorized herein, except such accrued interest, shall be deposited by the City of Mathena, Kansas, immediately on their receipt in the treasury of said City in a special fund to be designated as WATER SYSTEM CONSTRUCTION FUND, sometimes hereinafter called the CONSTRUCTION FUND, which shall be used solely for the purpose of paying the cost of the enlargements, extensions and improvements to the Water System as heretofore authorized and approved by the governing body. Withdrawals from the CONSTRUCTION FUND shall be made only on duly authorized and executed warrant accompanied by a certificate executed by the City's consulting engineers that such payment is being made for a purpose within the scope of the enlargements, extensions and improvements authorized by this Ordinance and that the amount of such payment represents only the contract price or reasonable value of the property, labor, materials, service or obligation for which the warrant is issued. All monies remaining in said CONSTRUCTION FUND after the completion of all of such work approved by the governing body shall be transferred immediately thereafter to the WATER SYSTEM PRINCIPAL AND INTEREST ACCOUNT hereinafter in this Ordinance created, provided for and described.

The City of Mathena, Kansas covenants with each of the purchasers and owners of the Water System Revenue Bonds, Series A, 1974, herein authorized that, so long as any of said bonds remain outstanding and unpaid, the City will make no use of the proceeds of said bonds which, if such use had been reasonably expected on the date of issuance of said bonds, would have caused said bonds to be arbitrage bonds within the meaning of Section 103(d) of the

Internal Revenue Code of 1954, as amended, and the City will comply with all applicable requirements of said Section 103(d) and the rules and regulations of the United States Treasury Department thereunder.

SECTION 6. From and after the adoption of this Ordinance, all income and revenues derived in any manner from the operation of the City's Water System as such system now exists or as it may be extended, improved and enlarged, shall be paid into the Treasury of the City of Mathena, Kansas and placed in a special fund described and known as the WATER FUND which shall hereafter be referred to as THE FUND. Such revenue so placed in THE FUND shall be used and distributed solely and entirely as follows:

A. The cost of maintenance and operation of the Water System shall be paid currently from THE FUND as bills accrue, and such bills shall be paid by a proper system of vouchers. Such amounts as may be necessary in the opinion of the governing body to pay the reasonable and proper expenses of operation and maintenance of the Water System for a period of sixty (60) days may be retained and accumulated in THE FUND before transfers to the other accounts hereinafter provided for.

B. Upon adoption of this Ordinance, there shall be created in the Treasury of the City an account to be designated as the WATER SYSTEM PRINCIPAL AND INTEREST ACCOUNT - ACCOUNT NO. 1, hereinafter called the PRINCIPAL AND INTEREST ACCOUNT. After providing for the funds necessary for the payment of maintenance and operation of the Water System, the City shall set aside and transfer monthly from THE FUND to said PRINCIPAL AND INTEREST ACCOUNT, beginning as of April 1, 1974, an amount equal to one-sixth (1/6) of the next maturing interest and, in addition, beginning as

of April 1, 1976, an amount equal to one-twelfth (1/12) of the next maturing principal on all outstanding bonds of this issue, to the end that at all times one month prior to maturity of interest and principal there shall be sufficient monies in said PRINCIPAL AND INTEREST ACCOUNT to transmit maturing interest and principal to the State Treasurer for payment when due. Amounts in the PRINCIPAL AND INTEREST ACCOUNT from accrued interest received on sale of the Bonds or from excess money in the CONSTRUCTION FUND or from other sources, shall be used in determining the amount of such monthly transfers. All amounts transferred and credited to the said PRINCIPAL AND INTEREST ACCOUNT shall be used solely and exclusively for the payment of principal and interest on bonds of this issue when the same shall become due and payable and for no other purpose.

