

ORDINANCE NO. 9516

A HOME RULE ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, MAKING CERTAIN FINDINGS; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR TEMPORARY NOTES OF THE CITY TO FINANCE AN ECONOMIC DEVELOPMENT GRANT TO THE LAWRENCE HUMANE SOCIETY, INC.; APPROVING AN AGREEMENT BETWEEN THE CITY AND THE LAWRENCE HUMANE SOCIETY, INC.; AND APPROVING THE PAYMENT OF CERTAIN FUNDS TO THE LAWRENCE HUMANE SOCIETY, INC.

WHEREAS, the governing body of the City of Lawrence, Kansas (the “City”) has considered the needs of the City for an orderly plan of animal control in order to provide for the public safety and welfare of its citizens; and

WHEREAS, the City has entered into discussions with the Lawrence Humane Society, Inc., a 501(c)(3) nonprofit organization (the “Humane Society”), regarding financing a portion of the acquisition, construction and equipping of a facility to be located at 1901 East 17th Street and 1805 East 19th Street to be owned and occupied by the Humane Society (the “Project”) in order to better provide the City with animal control and services related thereto; and

WHEREAS, the City is authorized by Article 12, Section 5 of the Constitution of the State of Kansas (the “Home Rule Amendment”) to determine its 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

WHEREAS, there is no enactment of the Kansas Legislature which prohibits the City from issuing general obligation bonds or notes to finance the Project; and

WHEREAS, pursuant to Resolution No. 7186, the City previously expressed its intent to finance a portion of the costs of the Project with proceeds of the City’s general obligation bonds or temporary notes; and

WHEREAS, the Agreement between the City and the Humane Society dated July __, 2018, setting forth the terms of the Grant and the City’s and Humane Society’s rights and obligations relating to the acquisition, construction, equipping, and operation of the Project (the “Agreement”), has been presented for consideration by the governing body of the City in connection with the foregoing.

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

Section 1. Findings. The governing body of the City hereby finds and determines that the Project will stimulate and foster economic development in the City and its environs in order to enhance and provide for the public health, safety, and welfare of the City and its citizens.

Section 2. Financing Authority. The governing body of the City hereby finds and determines that pursuant to and in furtherance of the purposes of the Home Rule Amendment, it is in the interest of the public health, safety and welfare of the City to authorize the issuance of general obligation temporary notes and/or bonds (the “Obligations”) in an amount not to exceed \$2,500,000, plus costs of

issuance and interest on any temporary financing, all for the purposes of making a grant to the Humane Society (the "Grant") to finance a portion of the costs of the Project, all for the purposes of economic development.

Section 3. Agreement. The Agreement in substantially the form presented to the governing body of the City on this date is hereby approved and the City Manager is hereby authorized to execute and deliver the Agreement, which shall set forth the terms of the Grant and the City's and Humane Society's rights and obligations relating to the Grant, the issuance of the Obligations, and the Project. The City Manager, Mayor, City Clerk, City Treasurer and other City staff are authorized to take all further actions necessary to carry out the terms of the Agreement.

Section 4. Payment of Grant Funds. Subject to the City's execution and delivery of the Agreement, City is authorized to make payment to the Humane Society in the amount of \$500,000 as a portion of the proceeds of the Grant, in order to satisfy the City's obligation to make initial payment pursuant to Section 3(a) of the Agreement.

Section 5. Effective Date. This Home Rule Ordinance shall take effect and be of force from and after its passage by the governing body of the City, approval by the Mayor, and publication of this Ordinance in the official City newspaper.

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PASSED by the governing body of the City of Lawrence, Kansas, on July 17, 2018 and **APPROVED AND SIGNED** by the Mayor.

Stuart Boley, Mayor

(SEAL)

ATTEST:

Sherri Riedemann, City Clerk

APPROVED AS TO FORM:

Toni R. Wheeler, City Attorney