



CITY OF MISSION, KANSAS
FINANCE & ADMINISTRATION COMMITTEE

WEDNESDAY, OCTOBER 6, 2021 at 7:30 p.m.
(or immediately following 6:30 p.m. Community Development Committee)
POWELL COMMUNITY CENTER
6200 MARTWAY

Meeting In Person and Virtually via Zoom

This meeting will be held in person at the time and date shown above. In consideration of the COVID-19 social distancing recommendations, this meeting will also be available virtually via Zoom (<https://zoom.us/join>). Information will be posted, prior to the meeting, on how to join at <https://www.missionks.org/calendar.aspx>. Please contact the Administrative Offices, 913.676.8350, with any questions or concerns.

PUBLIC HEARINGS / PUBLIC COMMENTS

PUBLIC PRESENTATIONS / INFORMATIONAL ONLY

1. 2021A Bond Sale Documents – Laura Smith ([page 5](#))

Following approval of the contract with the CTS Group for the Facility Conservation Improvement Program (FCIP) projects, staff and Council have been taking the preliminary steps to go to the market on October 20, 2021 to finance the various improvements included in the program. The bond sale will occur on the morning of October 20 and results will be brought to the Council at the regularly scheduled legislative meeting. The documents included here are informational in nature at this point and will be finalized for consideration during the October 20, 2021 City Council meeting.

ACTION ITEMS

2. Acceptance of September 1, 2021 Finance & Administration Committee Minutes – Audrey McClanahan ([page 54](#))

Draft minutes of the September 1, 2021 Finance and Administration Committee meeting are included for review and acceptance.

3. Ordinance Imposing $\frac{3}{8}$ -Percent Citywide Retailers Sales Tax – Laura Smith ([page 64](#))

Mission voters approved renewal of the dedicated street sales tax at the increased rate of $\frac{3}{8}$ -percent at a September 21, 2021 mail ballot election. The final step in the process

is for Council to consider an ordinance imposing the special $\frac{3}{8}$ -percent citywide retailers' sales tax to finance transportation related improvements and providing notice to the State Director of Taxation requesting the sales tax commence on April 1, 2022 and expire on March 30, 2032.

4. STO/UPOC Adoption – Kirk Lane ([page 72](#))

Annually, the League of Kansas Municipalities publishes a comprehensive public offense code (UPOC) and uniform traffic code (STO) for all Kansas cities. Mission adopts these publications by ordinance, allowing us to maintain uniformity with agencies in the area, the State of Kansas, and the actions of the State Legislature. The City has the ability to opt out of certain provisions, and additional ordinances have historically been adopted by Mission to address local issues that are recommended to remain in place. The changes proposed for 2021 are highlighted in the action item summary and three separate ordinances have been prepared to adopt the recommended changes.

STO 48th Edition can be found [here](#).

UPOC 37th Edition can be found [here](#).

5. Animal Trapping Regulations – Kirk Lane ([page 84](#))

Following an incident earlier this year staff was asked to research potential modifications to Chapter 210, Section 210.170 of Mission's municipal code related to animal trapping. The incident that spurred this request involved a wildlife control company placing a device known as a "dog-proof leg trap" to catch a raccoon. Mission's current code language does not prohibit the use of spring-loaded traps by wildlife control companies. The proposed code amendment would still allow for traditional cage-style traps to be used when combating wildlife nuisances, as well as mouse and rat traps. Many cities prohibit the use of spring-loaded traps, which is what the proposed amendment to this section would accomplish. An ordinance has been drafted for Council consideration to affect the proposed code changes.

6. Employee Benefit Renewals for 2022 - Emily Randel ([page 89](#))

Working with Lockton Benefit Company, the City's benefit broker, the benefits package is coming forward with no recommended changes to plan types and no changes in premiums for 2022. Staff recommends this as a balanced package that is detailed more fully in the attachments.

7. LGR Legislative/Advocacy Services - Laura Smith ([page 97](#))

For the last several years, Mission has contracted with Stuart Little of Little Government Relations (LGR), LLC for government affairs and advocacy services. The weekly updates, assistance with crafting testimony and the overall education and information provided about relevant legislative issues and the legislative climate have added value,

helping to support and inform staff and Council on a timely basis, particularly during the legislative session. LGR staff also provides support and information on issues related to COVID-19 and various state and federal pass-through funding (i.e. CARES, and ARPA). Staff recommends renewal of an agreement with LGR in an annual amount not to exceed \$10,000 for government affairs and advocacy services for 2022.

8. Janitorial Services Contract Award – Brian Scott ([page 101](#))

The City contracts with a janitorial service for the routine cleaning of City Hall, the Police Department, and the Public Works facility. Specific cleaning procedures are prescribed on various frequencies: weekly, monthly, and quarterly. Recently, the City solicited bids for these services, and four bids were received. Staff is recommending approval of a one-year contract in an amount not to exceed \$34,020 with the option to renew for two additional years with City Wide Facility Solutions of Lenexa as the lowest and most responsive bidder.

9. Audit Services Contract Award – Brian Scott ([page 114](#))

State statutes, and sound fiscal management, require that the City perform an audit of its financial records at the end of each fiscal year. The City relies on an independent, third-party accounting firm with personnel that are educated and experienced in conducting governmental audits. Auditors are selected through a competitive bid process and the contract is generally awarded for one (1) year with the option to renew for three subsequent years. The current contract was up for renewal, and proposals were requested from qualified auditing firms. Four firms responded, and the proposals were reviewed, and interviews conducted by the Deputy City Administrator and the Accounting Manager. BT & Co. P.A. received the overall highest score based on their proposal, interview, and cost, and staff is recommending approval of a contract in an amount not to exceed \$29,000 for 2021 audit services with an option to renew for three subsequent years.

DISCUSSION ITEMS

10. Common Consumption Area Designation – Emily Randel ([page 146](#))

State Law allows for the creation of a common consumption area to permit the possession and consumption of alcoholic liquor, specifically during a civic or special event and for use on sidewalk cafes and patios. Staff seeks Council feedback on whether to pursue a Common Consumption Area Permit from the State of Kansas Alcohol Beverage Commission (ABC).

OTHER

11. Department Updates – Laura Smith

Debbie Kring, Chairperson
Kristin Inman, Vice-Chairperson
Mission City Hall, 6090 Woodson St
913.676.8350

City of Mission	Item Number:	1.
INFORMATIONAL ITEM	Date:	October 6, 2021
ADMINISTRATION	From:	Laura Smith

Informational items are intended to provide updates on items where limited or no discussion is anticipated by the Committee.

RE: 2021A Bond Documents

DETAILS: Following approval of the contract with the CTS Group for the Facility Conservation Improvement Program (FCIP) projects, staff and Council have been taking the preliminary steps to go to the market on October 20, 2021 to finance the various improvements included in the program.

The bond sale will occur on the morning of October 20 and results will be brought to the Council at the regularly scheduled legislative meeting. The documents included here are informational in nature at this point and will be finalized for consideration during the October 20, 2021 City Council meeting. They include:

1. An Ordinance authorizing and providing for the issuance of the General Obligation Bonds, Series 2021A
2. A Resolution prescribing the form and details of an authorizing and directing the sale and delivery of the Series 2021A Bonds.