C. Upon adoption of this Ordinance, there shall be created in the Treasury of the City an account to be designated WATER SYSTEM BOND RESERVE ACCOUNT - ACCOUNT NO. 2, hereinafter called the BOND RESERVE ACCOUNT. After payment of the costs of maintenance and operation of the Water System and after providing for the requirements of ACCOUNT NO. 1 as set forth in paragraph B above, the City shall set aside and transfer monthly from THE FUND to said BOND RESERVE ACCOUNT, commencing as of April 1, 1974 and on the first day of each month thereafter, the sum of \$^{100.00}~~12.00~~ until said BOND RESERVE ACCOUNT accumulates to a total of \$15,000.00. All accumulations in the BOND RESERVE ACCOUNT shall be used solely and exclusively for the payment of principal and interest of bonds of this issue, for which funds might not otherwise be available or to pay a like amount of final maturing bonds of this issue. No monies in said BOND RESERVE ACCOUNT shall be used to call bonds of this issue for redemption and payment unless and until the total accumulations of this Account, together with other funds on hand available

to call bonds for redemption and payment, shall pay all outstanding bonds of this issue. Should the City expend any portion of this BOND RESERVE ACCOUNT and thereby reduce it below \$15,000.00, except to retire all outstanding bonds, the City shall, after providing for the transfers set out above in subsections A and B, deposit all monies remaining in THE FUND in said BOND RESERVE ACCOUNT until said BOND RESERVE ACCOUNT shall have again attained an accumulation of \$15,000.00.

D. After providing for the funds and transfers set forth and described in subsections A, B and C of this Section, all monies remaining in THE FUND may be used to pay the cost of operation, maintenance and repair of the Water System, to make payments into or increase the amounts of the Accounts set out in subsections B and C above to cover potential deficiencies or to anticipate future requirements in said Accounts, to pay the cost of improving, extending or enlarging the Water System, to pay and redeem prior to maturity, or to purchase bonds of this issue or other outstanding indebtedness of the Water System, at the fair market price not to exceed the redemption price thereof. Should the monies remaining in THE FUND not be required for any of the foregoing purposes, then not to exceed one-half (1/2) of the monies so remaining in THE FUND during any fiscal year may be used during the succeeding fiscal year for other general lawful City purposes.

E. Should there be at any time insufficient monies in all of the funds and accounts above-described in subsection A, B, C and D to pay any deficiencies in principal or interest payments required by the terms of any bonds of this issue, then such principal and interest shall be payable out of the first available revenues received thereafter by the City from the operation of its

Water System after providing only for immediately necessary operation and maintenance of the Water System.

F. All of the Accounts created and described in subsections B and C above (Account 1 and 2) shall be considered to be part of THE FUND and are pledged to the payment of the bonds herein authorized.

SECTION 7. Monies held in the CONSTRUCTION FUND, in the BOND RESERVE ACCOUNT, and in THE FUND may be invested by the City in bonds or other direct obligations of the United States Government becoming due within ten years from date of purchase. Notwithstanding such authority, no investment shall be made for a period extending longer than to the date when the monies invested may reasonably be needed for the purposes for which each respective account was created. All income from investments shall accrue to and become a part of the account or fund which is the source of the investment. In determining the amount held in any fund or account under any of the provisions of this Ordinance, bonds or other direct obligations of the United States Government shall be valued at the then market value thereof. If and when the amount held in any fund or account shall be in excess of the amount required by the provisions of this Ordinance, the City may direct that such excess be paid into THE FUND if the City determines that other accounts and funds are current and adequate.

SECTION 8. The City covenants and agrees that it shall never issue additional revenue bonds for Water System extensions, enlargements and improvements which shall be superior to the bonds of this issue in lien, stature or priority. The City may issue additional revenue bonds for Water System extensions, enlargements and improvements, which bonds shall be co-equal with bonds of this

issue in lien, stature and priority only under the following conditions:

A. When the issuance of additional Water System Revenue Bonds of equal stature and priority is permitted by the Statutes of the State of Kansas.

B. When all accounts designated in Section 6 above are being maintained in the full amounts specified and when the City shall be in full compliance with all of the other details, conditions and requirements of this Ordinance.

