

CITY OF WATHENA, KANSAS

RESOLUTION NO. 2021-5

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF WATHENA, KANSAS (THE "COOPERATING JURISDICTION") AUTHORIZING THE EXECUTION OF A COOPERATION AGREEMENT PURSUANT TO THE KANSAS LOCAL RESIDENTIAL HOUSING FINANCE LAW, K.S.A. 12-5219 ET SEQ., AS AMENDED, BETWEEN THE COOPERATING JURISDICTION AND SEDGWICK COUNTY, KANSAS AND SHAWNEE COUNTY, KANSAS (JOINTLY, THE "ISSUERS"), AUTHORIZING THE ISSUERS TO EXERCISE, ON BEHALF OF THE COOPERATING JURISDICTION, THE AUTHORITY AND POWERS CONFERRED BY THE KANSAS LOCAL RESIDENTIAL HOUSING FINANCE LAW.

WHEREAS, the Governing Bodies of the Issuers, in cooperation with one or more counties and cities of the State of Kansas (the "State"), desires to undertake a program to provide decent, safe and sanitary housing for persons of low and moderate income, all in accordance with the Kansas Local Residential Housing Finance Law, K.S.A. 12-5219 et seq., as amended (the "Act"); and

WHEREAS, the Governing Body of the City of WATHENA, Kansas, in cooperation with the Issuers, also desires to undertake a program to provide decent, safe and sanitary housing for persons of low and moderate income, all in accordance with the Act; and

WHEREAS, the Act provides that one or more cities and counties may join together and cooperate with one another in the exercise of any powers conferred under the Act, either jointly or otherwise, in accordance with and pursuant to a written agreement between or among such cooperating cities and counties; and

WHEREAS, the Cooperating Jurisdiction has not engaged in any act or executed any power authorized by the Act, or comparable acts or powers authorized or contemplated under the Constitution of the State, the Act or any law of the State, which impair the authority of the Cooperating Jurisdiction to enter into the Cooperation Agreement; and

WHEREAS, the adoption of this Resolution by the Cooperating Jurisdiction authorizing the execution of the Cooperation Agreement and the exercise thereof will not conflict with or constitute on the part of the Cooperating Jurisdiction a breach of or default under the laws of the State, including the Act, or any other agreement, indenture or instrument to which the Cooperating Jurisdiction is a party or by which the Cooperating Jurisdiction is bound.

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

Section 1. The Cooperating Jurisdiction hereby agrees to join and cooperate with the Issuers in implementing and carrying out a residential housing finance plan pursuant to and in accordance with the Act and a Cooperation Agreement between the Cooperating Jurisdiction and the Issuers (the "Cooperation Agreement").

Section 2. The Mayor and the City Clerk are hereby authorized to execute the Cooperation Agreement in substantially the form attached hereto as **Exhibit A**.

Section 3. All prior actions of the Cooperating Jurisdiction in cooperation with the Issuers, including any prior cooperation agreements entered into between the Cooperating Jurisdiction and the Issuers related to programs to provide decent, safe and sanitary housing for persons of low and moderate income in accordance with the Act, are hereby ratified, affirmed and approved.

Section 4. The Mayor and the City Clerk are hereby authorized to take such other actions, and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the provisions of this Resolution and to carry out, comply with and perform the duties of the Cooperating Jurisdiction with respect to the Cooperation Agreement, all as necessary to carry out and give effect to the transactions contemplated by this Resolution.

ADOPTED THIS 15th DAY OF March, 2021.

CITY OF Wathena, KANSAS

By: 
Mayor

(Seal)

ATTEST:


City Clerk

EXHIBIT A

WATHENA

**SEDGWICK COUNTY, KANSAS AND SHAWNEE COUNTY, KANSAS
AND
CITY OF WATHENA, KANSAS**

COOPERATION AGREEMENT

COOPERATION AGREEMENT PURSUANT TO THE KANSAS LOCAL RESIDENTIAL HOUSING FINANCE LAW, K.S.A. 12-5219 ET SEQ., AS AMENDED, BETWEEN SEDGWICK COUNTY, KANSAS AND SHAWNEE COUNTY, KANSAS (JOINTLY, THE "ISSUERS"), AND THE CITY OF WATHENA, KANSAS (THE "COOPERATING JURISDICTION"), AUTHORIZING THE ISSUERS TO EXERCISE, ON BEHALF OF THE COOPERATING JURISDICTION, THE AUTHORITY AND POWERS CONFERRED BY THE KANSAS LOCAL RESIDENTIAL HOUSING FINANCE LAW.