In addition, the Council will review a final report provided by Ehlers, Inc. and accept the winning bid from the competitive bond sale. Bond proceeds from this sale are expected to be available in November.

Staff and our consultant team are currently finalizing the Preliminary Official Statement (POS) which will be released early next week. A link to the document will be provided once it has been made public. In addition, staff will hold a rating call with Standard & Poor's on Wednesday, October 6, 2021 to obtain a rating on this issue.

CFAA CONSIDERATIONS/IMPACTS: N/A

Related Statute/City Ordinance:	
Line Item Code/Description:	
Available Budget:	

G.O. BASIC DOCUMENTS

- A. Excerpt of Minutes of Meeting approving sale, approving Ordinance/Bond Resolution
- B. Ordinance
- C. Summary Ordinance for Publication
- D. Bond Resolution

**EXCERPT OF MINUTES OF A MEETING
OF THE CITY COUNCIL OF
THE CITY OF MISSION, KANSAS
HELD ON OCTOBER 20, 2021**

The City Council (the "Governing Body") met in regular session at the usual meeting place in the City, at 7:00 p.m., the following members being present and participating, to-wit:

_____.

Absent: _____.

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

* * * * *

(Other Proceedings)

The City Administrator reported that pursuant to the Notice of Bond Sale duly given, bids for the purchase of General Obligation Bonds, Series 2021A, dated November 10, 2021, of the City had been received. A tabulation of said bids is set forth as *EXHIBIT A* hereto.

The Governing Body reviewed and considered the bids and it was found and determined that the bid of [Name of Purchaser], [Purchaser City, State], was the best bid for the Bonds, a copy of which is attached hereto as *EXHIBIT B*.

There was presented an Ordinance entitled:

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS, SERIES 2021A, OF THE CITY OF MISSION, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO.

Councilmember _____ moved that said Ordinance be passed. The motion was seconded by Councilmember _____. Said Ordinance was duly read and considered, and upon being put, the motion for the passage of said Ordinance was carried by the vote of the Governing Body, the vote being as follows:

Yea: _____.

Nay: _____.

The Mayor declared said Ordinance duly passed and the Ordinance was then duly numbered Ordinance No. ____, was signed and approved by the Mayor and attested by the Clerk and the Ordinance or a summary thereof was directed to be published one time in the official newspaper of the City.

There was presented a Resolution entitled:

A RESOLUTION PRESCRIBING THE FORM AND DETAILS OF AND AUTHORIZING AND DIRECTING THE SALE AND DELIVERY OF GENERAL OBLIGATION BONDS, SERIES 2021A, OF THE CITY OF MISSION, KANSAS, PREVIOUSLY AUTHORIZED BY ORDINANCE NO. ____ OF THE ISSUER; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS CONNECTED THEREWITH.

Councilmember _____ moved that said Resolution be adopted. The motion was seconded by Councilmember _____. Said Resolution was duly read and considered, and upon being put, the motion for the adoption of said Resolution was carried by the vote of the Governing Body, the vote being as follows:

Yea: _____.

Nay: _____.

The Mayor declared said Resolution duly adopted and the Resolution was then duly numbered Resolution No. ____ and was signed by the Mayor and attested by the Clerk.

(Other Proceedings)

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

CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the Governing Body of Mission, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(SEAL)

Clerk

EXHIBIT A

BID TABULATION

[See attached]

EXHIBIT B

BID OF PURCHASER

[See attached]

ORDINANCE NO. _____

OF

THE CITY OF MISSION, KANSAS

PASSED

OCTOBER 20, 2021

**GENERAL OBLIGATION BONDS
SERIES 2021A**

ORDINANCE NO. ____

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS, SERIES 2021A, OF THE CITY OF MISSION, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO.

WHEREAS, the City of Mission, Kansas (the “City”) is a city of the second class, duly created, organized and existing under the Constitution and laws of the State; and

WHEREAS, by proceedings duly had, the City Council of the City (the “Governing Body”) has authorized the following improvements (collectively, the “Improvements”) to be made in the City, to-wit:

<u>Project Description</u>	<u>Res. No.</u>	<u>Authority</u>	<u>Amount</u>
Public Building Improvements	1081	K.S.A. 12-1736 <i>et seq.</i>	\$3,000,000
Street Light Program	[__]	Art. 12, Sec. 5 of the Kansas Constitution; Charter Ordinance No. 32	422,000

; and

WHEREAS, the Governing Body is authorized by law to issue general obligation bonds of the City to pay a portion of the costs of the Improvements; and

WHEREAS, the Governing Body has advertised the sale of the Bonds in accordance with the law and at a meeting held in the City on this date awarded the sale of such Bonds to the best bidder.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, KANSAS, AS FOLLOWS:

Section 1. Definitions of Words and Terms. In addition to words and terms defined elsewhere herein, the following words and terms in this Ordinance shall have the meanings hereinafter set forth. Unless the context shall otherwise indicate, words importing the singular number shall include the plural and vice versa, and words importing persons shall include firms, associations and corporations, including public bodies, as well as natural persons.

“**Act**” means the Constitution and statutes of the State including K.S.A. 10-101 to 10-125, inclusive, K.S.A. 10-620 *et seq.*, and K.S.A. 12-1736 *et seq.*, Charter Ordinance No. 32 of the Issuer, and Article 12, Section 5 of the Constitution of the State of Kansas, all as amended and supplemented from time to time.

“**Bond and Interest Fund**” means the Bond and Interest Fund of the City for its general obligation bonds.

“**Bond Resolution**” means the resolution to be adopted by the Governing Body prescribing the terms and details of the Bonds and making covenants with respect thereto.

“**Bonds**” means the City’s General Obligation Bonds, Series 2021A, dated November 10, 2021, authorized by this Ordinance.

“**City**” means the City of Mission, Kansas.

“**Clerk**” means the duly appointed and acting Clerk of the City or, in the Clerk’s absence, the duly appointed Deputy, Assistant or Acting Clerk.

“**Governing Body**” means the City Council of the City.

“**Mayor**” means the duly elected and acting Mayor of the City or, in the Mayor’s absence, the duly appointed and/or elected Vice Mayor or Acting Mayor of the City.

“**Ordinance**” means this Ordinance authorizing the issuance of the Bonds.

“**State**” means the State of Kansas.

“**Substitute Improvements**” means the substitute or additional improvements of the City authorized in the manner set forth in the Bond Resolution.

Section 2. Authorization of the Bonds. There shall be issued and hereby are authorized and directed to be issued the General Obligation Bonds, Series 2021A, of the City in the principal amount of \$[PRINCIPAL AMOUNT], for the purpose of providing funds to: (a) pay a portion of the costs of the Improvements and (b) pay costs of issuance of the Bonds.

Section 3. Security for the Bonds. The Bonds shall be general obligations of the City payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the City. The full faith, credit and resources of the City are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Bonds as the same become due.

