

RESOLUTION NO. 1268

A RESOLUTION AUTHORIZING AND PROVIDING FOR THE CALLING OF A SPECIAL QUESTION ELECTION IN ATCHISON COUNTY, KANSAS, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF THE COUNTY THE QUESTION OF IMPOSING A SPECIAL ONE-FOURTH PERCENT (0.25%) COUNTYWIDE RETAILERS' SALES TAX FOR THE PURPOSE OF FINANCING THE COST OF CONSTRUCTING AND MAINTAINING SPORTS AND RECREATIONAL FACILITIES IN THE COUNTY AND COSTS APPURTENANT THERETO; AND AUTHORIZING THE ISSUANCE OF SALES TAX REVENUE BONDS TO FINANCE SUCH FACILITIES AND RELATED RESERVES AND FINANCING COSTS.

WHEREAS, K.S.A. 12-187 *et seq.*, as amended by House Substitute for Senate Bill No. 435 of the 2006 Kansas Legislature, specifically 12-187 (b) (17), (the "Act") authorizes the Board of County Commissioners (the "Board") of Atchison County, Kansas (the "County") to submit to the electors of the County the question of imposing a Countywide retailers' sales tax for the purpose of financing the construction and maintenance of sports and recreational facilities in the County and provide for maintenance thereof, which sales tax shall expire when funds have been collected to pay all costs incurred with the financing of such facilities; and

WHEREAS, the Act also authorizes the County to issue bonds to finance such facilities, which bonds are payable from and secured by the proceeds of such sales tax; and

WHEREAS, the Board deems it advisable to construct sports and recreational facilities in the County and make all other necessary improvements appurtenant thereto (the "Facilities"); and

WHEREAS, in order to finance the costs of the Facilities and related reserves and financing costs and provide for maintenance of the Facilities, the Board deems it advisable to provide for the calling of a special question election in the County for the purpose of submitting to the qualified electors of the County the question of imposing a special one-fourth percent (0.25%) Countywide retailers' sales tax (the "Sales Tax") and to issue sales tax revenue bonds of the County (the "Bonds") payable from and secured by the proceeds of the Sales Tax; and

WHEREAS, in order to authorize such Sales Tax and the issuance of the Bonds, it is deemed advisable to call a special question election in the County to be held on August 1, 2006.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ATCHISON COUNTY, KANSAS:

SECTION 1. It is hereby deemed necessary and advisable to construct the Facilities in an estimated amount of \$4,500,000.

SECTION 2. In order to pay the costs of the Facilities and associated reserves and financing costs and provide for the maintenance thereof, it is necessary and advisable pursuant to the authority of the Act to institute the Sales Tax and issue the Bonds. Collection of the Sales Tax, if approved by the electors

of the County, shall commence on January 1, 2007 or as soon thereafter as permitted by the Act, and shall expire when all costs associated with the financing of the Facilities, including the repayment of the Bonds, shall have been paid.

SECTION 3. The implementation of the Sales Tax and the issuance of the Bonds, shall not be effective unless a majority of the qualified electors of the County voting on the proposition shall vote in favor thereof at a special question election to be held in the County for that purpose.

SECTION 4. It is hereby authorized, ordered and directed that a special question election shall be and is hereby called to be held in the County on August 1, 2006, at which time there shall be submitted to the qualified electors of the County the following proposition:

Shall the following be adopted?

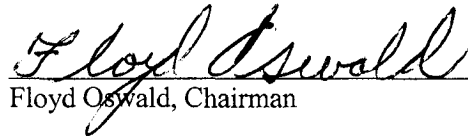
Shall Atchison County, Kansas, be authorized to: (i) impose a one-fourth percent (0.25%) retailers' sales tax (the "Sales Tax") for the purpose of financing the cost of constructing and maintenance of sports and recreational facilities in the County and making all other necessary improvements appurtenant thereto (the "Facilities"), collection of such Sales Tax to expire upon the payment of all costs incurred in the financing of such construction of the Facilities (including the retirement of any bonds issued and payable from such sales tax); and (ii) issue sales tax revenue bonds to pay the costs of the Facilities and related reserves and financing costs; all pursuant to the authority of K.S.A. 12-187 *et seq.*, as amended by House Substitute for Senate Bill No. 435 of the 2006 Kansas Legislature?

SECTION 5. The vote at said special question election, shall be by ballot, and the proposition stated above shall be printed on the ballot, together with voting instructions as provided by law.

SECTION 6. The County Election Officer shall give notice of the special question election as provided by law by publishing a Notice of Special Question Election in substantially the form attached hereto as *Exhibit A* once each week for two (2) consecutive weeks in a newspaper of general circulation in the County, with the first publication to be not less than twenty-one (21) days prior to the date of the special question election and the last publication not more than sixty (60) days prior to the date of the election.

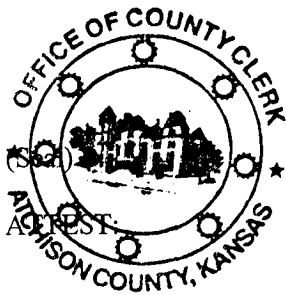
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ADOPTED by the Board of County Commissioners of Atchison County, Kansas, on June 12, 2006.


Floyd Oswald, Chairman


Tom Wagner, Commissioner


George Ross, Jr., Commissioner

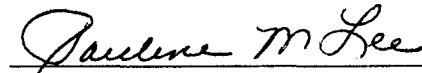



Pauline M. Lee, County Clerk

CERTIFICATE

I, hereby certify that the above and foregoing is a true and correct copy of Resolution No. 1268 of Atchison County, Kansas adopted by the Board of County Commissioners of as the same appears of record in my office.

DATED: June 12, 2006


Pauline M. Lee, County Clerk