C. When the net income of the Water System for the preceding year, after the payment of operation and maintenance expenses of the Water System, shall equal not less than 125% of an amount determined as the average annual principal and interest requirement of all currently outstanding indebtedness of the System and all contemplated new indebtedness of the System; provided that, should water rate increases have been established during the preceding year, the estimated amount of income resulting from such rate increases, but not reflected in incomes during such year, may be employed in determining the net income available during the test year, but certification of such estimated additional income resulting from such rate increases shall be made by a firm of independent consulting engineers qualified by experience and recognition to perform such certification.

D. When the ordinance authorizing such additional bonds shall require that the BOND RESERVE ACCOUNT herein created shall be increased so that the total anticipated maximum amount in such reserve will bear the same proportion to the total of all water system revenue indebtedness outstanding and contemplated as the maximum amount in said BOND RESERVE ACCOUNT required by the provisions of this Ordinance bears to the principal amount of this issue.

SECTION 9. While any of the bonds herein authorized remain outstanding, the rates, fees and charges for the use of the services rendered by said Water System shall be reasonable and just and subject to the conditions and limitations in this Ordinance provided; and it is hereby covenanted and agreed that such rates, fees and charges, after payment of costs of operating and maintaining the Water System, shall be sufficient to comply with the conditions of this Ordinance and the terms of said bonds and provide adequate bond reserves and depreciation funds; and no services or facilities afforded by the Water System shall be furnished without a reasonable charge being made therefor, except that so long as all of the requirements and conditions of this Ordinance are being met and provided for, water service may be furnished without charge to city buildings and facilities.

SECTION 10. The City hereby covenants and agrees that it will faithfully and punctually perform all duties with respect to said Water System required by the Constitution and laws of Kansas, by the applicable rate ordinances and by this Ordinance, including the fixing and collecting of rates, fees and charges for the use of the Water System and depositing the same in the special funds created by this Ordinance as above-specified; and the City covenants and binds itself not to sell, mortgage, lease or rent or in any wise dispose of said Water System or any substantial part thereof until the principal of and interest upon all bonds herein authorized shall have been paid in full, or unless and until provisions shall have been made for the payment of the full amount of such principal and interest on all bonds then remaining outstanding and unpaid; and the City will continuously maintain the Water System in good repair and working order and operate said utility in a businesslike and efficient manner.

SECTION 11. The City of Wathena, Kansas, hereby covenants and agrees that so long as any of the bonds herein authorized remain outstanding and unpaid, said City will not issue any additional bonds or other obligations payable out of the revenue of its Water System unless at such time all of the covenants of this Ordinance are being fully complied with and all bonds issued hereunder are in good standing and not in default. Any such additional utility system revenue bonds shall be junior and subordinate to the bonds of this issue, so that if at any time the City shall be in default in paying any interest and principal on bonds of this issue or in making any of the transfers required to any of the accounts or funds as herein specified, then the City shall make no payment of either principal or of interest on such subordinate bonds until all conditions of default shall be cured. The provisions of this Section shall not be construed to affect or contradict the right of the City to issue parity bonds as provided in Section 8.

SECTION 12. The City will carry and maintain such reasonable amount of all-risk insurance on all properties and all operations of the Water System as would be carried by a privately owned utility with similar property and performing similar functions, insofar as the properties are of an insurable nature; and in the event of loss or damage, the City will use the proceeds of such insurance to reconstruct or replace the property damaged or destroyed, or if such reconstruction or replacement be unnecessary, then such proceeds shall be used in redeeming or paying off outstanding revenue bonds in accordance with the call provisions above set out. The City also will carry such liability insurance in such amounts as would normally be carried by a private corporation engaged in a similar type of business.