Section 4. Terms, Details and Conditions of the Bonds. The Bonds shall be dated and bear interest, shall mature and be payable at such times, shall be in such forms, shall be subject to redemption and payment prior to the maturity thereof, and shall be issued and delivered in the manner prescribed and subject to the provisions, covenants and agreements set forth in the Bond Resolution hereafter adopted by the Governing Body.

Section 5. Levy and Collection of Annual Tax. The Governing Body shall annually make provision for the payment of principal of, premium, if any, and interest on the Bonds as the same become due by levying and collecting the necessary taxes upon all of the taxable tangible property within the City in the manner provided by law.

The taxes above referred to shall be extended upon the tax rolls in each of the several years, respectively, and shall be levied and collected at the same time and in the same manner as the general ad valorem taxes of the City are levied and collected, shall be used solely for the payment of the principal of and interest on the Bonds as and when the same become due and the fees and expenses of the paying agent for the Bonds. The proceeds derived from said taxes shall be deposited in the Bond and Interest Fund.

If at any time said taxes are not collected in time to pay the principal of or interest on the Bonds when due, the City Treasurer is hereby authorized and directed to pay said principal or interest out of the

general funds of the City and to reimburse said general funds for money so expended when said taxes are collected.

Section 6. Further Authority. The Mayor, Clerk and other City officials are hereby further authorized and directed to execute any and all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of the Ordinance, and to make alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 7. Governing Law. This Ordinance and the Bonds shall be governed exclusively by and construed in accordance with the applicable laws of the State.

Section 8. Effective Date. This Ordinance shall take effect and be in full force from and after its passage by the Governing Body, approval by the Mayor and publication of this Ordinance or a summary thereof in the official City newspaper.

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PASSED by the Governing Body on October 20, 2021 and **APPROVED AND SIGNED** by the Mayor.

(SEAL)

Ronald E. Appletoft, Mayor

ATTEST:

Audrey McClanahan, City Clerk

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[SUMMARY BOND ORDINANCE FOR PUBLICATION]

(PUBLISHED IN *THE LEGAL RECORD* ON OCTOBER 26, 2021)

SUMMARY OF ORDINANCE NO. ____

On October 20, 2021, the governing body of the City of Mission, Kansas passed an ordinance entitled:

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS, SERIES 2021A, OF THE CITY OF MISSION, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO.

The Series 2021A Bonds approved by the Ordinance are being issued in the principal amount stated therein to finance certain internal improvements in the City, and constitute general obligations of the City payable as to both principal and interest, to the extent necessary, from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the City. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the City, 6090 Woodson, Mission, Kansas. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at www.missionks.org.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: October 20, 2021.

City Attorney

RESOLUTION NO. _____

OF

CITY OF MISSION, KANSAS

ADOPTED

OCTOBER 20, 2021

**GENERAL OBLIGATION BONDS
SERIES 2021A**

TABLE OF CONTENTS

ARTICLE I

DEFINITIONS

Section 101. Definitions of Words and Terms. 1

ARTICLE II

AUTHORIZATION AND DETAILS OF THE BONDS

Section 201. Authorization of the Bonds..... 8
Section 202. Description of the Bonds. 8
Section 203. Designation of Paying Agent and Bond Registrar..... 9
Section 204. Method and Place of Payment of the Bonds..... 9
Section 205. Payments Due on Saturdays, Sundays and Holidays..... 10
Section 206. Registration, Transfer and Exchange of Bonds. 10
Section 207. Execution, Registration, Authentication and Delivery of Bonds..... 11
Section 208. Mutilated, Lost, Stolen or Destroyed Bonds. 11
Section 209. Cancellation and Destruction of Bonds Upon Payment. 12
Section 210. Book-Entry Bonds; Securities Depository..... 12
Section 211. Nonpresentment of Bonds. 13
Section 212. Preliminary and Final Official Statement. 13
Section 213. Sale of the Bonds. 14

ARTICLE III

REDEMPTION OF BONDS

Section 301. Redemption by Issuer. 14
Section 302. Selection of Bonds to be Redeemed. 15
Section 303. Notice and Effect of Call for Redemption. 15

ARTICLE IV

SECURITY FOR BONDS

Section 401. Security for the Bonds. 17
Section 402. Levy and Collection of Annual Tax; Transfer to Debt Service Account. 17

ARTICLE V

ESTABLISHMENT OF FUNDS AND ACCOUNTS

DEPOSIT AND APPLICATION OF BOND PROCEEDS

Section 501. Creation of Funds and Accounts..... 18
Section 502. Deposit of Bond Proceeds. 18
Section 503. Application of Moneys in the Improvement Fund. 18

Section 504.	Substitution of Improvements; Reallocation of Proceeds.	19
Section 505.	Application of Moneys in Debt Service Account.	19
Section 506.	Application of Moneys in the Rebate Fund.	19
Section 507.	Deposits and Investment of Moneys.	20

ARTICLE VI

DEFAULT AND REMEDIES

Section 601.	Remedies.	20
Section 602.	Limitation on Rights of Owners.	21
Section 603.	Remedies Cumulative.	21

ARTICLE VII

DEFEASANCE

Section 701.	Defeasance.	21
---------------------	------------------	----

ARTICLE VIII

TAX COVENANTS

Section 801.	General Covenants.	22
Section 802.	Survival of Covenants.	22

ARTICLE IX

CONTINUING DISCLOSURE REQUIREMENTS

Section 901.	Disclosure Requirements.	22
Section 902.	Failure to Comply with Continuing Disclosure Requirements.	22

ARTICLE X

MISCELLANEOUS PROVISIONS

Section 1001.	Annual Audit.	23
Section 1002.	Amendments.	23
Section 1003.	Notices, Consents and Other Instruments by Owners.	24
Section 1004.	Notices.	25
Section 1005.	Electronic Transactions.	25
Section 1006.	Further Authority.	25
Section 1007.	Severability.	25
Section 1008.	Governing Law.	25
Section 1009.	Effective Date.	25

<i>EXHIBIT A</i> – FORM OF BONDS.	A-1
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RESOLUTION NO. ____

A RESOLUTION PRESCRIBING THE FORM AND DETAILS OF AND AUTHORIZING AND DIRECTING THE SALE AND DELIVERY OF GENERAL OBLIGATION BONDS, SERIES 2021A, OF THE CITY OF MISSION, KANSAS, PREVIOUSLY AUTHORIZED BY ORDINANCE NO. ____ OF THE ISSUER; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS CONNECTED THEREWITH.

WHEREAS, the Issuer has passed the Ordinance authorizing the issuance of the Bonds; and

WHEREAS, the Ordinance authorized the City Council of the Issuer (the “Governing Body”) to adopt a resolution prescribing certain details and conditions and to make certain covenants with respect to the issuance of the Bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MISSION, KANSAS, AS FOLLOWS:

ARTICLE I

DEFINITIONS

Section 101. Definitions of Words and Terms. In addition to words and terms defined elsewhere herein, the following words and terms as used in this Bond Resolution shall have the meanings hereinafter set forth. Unless the context shall otherwise indicate, words importing the singular number shall include the plural and vice versa, and words importing persons shall include firms, associations and corporations, including public bodies, as well as natural persons.

