

(Published in *The Chase County Leader News* on the 24th day of March, 2016)

ORDINANCE NO. 963

AN ORDINANCE CREATING A PUBLIC BUILDING COMMISSION IN THE CITY OF COTTONWOOD FALLS, KANSAS, PURSUANT TO THE PROVISIONS OF K.S.A. 12-1757 ET SEQ., AS AMENDED AND SUPPLEMENTED.

WHEREAS, the City of Cottonwood Falls, Chase County, Kansas, (the "City") is authorized pursuant to K.S.A. 12-1757 *et seq.*, as amended and supplemented, to create a public building commission in the City; and

WHEREAS, the City by ordinance may create a public building commission for the purposes of acquiring a site or sites for and constructing, reconstructing, equipping and furnishing a building or buildings or other facilities of a revenue producing character, including parking facilities, or for purchasing or otherwise acquiring such building or buildings or facilities. Such building or buildings or facilities shall be maintained and operated for a county courthouse, the housing and accommodation of county offices or county business or for city offices or such other purposes as are commonly carried on in connection with such facilities or in county courthouses and general city buildings, including administrative offices for school districts and housing accommodations and parking facilities for offices of state and federal agencies.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the City of Cottonwood Falls, Kansas, as follows:

1. Pursuant to provisions of K.S.A. 12-1757 *et seq.*, as amended and supplemented (the "Act"), the Governing Body of the City of Cottonwood Falls, Kansas, hereby creates the Cottonwood Falls Public Building Commission (the "PBC") for the purposes of acquiring a site or sites within Chase County, Kansas (the "County") for construction, reconstruction, equipping and furnishing a building or buildings or other facilities of a revenue producing character, including parking facilities, and for purchasing or otherwise acquiring such building or buildings or facilities. Such building or buildings or other facilities shall be maintained and operated for the affairs and activities of any federal, state, city, school district or county governmental agency, or any municipal corporation, quasi-municipal corporation, political subdivision or body politic, or agency thereof, doing business, maintaining an office or rendering a public service within the County. Without in any way limiting the generality or scope of the foregoing, such buildings or facilities may specifically include buildings or

other facilities, such as libraries, facilities of a recreational nature located or to be located within the County, including, but not limited to, swimming pools, amphitheaters, gazebos, band stands, athletic fields and shelter houses.

2. The PBC shall have all powers of said commission authorized by the Act and more specifically, K.S.A. 12-1760, which powers includes the power to do all things necessary or incidental to the purpose of acquiring, purchasing, constructing, reconstructing, furnishing, equipping, operating and maintaining revenue producing buildings or facilities as provided herein, including but not limited to a swimming pool facility to be leased to the City and subleased to the County.

3. The PBC herein created shall consist of no fewer than three (3) nor more than nine (9) members (the "Members"), which Members shall be approved by the Governing Body of the City by resolution. The Members shall be the Mayor and the Council members of the City of Cottonwood Falls, Kansas, the Mayor of the City of Strong City, Kansas, the President of Unified School District No. 284 and a member of the Board of County Commissioners of Chase County, Kansas. The Members shall serve for a term co-terminus with their term as representatives of their respective governing bodies. In the event that the PBC provides buildings or structures that are leased to governmental entities other than the City, the composition of the PBC shall be modified by subsequent ordinance of the City to conform to the requirements of the Act.

4. The PBC herein created and the Governing Body of the City of Cottonwood Falls, Kansas, shall negotiate leases of the facilities, including a swimming pool and appurtenances thereto to be acquired or constructed under the authority granted to the PBC pursuant to the Act. Upon completion of said negotiations, the PBC may issue leasehold revenue bonds of the commission to provide funds for the purpose of acquiring, purchasing, constructing, reconstructing, erecting, equipping, repairing, maintaining and operating the facilities, including a swimming pool facility and appurtenances thereto and to acquire sites necessary and convenient therefor and to pay all costs and expenses incident thereto, or to refund its outstanding bonds through the issuance of refunding bonds in the manner prescribed by and, except as otherwise herein provided, subject to the provisions of K.S.A. 10-116a. Except as otherwise provided by K.S.A. 10-116a, as amended, such leasehold revenue bonds shall be payable solely from the rents and revenues to be derived from the operation, management and use of the facilities, including a swimming pool and appurtenances thereto acquired by the commission.

5. The PBC herein created shall have no power to levy taxes, and bonds issued by the PBC shall not constitute a debt of the PBC or of any public body within the meaning of any statutory or constitutional limitation as to debt, all as set forth in the Act and more specifically, K.S.A. 12-1761, as amended and supplemented.

6. The PBC hereby created shall be authorized to establish and fix rates, rentals, fees and charges for the use of the facilities, including a swimming pool and appurtenances thereto, sufficient at all times to pay maintenance and operation costs of such facility, the principal and the interest on the

bonds issued by the commission as the same become due and payable and to make all payments to any accounts created by any bond resolution.

7. The PBC shall have the authority to rent all or any part of the facilities, including a swimming pool and appurtenances thereto to the City of Cottonwood Falls, Kansas, a municipal corporation and/or Chase County, Kansas, a municipal corporation, all as set forth in the Act and more specifically, K.S.A. 12-1763, as amended.

8. The PBC created herein shall have the power to have all things necessary or incidental to the purpose of acquiring, purchasing, constructing, reconstructing, equipping and/or furnishing and operating and maintaining buildings and other facilities to be made available to any federal, state, city, school district or county governmental agency, or any municipal corporation, quasi-municipal corporation, political subdivision or body politic, or agency thereof, doing business, maintaining an office or rendering a public service within the County. The PBC shall have all powers authorized by law pursuant to the Act, including the power and authority to issue leasehold revenue bonds.

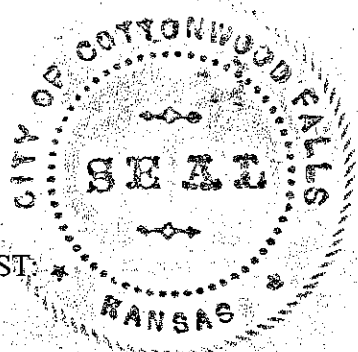
9. This Ordinance No. 963 shall be in full force and effect from and after its passage and adoption by the Governing Body of the City of Cottonwood Falls, Kansas, and its publication in *The Chase County Leader News*, the official newspaper of the City of Cottonwood Falls, Kansas.

[BALANCE OF PAGE INTENTIONALLY LEFT BLANK]

PASSED AND APPROVED BY THE GOVERNING BODY OF THE CITY OF COTTONWOOD FALLS, KANSAS, THIS 14TH DAY OF MARCH, 2016.

CITY OF COTTONWOOD FALLS, KANSAS

[Seal]



ATTEST

Boyce Baumgardner, Mayor

Tiffany R. Bohnen, City Clerk