SECTION 13. As long as any of the bonds herein authorized are outstanding, the City shall keep proper separate books of record

and accounts in which complete and correct entries shall be made showing all revenues collected for services by said utility and all sums expended in the operation thereof and all sums deposited in the accounts above-mentioned and all disbursements, transfers and transactions relating to said utility and shall annually cause an audit to be made by a qualified accountant of the operation thereof, which audit shall open to public inspection; and the City shall also prepare an annual budget in its customary form estimating anticipated expenditures and income and containing a statement relative to the amounts of insurance being carried and to be carried. If the audit or budget shall disclose that proper provision has not been made for carrying out and complying with all the requirements herein set forth, then the City shall within sixty (60) days proceed to cause to be charged and collected rates, fees and charges which will provide adequate funds to meet all such requirements. Copies of the audit and budget shall be filed in the Office of the City Clerk and duplicate copies thereof shall be mailed promptly to Ranson & Company, Inc., Wichita, Kansas. The books and accounts shall be kept in accordance with standard accounting procedures and the audit shall include the following information:

A. A classified statement of the gross revenues received, the expenditures for operation and maintenance, the expenditures for all other purposes, the net operating revenues and the amount of any capital expenditures made from such revenue during the year.

B. A complete balance sheet of the fiscal year's operations, particularly indicating the amount of funds set aside for the accounts hereinabove provided.

C. A statement showing all bonds which have been called, purchased, matured or paid during the year and a statement of all interest paid during the year.

D. A statement of the number of customers served at the

end of the year.

E. A statement of the gross amount of insurance carried on the properties showing the names of the insurers, the expiration dates of the policies and the premium thereon.

F. A statement by the auditor of any recommendations suggested as to any financial procedures and accounting practices employed by the City.

Such audit shall be completed within six (6) months after the completion of the City's fiscal year.

The budget contain normal budgetary items, including:

A. An estimate of the receipts during the next ensuing fiscal year.

B. A statement of the estimated cost of operating the system.

C. A statement of any necessary replacements which may be anticipated during the next fiscal year.

E. A statement of the amount of principal and interest to be paid on outstanding revenue bonds and general obligation bonds to be paid from revenues during the next fiscal year.

F. A statement of the total estimated expenditures to be made from the revenues during the next fiscal year.

SECTION 14. The City will cause the Superintendent of its Water System or an independent Consulting Engineer to make a bi-annual examination and report on the condition and operation of the City's Water System, such report to include recommendations as to any changes in such operation deemed desirable. Such report shall also make references to any unusual or extraordinary items of maintenance and repair and any extensions or improvements that may be needed in the ensuing year. A copy of such report will be filed in the office of the City Clerk and duplicate copies thereof

shall be mailed promptly to Ranson & Company, Inc., Wichita, Kansas,

SECTION 15. The holder of any bond of this issue or his duly authorized attorney, accountant or investment counselor shall have the right at all reasonable times to inspect the Water System or any part thereof and any records, accounts or data relating thereto.

SECTION 16. The City covenants that in the construction, reconstruction, repair, maintenance and operation of the Water System, it will perform all duties and obligations relative to such System as are now or may be hereafter imposed by the Constitution and Laws of the State of Kansas and the provisions of this Ordinance.

SECTION 17. This Ordinance and all of the provisions hereof shall constitute a contract between the City of Mathena, Kansas, and each of the holders of the bonds issued under this Ordinance and any such holder of any one or more of such bonds may by suit, action, mandamus, injunction or other proceeding, either at law or in equity, enforce and compel performance of all duties, obligations and conditions determined and required by this Ordinance.

SECTION 18. The Mayor and City Clerk are hereby authorized and directed to prepare and execute in the manner hereinbefore specified the Water System Revenue Bonds of the City herein authorized, and to cause said bonds to be registered as provided by law and, when duly executed and registered, to deliver said bonds to Ranson & Company, Inc., Wichita, Kansas, the purchasers thereof on payment of the purchase price.

SECTION 19. This Ordinance shall take effect and be in force from and after its passage, approval and publication once in the official city paper.

PASSED AND APPROVED April 16, 1974.

ATTEST:

MAYOR

CITY CLERK