“**Act**” means the Constitution and statutes of the State including K.S.A. 10-101 to 10-125, inclusive, K.S.A. 10-620 *et seq.*, K.S.A. 12-1736 *et seq.*, Charter Ordinance No. 32 of the Issuer, and Article 12, Section 5 of the Constitution of the State of Kansas, all as amended and supplemented from time to time.

“**Authorized Denomination**” means \$5,000 or any integral multiples thereof.

“**Beneficial Owner**” of the Bonds includes any Owner of the Bonds and any other Person who, directly or indirectly has the investment power with respect to such Bonds.

“**Bond and Interest Fund**” means the Bond and Interest Fund of the Issuer for its general obligation bonds.

“**Bond Counsel**” means the firm of Gilmore & Bell, P.C., or any other attorney or firm of attorneys whose expertise in matters relating to the issuance of obligations by states and their political subdivisions is nationally recognized and acceptable to the Issuer.

“**Bond Payment Date**” means any date on which principal of or interest on any Bond is payable.

“Bond Register” means the books for the registration, transfer and exchange of Bonds kept at the office of the Bond Registrar.

“Bond Registrar” means the State Treasurer, and any successors and assigns.

“Bond Resolution” means this resolution relating to the Bonds.

“Bonds” or “Bond” means the General Obligation Bonds, Series 2021A, authorized and issued by the Issuer pursuant to the Ordinance and this Bond Resolution.

“Business Day” means a day other than a Saturday, Sunday or any day designated as a holiday by the Congress of the United States or by the Legislature of the State and on which the Paying Agent is scheduled in the normal course of its operations to be open to the public for conduct of its operations.

“Cede & Co.” means Cede & Co., as nominee of DTC and any successor nominee of DTC.

“City” means the City of Mission, Kansas.

“Clerk” means the duly appointed and/or elected Clerk or, in the Clerk’s absence, the duly appointed Deputy Clerk or Acting Clerk of the Issuer.

“Code” means the Internal Revenue Code of 1986, as amended, and the applicable regulations promulgated thereunder by the United States Department of the Treasury.

“Costs of Issuance” means all costs of issuing the Bonds, including but not limited to all publication, printing, signing and mailing expenses in connection therewith, registration fees, financial advisory fees, all legal fees and expenses of Bond Counsel and other legal counsel, expenses incurred in connection with compliance with the Code, all expenses incurred in connection with receiving ratings on the Bonds, and any premiums or expenses incurred in obtaining municipal bond insurance on the Bonds.

“Dated Date” means November 10, 2021.

“Debt Service Account” means the Debt Service Account for General Obligation Bonds, Series 2021A created within the Bond and Interest Fund pursuant to **Section 501** hereof.

“Debt Service Requirements” means the aggregate principal payments (whether at maturity or pursuant to scheduled mandatory sinking fund redemption requirements) and interest payments on the Bonds for the period of time for which calculated; provided, however, that for purposes of calculating such amount, principal and interest shall be excluded from the determination of Debt Service Requirements to the extent that such principal or interest is payable from amounts deposited in trust, escrowed or otherwise set aside for the payment thereof with the Paying Agent or other commercial bank or trust company located in the State and having full trust powers.

“Defaulted Interest” means interest on any Bond which is payable but not paid on any Interest Payment Date.

“Defeasance Obligations” means any of the following obligations:

(a) United States Government Obligations that are not subject to redemption in advance of their maturity dates; or

(b) obligations of any state or political subdivision of any state, the interest on which is excluded from gross income for federal income tax purposes and which meet the following conditions:

(1) the obligations are (i) not subject to redemption prior to maturity or (ii) the trustee for such obligations has been given irrevocable instructions concerning their calling and redemption and the issuer of such obligations has covenanted not to redeem such obligations other than as set forth in such instructions;

(2) the obligations are secured by cash or United States Government Obligations that may be applied only to principal of, premium, if any, and interest payments on such obligations;

(3) such cash and the principal of and interest on such United States Government Obligations (plus any cash in the escrow fund) are sufficient to meet the liabilities of the obligations;

(4) such cash and United States Government Obligations serving as security for the obligations are held in an escrow fund by an escrow agent or a trustee irrevocably in trust;

(5) such cash and United States Government Obligations are not available to satisfy any other claims, including those against the trustee or escrow agent; and

(6) such obligations are rated in a rating category by Moody’s or Standard & Poor’s that is no lower than the rating category then assigned by that Rating Agency to United States Government Obligations.

“Derivative” means any investment instrument whose market price is derived from the fluctuating value of an underlying asset, index, currency, futures contract, including futures, options and collateralized mortgage obligations.

“Disclosure Undertaking” means the Continuing Disclosure Undertaking dated as of the Dated Date relating to certain obligations contained in the SEC Rule.

“DTC” means The Depository Trust Company, a limited-purpose trust company organized under the laws of the State of New York, and its successors and assigns, including any successor securities depository duly appointed.

“DTC Representation Letter” means the Blanket Letter of Representation from the Issuer and the Paying Agent to DTC which provides for a book-entry system, or any agreement between the Issuer and Paying Agent and a successor securities depository duly appointed.

“Event of Default” means each of the following occurrences or events:

(a) Payment of the principal and of the redemption premium, if any, of any of the Bonds shall not be made when the same shall become due and payable, either at Stated Maturity or by proceedings for redemption or otherwise;

(b) Payment of any installment of interest on any of the Bonds shall not be made when the same shall become due; or

(c) The Issuer shall default in the due and punctual performance of any other of the covenants, conditions, agreements and provisions contained in the Bonds or in this Bond Resolution (other than the covenants relating to continuing disclosure requirements contained herein and in the Disclosure Undertaking) on the part of the Issuer to be performed, and such default shall continue for thirty (30) days after written notice specifying such default and requiring same to be remedied shall have been given to the Issuer by the Owner of any of the Bonds then Outstanding.

“Federal Tax Certificate” means the Issuer’s Federal Tax Certificate dated as of the Issue Date, as the same may be amended or supplemented in accordance with the provisions thereof.

“Financeable Costs” means the amount of expenditure for an Improvement which has been duly authorized by action of the Governing Body to be financed by general obligation bonds, less: (a) the amount of any temporary notes or general obligation bonds of the Issuer which are currently Outstanding and available to pay such Financeable Costs; and (b) any amount of Financeable Costs which has been previously paid by the Issuer or by any eligible source of funds unless such amounts are entitled to be reimbursed to the Issuer under State or federal law.

“Fiscal Year” means the twelve month period ending on December 31.

“Funds and Accounts” means funds and accounts created pursuant to or referred to in *Section 501* hereof.

“Governing Body” means the City Council of the Issuer.

“Improvement Fund” means the Improvement Fund for General Obligation Bonds, Series 2021A created pursuant to *Section 501* hereof.

“Improvements” means the improvements referred to in the preamble to the Ordinance and any Substitute Improvements.

