

RESOLUTION NO. 06-04

A RESOLUTION AUTHORIZING THE IMPROVEMENT OF THE CITY-OWNED SWIMMING POOL FACILITY TOGETHER WITH ALL THINGS NECESSARY AND INCIDENTAL THERETO IN THE CITY OF WATHENA, DONIPHAN COUNTY, KANSAS, TO BE PAID FOR BY THE ISSUANCE OF GENERAL OBLIGATION BONDS IN AN AMOUNT NOT EXCEEDING \$1,000,000 UNDER THE AUTHORITY OF K.S.A. 12-1736 *ET SEQ.* AS AMENDED, AND ARTICLE 1 OF CHAPTER 10, K.S.A.

WHEREAS, the Governing Body of the City of Wathena, Doniphan County, Kansas, (the "City") has the authority to make improvements to the City-owned swimming pool facility, all in accordance with K.S.A. 12-1736 *et seq.* as amended and supplemented; and

WHEREAS, the Governing Body of the City deems it necessary to construct, provide and pay for the construction and installation of the remodeling, reconstructing and equipping of the City-owned swimming pool, including, but not limited to, the interior renovation of the bathhouse, constructing and equipping a filter building and providing swimming pool recreational equipment and doing all things necessary and incidental thereto at an estimated cost of One Million Dollars (\$1,000,000) (the "Improvements"); and

WHEREAS, the Governing Body of the City will finance the cost of such improvements by the issuance of general obligation bonds of the City in an amount not to exceed One Million Dollars (\$1,000,000).

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WATHENA, DONIPHAN COUNTY, KANSAS:

Section 1. That the Improvements together with all things necessary and incidental thereto to serve the City is hereby authorized and ordered to be done in accordance with the plans and specifications therefor on file with the City Clerk of the City.

Section 2. That to provide funds to pay the total costs of constructing said public improvements (the "Project"), general obligation bonds of the City in an amount not exceeding \$1,000,000 under the authority of K.S.A. 12-1736 *et seq.* are hereby authorized to be issued by the City (the "Bonds"), the terms and conditions of the Bonds to be determined by ordinance and resolution of the City.

Section 3. That the City is hereby authorized to issue Temporary Notes pursuant to K.S.A. 10-123, as amended and supplemented, to provide funds to pay part of the costs of the Project until bonds may be issued. That said Temporary Notes may be issued pursuant to a resolution duly adopted by the Governing Body of the City.

Section 4. The City will pay for the cost of the Project as follows: \$1,000,000 of the costs will be paid with the proceeds of debt of the City, i.e., notes, bonds or other evidences of indebtedness of the City, and any other costs are expected to be paid from other legally available funds of the City or budgeted funds of the City.

Section 5. As of the date of this resolution, the City has not spent any funds more than sixty (60) days prior to the adoption of this statement of official intent on the Project for which it will be reimbursed from debt of the City (other than expenditures permitted to be reimbursed pursuant to Treasury Regulations such as certain preliminary expenditures for engineering, architectural, survey and costs of issuance).

Section 6. The City reasonably expects to reimburse expenditures made for the cost of the Project with the proceeds of debt of the City (i.e., notes, bonds or other evidences of indebtedness of the City) which debt is expected to be incurred by the City after the date of payment of all or a portion of the costs of the Project. No funds of the City or any group controlled by the City are reasonably expected to be set aside on a long-term basis to pay the expenditure to be reimbursed with the proceeds of the City's debt.

Section 7. The maximum principal amount of debt of the City expected to be issued for the Project is \$1,000,000.

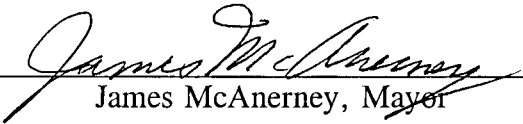
Section 8. All reimbursed expenditures will be "capital expenditures" as defined in Treasury Regulations Section 1.150-1(h). Capital expenditures include costs of issuance of the debt of the City.

Section 9. This declaration is a declaration of official intent under Treasury Regulation Section 26 CFR 1.150-2.

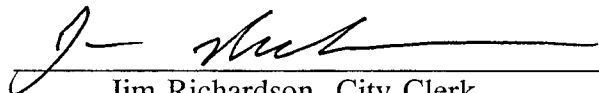
Section 10. That this Resolution shall take effect and be in force from and after its passage and approval.

PASSED by the Governing Body and approved by the Mayor on this 15th day of May, 2006.

CITY OF WATHENA, KANSAS


James McAnerney, Mayor

ATTEST:


Jim Richardson, City Clerk

(SEAL)