

RESOLUTION NO. 2023-24

A RESOLUTION AUTHORIZING THE COMPLETION OF AN APPLICATION TO THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT REGARDING A LOAN FROM THE KANSAS PUBLIC WATER SUPPLY LOAN FUND

WHEREAS, the City of Caney, Kansas (the “City”) is a duly incorporated *city of the 2nd class* organized under the laws of the state of Kansas (the “State”) which operates a public water supply and distribution system (the “System”); and

WHEREAS, the *City Council of Caney* (the “Governing Body”) of the City has heretofore determined in to be in the best needs of the customers of the System to undertake certain modifications and improvements (the “Project”) to the System; and

WHEREAS, the pursuant to K.S.A. 65-163c *et seq.* (the “Act”), the Kansas Department of Health and Environment (“KDHE”) administers the Kansas Public Water Supply Loan Fund (the “Fund”) from which loans are made to certain qualified Municipalities (as said term is defined in the Act) to finance modification and improvements to public water supply systems; and

WHEREAS, the *City* has heretofore made an application to KDHE for a loan in an amount not to exceed \$[**Maximum Amount of Loan**] (the “Loan”) to finance the Project; and

WHEREAS, the Governing Body has conducted a public hearing this date on the advisability of proceeding with the completion of the application for the Loan and desires to authorize the appropriate officials of the [*City/District*] to accomplish the completion process.

BE IT RESOLVED BY THE GOVERNING BODY OF Caney, KANSAS, AS FOLLOWS:

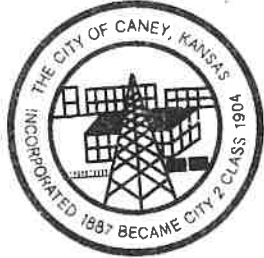
Section 1. Loan Application. The *Mayor and City administrator* of the *City* are hereby authorized to cause to be prepared and to execute a Loan Application, including all attachments thereto (jointly, the “Application”); in substantially the form presented to the Governing Body this date, in order to provide financing for the Project. The Application shall be forwarded to KDHE as soon as possible.

Section 2. Further Proceedings. The *Mayor and City Administrator* and the other officers and representatives of the *City* are hereby authorized and directed to take such other action as may be necessary to complete the Application and to coordinate processing of a loan agreement for the Loan (the “Loan Agreement”); provided that the authorization to execute the Loan Agreement shall be subject to further resolution of the Governing Body.


Section 3. Further Authority. This Resolution shall be in full force and effect from and after its adoption.

Adopted by the Governing Body of the City of Caney, Kansas on October 16th, 2023.

(SEAL)



ATTEST:



Mayor

Annuler Dean

City Clerk

**EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
CANEY, KANSAS
HELD ON AUGUST 21st 2023**

The City Council (the “Governing Body”) of the City of Caney, Kansas (the “City”) met in regular session at Caney City Hall, 100 W 4th, Caney, KS at 6:30 P.M. October 16th, 2023. The following Governing Body members were present:

- Mayor Josh Elliott
- Council
- Val Hurd
 - Zachary Ellison
 - Kenneth Butts
 - Nathan Rains
 - Lori Patterson
 - Debbie Wood
 - Aaron Elliot
 - Addie Traxson

The following Governing Body members were absent:

The *Mayor* declared that a quorum was present and called the meeting to order.

In accordance with a Notice published on [Date of Publication] in Montgomery Chronicle, a newspaper of general circulation in the *City*, a public hearing was held by the Governing Body relating to a proposed loan in an amount not to exceed \$7,638,693 (the “Loan”) to be taken by the *City* from the Kansas Public Water Supply Loan Fund (the “Fund”) administered by the Kansas Department of Health and Environment (“KDHE”) pursuant to K.S.A. 65-163c *et seq.* Proceeds of the Loan would be used by the *City* to finance certain modifications and improvements (the “Project”) to the *City*’s water supply and distribution system (the “System”).

A record of persons attending the public hearing and a transcript of summary of the proceedings at the public hearing are on file with the *City Clerk*.

The *Mayor* informed those present of the issues involved in the Governing Body making a decision whether to proceed with the Loan process, including entering into a loan agreement (the “Loan Agreement”) with KDHE to fund the Project. Information regarding the scope of the Project, the proposed Loan repayment terms, the covenants proposed to be contained in the Loan Agreement and other relevant matters were discussed by the *Mayor* and consultants to the *City*.

Members of the public were permitted to make statements and ask questions of the Governing Body and the *City*’s consultants. After all present were given an opportunity to speak and ask questions, the *Mayor* closed the public hearing.

The matter of proceeding with the application process came on for consideration and was discussed. Thereupon, Councilmember Hurd presented and moved the adoption of a Resolution entitled:

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Councilmember Elliott seconded the motion to adopt the Resolution. Thereupon, the Resolution was read and considered, and, the question being put to a roll call vote, the vote thereon was as follows:

Aye: 7-0 All - Hurd, Ellison, Elliott, Patterson, Wood, Butts, Rains

Nay: 0

The Mayor declared the Resolution duly adopted; the City Clerk designating the same Resolution No. 2023-24

(Other Proceedings)

On motion duly made, seconded and carried, the meeting thereupon adjourned.

Amler Dean
[City Clerk/Secretary]