“Independent Accountant” means an independent certified public accountant or firm of independent certified public accountants at the time employed by the Issuer for the purpose of carrying out the duties imposed on the Independent Accountant by this Bond Resolution.

“Interest Payment Date(s)” means the Stated Maturity of an installment of interest on any Bond which shall be March 1 and September 1 of each year, commencing March 1, 2022.

“Issue Date” means the date when the Issuer delivers the Bonds to the Purchaser in exchange for the Purchase Price.

“Issuer” means the City and any successors or assigns.

“Maturity” when used with respect to any Bond means the date on which the principal of such Bond becomes due and payable as therein and herein provided, whether at the Stated Maturity thereof or call for redemption or otherwise.

“Mayor” means the duly elected and acting Mayor, or in the Mayor’s absence, the duly appointed and/or elected Vice Mayor or Acting Mayor of the Issuer.

“**Moody’s**” means Moody’s Investors Service, a corporation organized and existing under the laws of the State of Delaware, and its successors and assigns, and, if such corporation shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, “Moody’s” shall be deemed to refer to any other nationally recognized securities rating agency designated by the Issuer.

“**Notice Address**” means with respect to the following entities:

(a) To the Issuer at:

6090 Woodson Road
Mission, Kansas 66202
Fax: (913)722-1415

(b) To the Paying Agent at:

State Treasurer of the State of Kansas
Landon Office Building
900 Southwest Jackson, Suite 201
Topeka, Kansas 66612-1235
Fax: (785) 296-6976

(c) To the Purchaser:

[_____

_____]

(d) To the Rating Agency:

S&P Global Ratings, a division of S&P Global Inc.
55 Water Street, 38th Floor
New York, New York 10004

or such other address as is furnished in writing to the other parties referenced herein.

“**Notice Representative**” means:

- (a) With respect to the Issuer, the Clerk.
- (b) With respect to the Bond Registrar and Paying Agent, the Director of Bond Services.
- (c) With respect to any Purchaser, the manager of its Municipal Bond Department.
- (d) With respect to any Rating Agency, any Vice President thereof.

“**Official Statement**” means Issuer’s Official Statement relating to the Bonds.

“**Ordinance**” means Ordinance No. [] of the Issuer authorizing the issuance of the Bonds, as amended from time to time.

“Outstanding” means, when used with reference to the Bonds, as of a particular date of determination, all Bonds theretofore authenticated and delivered, except the following Bonds:

- (a) Bonds theretofore canceled by the Paying Agent or delivered to the Paying Agent for cancellation;
- (b) Bonds deemed to be paid in accordance with the provisions of *Article VII* hereof; and
- (c) Bonds in exchange for or in lieu of which other Bonds have been authenticated and delivered hereunder.

“Owner” when used with respect to any Bond means the Person in whose name such Bond is registered on the Bond Register. Whenever consent of the Owners is required pursuant to the terms of this Bond Resolution, and the Owner of the Bonds, as set forth on the Bond Register, is Cede & Co., the term Owner shall be deemed to be the Beneficial Owner of the Bonds.

“Participants” means those financial institutions for whom the Securities Depository effects book-entry transfers and pledges of securities deposited with the Securities Depository, as such listing of Participants exists at the time of such reference.

“Paying Agent” means the State Treasurer, and any successors and assigns.

“Permitted Investments” shall mean the investments hereinafter described, provided, however, no moneys or funds shall be invested in a Derivative: (a) investments authorized by K.S.A. 12-1675 and amendments thereto; (b) the municipal investment pool established pursuant to K.S.A. 12-1677a, and amendments thereto; (c) direct obligations of the United States Government or any agency thereof; (d) the Issuer’s temporary notes issued pursuant to K.S.A. 10-123 and amendments thereto; (e) interest-bearing time deposits in commercial banks or trust companies located in the county or counties in which the Issuer is located which are insured by the Federal Deposit Insurance Corporation or collateralized by securities described in (c); (f) obligations of the federal national mortgage association, federal home loan banks, federal home loan mortgage corporation or government national mortgage association; (g) repurchase agreements for securities described in (c) or (f); (h) investment agreements or other obligations of a financial institution the obligations of which at the time of investment are rated in either of the three highest rating categories by Moody’s or Standard & Poor’s; (i) investments and shares or units of a money market fund or trust, the portfolio of which is comprised entirely of securities described in (c) or (f); (j) receipts evidencing ownership interests in securities or portions thereof described in (c) or (f); (k) municipal bonds or other obligations issued by any municipality of the State as defined in K.S.A. 10-1101 which are general obligations of the municipality issuing the same; or (l) bonds of any municipality of the State as defined in K.S.A. 10-1101 which have been refunded in advance of their maturity and are fully secured as to payment of principal and interest thereon by deposit in trust, under escrow agreement with a bank, of securities described in (c) or (f), all as may be further restricted or modified by amendments to applicable State law.

“Person” means any natural person, corporation, partnership, joint venture, association, firm, joint-stock company, trust, unincorporated organization, or government or any agency or political subdivision thereof or other public body.

“Purchase Price” means the principal amount of the Bonds plus accrued interest to the date of delivery, plus a premium of \$[_____], less an underwriting discount of \$[_____].

“Purchaser” means [Name of Purchaser], [Purchaser City, State], the original purchaser of the Bonds, and any successor and assigns.

“Rating Agency” means any company, agency or entity that provides, pursuant to request of the Issuer, financial ratings for the Bonds.

“Rebate Fund” means the Rebate Fund for General Obligation Bonds, Series 2021A created pursuant to *Section 501* hereof.

“Record Dates” for the interest payable on any Interest Payment Date means the fifteenth day (whether or not a Business Day) of the calendar month next preceding such Interest Payment Date.

“Redemption Date” means, when used with respect to any Bond to be redeemed, the date fixed for the redemption of such Bond pursuant to the terms of this Bond Resolution.

“Redemption Price” means, when used with respect to any Bond to be redeemed, the price at which such Bond is to be redeemed pursuant to the terms of this Bond Resolution, including the applicable redemption premium, if any, but excluding installments of interest whose Stated Maturity is on or before the Redemption Date.

“Replacement Bonds” means Bonds issued to the Beneficial Owners of the Bonds in accordance with *Section 210* hereof.

“SEC Rule” means Rule 15c2-12 adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934.

“Securities Depository” means, initially, DTC, and its successors and assigns.

“Special Record Date” means the date fixed by the Paying Agent pursuant to *Article II* hereof for the payment of Defaulted Interest.

“Standard & Poor's” or “S&P” means S&P Global Ratings, a division of S&P Global Inc., a corporation organized and existing under the laws of the State of New York, and its successors and assigns, and, if such corporation shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, Standard & Poor's shall be deemed to refer to any other nationally recognized securities rating agency designated by the Issuer.

“State” means the state of Kansas.

“State Treasurer” means the duly elected Treasurer or, in the Treasurer's absence, the duly appointed Deputy Treasurer or acting Treasurer of the State.

“Stated Maturity” when used with respect to any Bond or any installment of interest thereon means the date specified in such Bond and this Bond Resolution as the fixed date on which the principal of such Bond or such installment of interest is due and payable.