WHEREAS, the Governing Bodies of the Issuers, in cooperation with one or more counties and cities of the State of Kansas (the "State"), desire to undertake a program to provide decent, safe and sanitary housing for persons of low and moderate income, all in accordance with the Kansas Local Residential Housing Finance Law, K.S.A. 12-5219 et seq., as amended (the "Act"); and

WHEREAS, the Governing Body of the City of WATHENA, Kansas, in cooperation with the Issuers, also desires to undertake a program to provide decent, safe and sanitary housing for persons of low and moderate income, all in accordance with the Act; and

WHEREAS, the Act provides that one or more cities and counties may join together and cooperate with one another in the exercise of any powers conferred under the Act, either jointly or otherwise, in accordance with and pursuant to a written agreement between or among such cooperating cities and counties; and

WHEREAS, neither the Issuers nor the Cooperating Jurisdiction have engaged in any act or executed any power authorized by the Act, or comparable acts or powers authorized or contemplated under the Act or any other law of the State, which would impair the authority of either to perform this Cooperation Agreement; and

WHEREAS, the adoption of the resolution by the Issuers and the resolution by the Cooperating Jurisdiction authorizing the execution of this Cooperation Agreement and the exercise thereof will not conflict with or constitute on the part of said jurisdictions a breach of or default under the laws of the State, including the Act, or any other agreement, indenture or instrument to which either is a party or by which either is bound; and

WHEREAS, the execution and delivery of this Cooperation Agreement by the Issuers and the Cooperating Jurisdiction have been authorized by resolutions duly adopted by the Governing Bodies of the Issuers and the Cooperating Jurisdiction.

NOW, THEREFORE, IT IS HEREBY AGREED BY AND BETWEEN THE ISSUERS AND THE COOPERATING JURISDICTION AS FOLLOWS:

Section 1. The Cooperating Jurisdiction hereby agrees to join and cooperate with the Issuers in implementing and carrying out a residential housing finance plan (the "Program") pursuant to and in accordance with the Act and this Cooperation Agreement, including the issuance by the Issuers, either by themselves or jointly with other issuing jurisdictions, of one or more series of single family mortgage revenue bonds (the "Bonds") and the making of mortgage loans within the corporate limits of the Cooperating Jurisdiction. Execution of this Cooperation Agreement by the Cooperating Jurisdiction imposes no financial obligation or liabilities against the Cooperating Jurisdiction.

Section 2. The Issuers and the Cooperating Jurisdiction hereby collectively declare that all cooperation agreements by and between the Issuers and other cooperating cities and counties of the State and all cooperation agreements by and between the Cooperating Jurisdiction and other cooperating cities and counties of the State in connection with the Program are hereby ratified and confirmed in all respects, and that such other cooperating cities and counties which enter into such cooperation agreements with the Issuers (or with other issuing jurisdictions which are cooperating with the Issuers) shall be part of the Program.

Section 3. The transaction described herein may be conducted and related documents may be sent, received or stored by electronic means. Copies, telecopies, facsimiles, electronic files and other reproductions of original executed documents shall be deemed to be authentic and valid counterparts of such original documents for all purposes, including the filing of any claim, action or suit in the appropriate court of law.

EXECUTED AND DELIVERED THIS 15th DAY OF March, 2021.

CITY OF Wathena, KANSAS

By: [Signature]
Mayor

(Seal)

ATTEST:

[Signature]
City Clerk


SEDGWICK COUNTY, KANSAS

By: *Pat F. Alf*
Chairman, Board of
County Commissioners

(Seal)

ATTEST:

BD
County Clerk

The seal of the Clerk of Sedgwick County, Kansas, is circular. It features a central figure of a Native American holding a bow and arrow. The text "CLERK OF SEDGWICK COUNTY" is written around the top inner edge, and "KANSAS" is at the bottom. There are also small stars and the year "1861" visible.

APPROVED AS TO FORM:

Patricia J. Parker

SHAWNEE COUNTY, KANSAS



A handwritten signature in blue ink, appearing to read "Kevin J. Cook".

Kevin J. Cook, Chairman,
Board of County Commissioners

A handwritten signature in blue ink, appearing to read "Cynthia A. Beck".
Cynthia A. Beck, County Clerk