“Substitute Improvements” means the substitute or additional improvements of the Issuer described in *Article V* hereof.

[**“20__ Term Bonds”** means the Bonds scheduled to mature in the year 20__.

“20__ Term Bonds” means the Bonds scheduled to mature in the year 20__.

“**Term Bonds**” means collectively the 20__ Term Bonds and the 20__ Term Bonds.]

“**Treasurer**” means the duly appointed and/or elected Treasurer of the Issuer or, in the Treasurer’s absence, the duly appointed Deputy Treasurer or acting Treasurer of the Issuer.

“**United States Government Obligations**” means bonds, notes, certificates of indebtedness, treasury bills or other securities constituting direct obligations of, or obligations the principal of and interest on which are fully and unconditionally guaranteed as to full and timely payment by, the United States of America, including evidences of a direct ownership interest in future interest or principal payment on obligations issued by the United States of America (including the interest component of obligations of the Resolution Funding Corporation), or securities which represent an undivided interest in such obligations, which obligations are rated in the highest rating category by a nationally recognized rating service and such obligations are held in a custodial account for the benefit of the Issuer.

ARTICLE II

AUTHORIZATION AND DETAILS OF THE BONDS

Section 201. Authorization of the Bonds. The Bonds have been authorized and directed to be issued pursuant to the Ordinance in the principal amount of \$[PRINCIPAL AMOUNT], for the purpose of providing funds to: (a) pay a portion of the costs of the Improvements and (b) pay Costs of Issuance.

Section 202. Description of the Bonds. The Bonds shall consist of fully registered bonds in an Authorized Denomination, and shall be numbered in such manner as the Bond Registrar shall determine. All of the Bonds shall be dated as of the Dated Date, shall become due in the amounts, on the Stated Maturities, subject to redemption and payment prior to their Stated Maturities as provided in *Article III* hereof, and shall bear interest at the rates per annum as follows:

SERIAL BONDS

<u>Stated Maturity September 1</u>	<u>Principal Amount</u>	<u>Annual Rate of Interest</u>	<u>Stated Maturity September 1</u>	<u>Principal Amount</u>	<u>Annual Rate of Interest</u>
2022	\$ _____	____%	2030	\$ _____	____%
2023	_____	_____	2031	_____	_____
2024	_____	_____	2032	_____	_____
2025	_____	_____	2033	_____	_____
2026	_____	_____	2034	_____	_____
2027	_____	_____	2035	_____	_____
2028	_____	_____	2036	_____	_____
2029	_____	_____			

[TERM BONDS

<u>Stated Maturity September 1</u>	<u>Principal Amount</u>	<u>Annual Rate of Interest</u>
20__	\$ _____	____%]
20__	_____	_____]

The Bonds shall bear interest at the above specified rates (computed on the basis of a 360-day year of twelve 30-day months) from the later of the Dated Date or the most recent Interest Payment Date to which interest has been paid on the Interest Payment Dates in the manner set forth in **Section 204** hereof.

Each of the Bonds, as originally issued or issued upon transfer, exchange or substitution, shall be printed in accordance with the format required by the Attorney General of the State and shall be substantially in the form attached hereto as **EXHIBIT A** or as may be required by the Attorney General pursuant to the Notice of Systems of Registration for Kansas Municipal Bonds, 2 Kan. Reg. 921 (1983), in accordance with the Kansas Bond Registration Law, K.S.A. 10-620 *et seq.*

Section 203. Designation of Paying Agent and Bond Registrar. The State Treasurer is hereby designated as the Paying Agent for the payment of principal of and interest on the Bonds and Bond Registrar with respect to the registration, transfer and exchange of Bonds. The Mayor of the Issuer is hereby authorized and empowered to execute on behalf of the Issuer an agreement with the Bond Registrar and Paying Agent for the Bonds.

The Issuer will at all times maintain a Paying Agent and Bond Registrar meeting the qualifications herein described for the performance of the duties hereunder. The Issuer reserves the right to appoint a successor Paying Agent or Bond Registrar by (a) filing with the Paying Agent or Bond Registrar then performing such function a certified copy of the proceedings giving notice of the termination of such Paying Agent or Bond Registrar and appointing a successor, and (b) causing notice of appointment of the successor Paying Agent and Bond Registrar to be given by first class mail to each Owner. No resignation or removal of the Paying Agent or Bond Registrar shall become effective until a successor has been appointed and has accepted the duties of Paying Agent or Bond Registrar.

Every Paying Agent or Bond Registrar appointed hereunder shall at all times meet the requirements of K.S.A. 10-501 *et seq.* and K.S.A. 10-620 *et seq.*, respectively.

Section 204. Method and Place of Payment of the Bonds. The principal of, or Redemption Price, and interest on the Bonds shall be payable in any coin or currency which, on the respective dates of payment thereof, is legal tender for the payment of public and private debts.

The principal or Redemption Price of each Bond shall be paid at Maturity to the Person in whose name such Bond is registered on the Bond Register at the Maturity thereof, upon presentation and surrender of such Bond at the principal office of the Paying Agent.

The interest payable on each Bond on any Interest Payment Date shall be paid to the Owner of such Bond as shown on the Bond Register at the close of business on the Record Date for such interest (a) by check or draft mailed by the Paying Agent to the address of such Owner shown on the Bond Register or at such other address as is furnished to the Paying Agent in writing by such Owner; or (b) in the case of an interest payment to Cede & Co. or any Owner of \$500,000 or more in aggregate principal amount of Bonds, by electronic transfer to such Owner upon written notice given to the Bond Registrar by such Owner, not less than 15 days prior to the Record Date for such interest, containing the electronic transfer instructions including the bank ABA routing number and account number to which such Owner wishes to have such transfer directed.

Notwithstanding the foregoing provisions of this Section, any Defaulted Interest with respect to any Bond shall cease to be payable to the Owner of such Bond on the relevant Record Date and shall be payable to the Owner in whose name such Bond is registered at the close of business on the Special Record Date for the payment of such Defaulted Interest, which Special Record Date shall be fixed as hereinafter specified in this paragraph. The Issuer shall notify the Paying Agent in writing of the amount of Defaulted

Interest proposed to be paid on each Bond and the date of the proposed payment (which date shall be at least 30 days after receipt of such notice by the Paying Agent) and shall deposit with the Paying Agent at the time of such notice an amount of money equal to the aggregate amount proposed to be paid in respect of such Defaulted Interest or shall make arrangements satisfactory to the Paying Agent for such deposit prior to the date of the proposed payment. Following receipt of such funds the Paying Agent shall fix a Special Record Date for the payment of such Defaulted Interest which shall be not more than 15 nor less than 10 days prior to the date of the proposed payment. The Paying Agent shall promptly notify the Issuer of such Special Record Date and, in the name and at the expense of the Issuer, shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefore to be mailed, by first class mail, postage prepaid, to each Owner of a Bond entitled to such notice at the address of such Owner as it appears on the Bond Register not less than 10 days prior to such Special Record Date.

The Paying Agent shall keep a record of payment of principal and Redemption Price of and interest on all Bonds and at least annually shall forward a copy or summary of such records to the Issuer.

Section 205. Payments Due on Saturdays, Sundays and Holidays. In any case where a Bond Payment Date is not a Business Day, then payment of principal, Redemption Price or interest need not be made on such Bond Payment Date but may be made on the next succeeding Business Day with the same force and effect as if made on such Bond Payment Date, and no interest shall accrue for the period after such Bond Payment Date.

Section 206. Registration, Transfer and Exchange of Bonds. The Issuer covenants that, as long as any of the Bonds remain Outstanding, it will cause the Bond Register to be kept at the office of the Bond Registrar as herein provided. Each Bond when issued shall be registered in the name of the Owner thereof on the Bond Register.

Bonds may be transferred and exchanged only on the Bond Register as provided in this Section. Upon surrender of any Bond at the principal office of the Bond Registrar, the Bond Registrar shall transfer or exchange such Bond for a new Bond or Bonds in any Authorized Denomination of the same Stated Maturity and in the same aggregate principal amount as the Bond that was presented for transfer or exchange.

Bonds presented for transfer or exchange shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in a form and with guarantee of signature satisfactory to the Bond Registrar, duly executed by the Owner thereof or by the Owner's duly authorized agent.

In all cases in which the privilege of transferring or exchanging Bonds is exercised, the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of this Bond Resolution. The Issuer shall pay the fees and expenses of the Bond Registrar for the registration, transfer and exchange of Bonds provided for by this Bond Resolution and the cost of printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the Bond Registrar, are the responsibility of the Owners of the Bonds. In the event any Owner fails to provide a correct taxpayer identification number to the Paying Agent, the Paying Agent may make a charge against such Owner sufficient to pay any governmental charge required to be paid as a result of such failure. In compliance with Code § 3406, such amount may be deducted by the Paying Agent from amounts otherwise payable to such Owner hereunder or under the Bonds.

The Issuer and the Bond Registrar shall not be required (a) to register the transfer or exchange of any Bond that has been called for redemption after notice of such redemption has been mailed by the Paying Agent pursuant to *Article III* hereof and during the period of 15 days next preceding the date of mailing of such notice of redemption; or (b) to register the transfer or exchange of any Bond during a period beginning

at the opening of business on the day after receiving written notice from the Issuer of its intent to pay Defaulted Interest and ending at the close of business on the date fixed for the payment of Defaulted Interest pursuant to this *Article II*.

The Issuer and the Paying Agent may deem and treat the Person in whose name any Bond is registered on the Bond Register as the absolute Owner of such Bond, whether such Bond is overdue or not, for the purpose of receiving payment of, or on account of, the principal or Redemption Price of and interest on said Bond and for all other purposes. All payments so made to any such Owner or upon the Owner's order shall be valid and effective to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the Issuer nor the Paying Agent shall be affected by any notice to the contrary.

At reasonable times and under reasonable regulations established by the Bond Registrar, the Bond Register may be inspected and copied by the Owners (or a designated representative thereof) of 10% or more in principal amount of the Bonds then Outstanding or any designated representative of such Owners whose authority is evidenced to the satisfaction of the Bond Registrar.

Section 207. Execution, Registration, Authentication and Delivery of Bonds. Each of the Bonds, including any Bonds issued in exchange or as substitutions for the Bonds initially delivered, shall be executed for and on behalf of the Issuer by the manual, electronic or facsimile signature of the Mayor, attested by the manual, electronic or facsimile signature of the Clerk, and the seal of the Issuer shall be affixed thereto or imprinted thereon. The Mayor and Clerk are hereby authorized and directed to prepare and execute the Bonds in the manner herein specified, and to cause the Bonds to be registered in the office of the Clerk, which registration shall be evidenced by the manual, electronic or facsimile signature of the Clerk with the seal of the Issuer affixed thereto or imprinted thereon. The Bonds shall also be registered in the office of the State Treasurer, which registration shall be evidenced by the manual, electronic or facsimile signature of the State Treasurer with the seal of the State Treasurer affixed thereto or imprinted thereon. In case any officer whose signature appears on any Bonds ceases to be such officer before the delivery of such Bonds, such signature shall nevertheless be valid and sufficient for all purposes, as if such person had remained in office until delivery. Any Bond may be signed by such persons who at the actual time of the execution of such Bond are the proper officers to sign such Bond although at the date of such Bond such persons may not have been such officers.

The Mayor and Clerk are hereby authorized and directed to prepare and execute the Bonds as herein specified, and when duly executed, to deliver the Bonds to the Bond Registrar for authentication.

The Bonds shall have endorsed thereon a certificate of authentication substantially in the form attached hereto as *EXHIBIT A* hereof, which shall be manually executed by an authorized officer or employee of the Bond Registrar, but it shall not be necessary that the same officer or employee sign the certificate of authentication on all of the Bonds that may be issued hereunder at any one time. No Bond shall be entitled to any security or benefit under this Bond Resolution or be valid or obligatory for any purpose unless and until such certificate of authentication has been duly executed by the Bond Registrar. Such executed certificate of authentication upon any Bond shall be conclusive evidence that such Bond has been duly authenticated and delivered under this Bond Resolution. Upon authentication, the Bond Registrar shall deliver the Bonds to the Purchaser upon instructions of the Issuer or its representative.

Section 208. Mutilated, Lost, Stolen or Destroyed Bonds. If (a) any mutilated Bond is surrendered to the Bond Registrar or the Bond Registrar receives evidence to its satisfaction of the destruction, loss or theft of any Bond, and (b) there is delivered to the Issuer and the Bond Registrar such security or indemnity as may be required by each of them, then, in the absence of notice to

the Issuer or the Bond Registrar that such Bond has been acquired by a bona fide purchaser, the Issuer shall execute and, upon the Issuer's request, the Bond Registrar shall authenticate and deliver, in exchange for or in lieu of any such mutilated, destroyed, lost or stolen Bond, a new Bond of the same Stated Maturity and of like tenor and principal amount.

If any such mutilated, destroyed, lost or stolen Bond has become or is about to become due and payable, the Issuer, in its discretion, may pay such Bond instead of issuing a new Bond.

Upon the issuance of any new Bond under this Section, the Issuer and the Paying Agent may require the payment by the Owner of a sum sufficient to cover any tax or other governmental charge that may be imposed in relation thereto and any other expenses (including the fees and expenses of the Paying Agent) connected therewith.

Every new Bond issued pursuant to this Section shall constitute a replacement of the prior obligation of the Issuer, and shall be entitled to all the benefits of this Bond Resolution equally and ratably with all other Outstanding Bonds.

Section 209. Cancellation and Destruction of Bonds Upon Payment. All Bonds that have been paid or redeemed or that otherwise have been surrendered to the Paying Agent, either at or before Maturity, shall be cancelled by the Paying Agent immediately upon the payment, redemption and surrender thereof to the Paying Agent and subsequently destroyed in accordance with the customary practices of the Paying Agent. The Paying Agent shall execute a certificate in duplicate describing the Bonds so cancelled and destroyed and shall file an executed counterpart of such certificate with the Issuer.

Section 210. Book-Entry Bonds; Securities Depository. The Issuer and Paying Agent have entered into a DTC Representation Letter with DTC. The Bonds shall initially be registered to Cede & Co., the nominee for the Securities Depository, and no Beneficial Owner will receive certificates representing their respective interests in the Bonds, except in the event the Bond Registrar issues Replacement Bonds as provided in this Section. It is anticipated that during the term of the Bonds, the Securities Depository will make book-entry transfers among its Participants and receive and transmit payment of principal of, premium, if any, and interest on, the Bonds to the Participants until and unless the Bond Registrar authenticates and delivers Replacement Bonds to the Beneficial Owners as described in the following paragraph.

The Issuer may decide, subject to the requirements of the Operational Arrangements of DTC (or a successor Securities Depository), and the following provisions of this section to discontinue use of the system of book-entry transfers through DTC (or a successor Securities Depository):

(a) If the Issuer determines (1) that the Securities Depository is unable to properly discharge its responsibilities, or (2) that the Securities Depository is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, or (3) that the continuation of a book-entry system to the exclusion of any Bonds being issued to any Owner other than Cede & Co. is no longer in the best interests of the Beneficial Owners of the Bonds; or

(b) if the Bond Registrar receives written notice from Participants having interests in not less than 50% of the Bonds Outstanding, as shown on the records of the Securities Depository (and certified to such effect by the Securities Depository), that the continuation of a book-entry system to the exclusion of any Bonds being issued to any Owner other than Cede & Co. is no longer in the best interests of the Beneficial Owners of the Bonds, then the Bond Registrar shall notify the Owners of such determination or such notice and of the availability of certificates to Owners requesting the same, and the Bond Registrar

shall register in the name of and authenticate and deliver Replacement Bonds to the Beneficial Owners or their nominees in principal amounts representing the interest of each, making such adjustments as it may find necessary or appropriate as to accrued interest and previous calls for redemption; provided, that in the case of a determination under (a)(1) or (a)(2) of this paragraph, the Issuer, with the consent of the Bond Registrar, may select a successor securities depository in accordance with the following paragraph to effect book-entry transfers.

In such event, all references to the Securities Depository herein shall relate to the period of time when the Securities Depository has possession of at least one Bond. Upon the issuance of Replacement Bonds, all references herein to obligations imposed upon or to be performed by the Securities Depository shall be deemed to be imposed upon and performed by the Bond Registrar, to the extent applicable with respect to such Replacement Bonds. If the Securities Depository resigns and the Issuer, the Bond Registrar or Owners are unable to locate a qualified successor of the Securities Depository in accordance with the following paragraph, then the Bond Registrar shall authenticate and cause delivery of Replacement Bonds to Owners, as provided herein. The Bond Registrar may rely on information from the Securities Depository and its Participants as to the names of the Beneficial Owners of the Bonds. The cost of printing, registration, authentication, and delivery of Replacement Bonds shall be paid for by the Issuer.

In the event the Securities Depository resigns, is unable to properly discharge its responsibilities, or is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, the Issuer may appoint a successor Securities Depository provided the Bond Registrar receives written evidence satisfactory to the Bond Registrar with respect to the ability of the successor Securities Depository to discharge its responsibilities. Any such successor Securities Depository shall be a securities depository which is a registered clearing agency under the Securities and Exchange Act of 1934, as amended, or other applicable statute or regulation that operates a securities depository upon reasonable and customary terms. The Bond Registrar upon its receipt of a Bond or Bonds for cancellation shall cause the delivery of Bonds to the successor Securities Depository in an Authorized Denominations and form as provided herein.

Section 211. Nonpresentment of Bonds. If any Bond is not presented for payment when the principal thereof becomes due at Maturity, if funds sufficient to pay such Bond have been made available to the Paying Agent all liability of the Issuer to the Owner thereof for the payment of such Bond shall forthwith cease, determine and be completely discharged, and thereupon it shall be the duty of the Paying Agent to hold such funds, without liability for interest thereon, for the benefit of the Owner of such Bond, who shall thereafter be restricted exclusively to such funds for any claim of whatever nature on his part under this Bond Resolution or on, or with respect to, said Bond. If any Bond is not presented for payment within four (4) years following the date when such Bond becomes due at Maturity, the Paying Agent shall repay, without liability for interest thereon, to the Issuer the funds theretofore held by it for payment of such Bond, and such Bond shall, subject to the defense of any applicable statute of limitation, thereafter be an unsecured obligation of the Issuer, and the Owner thereof shall be entitled to look only to the Issuer for payment, and then only to the extent of the amount so repaid to it by the Paying Agent, and the Issuer shall not be liable for any interest thereon and shall not be regarded as a trustee of such money.

Section 212. Preliminary and Final Official Statement. The Preliminary Official Statement dated October [], 2021, is hereby ratified and approved.

The Official Statement is hereby authorized to be prepared by supplementing, amending and completing the Preliminary Official Statement, with such changes and additions thereto as are necessary to conform to and describe the transaction. The Mayor and chief financial officer of the Issuer are hereby authorized to execute the Official Statement as so supplemented, amended and completed, and the use and

public distribution of the Official Statement by the Purchaser in connection with the reoffering of the Bonds is hereby authorized. The proper officials of the Issuer are hereby authorized to execute and deliver a certificate pertaining to such Official Statement as prescribed therein, dated as of the Issue Date.

The Issuer agrees to provide to the Purchaser within seven business days of the date of the sale of Bonds sufficient copies of the Official Statement to enable the Purchaser to comply with the requirements of the SEC Rule and Rule G-32 of the Municipal Securities Rulemaking Board.

Section 213. Sale of the Bonds. The sale of the Bonds to the Purchaser is hereby ratified and confirmed. The Mayor and Clerk are hereby authorized to execute the official bid form submitted by the Purchaser. Delivery of the Bonds shall be made to the Purchaser on the Issue Date (which shall be as soon as practicable after the adoption of this Bond Resolution), upon payment of the Purchase Price.

ARTICLE III

REDEMPTION OF BONDS

Section 301. Redemption by Issuer.

Optional Redemption. At the option of the Issuer, Bonds maturing on September 1 in the years 2030 and thereafter, will be subject to redemption and payment prior to their Stated Maturity on September 1, 2029, and thereafter, as a whole or in part (selection of maturities and the amount of Bonds of each maturity to be redeemed to be determined by the Issuer in such equitable manner as it may determine) at any time, at the Redemption Price of 100% (expressed as a percentage of the principal amount), plus accrued interest to the Redemption Date.

[**Mandatory Redemption.** (a) *20__ Term Bonds.* The 20__ Term Bonds shall be subject to mandatory redemption and payment prior to Stated Maturity pursuant to the mandatory redemption requirements of this Section at a Redemption Price equal to 100% of the principal amount thereof plus accrued interest to the Redemption Date. The taxes levied in **Article IV** hereof which are to be deposited into the Debt Service Account shall be sufficient to redeem, and the Issuer shall redeem on September 1 in each year, the following principal amounts of such 20__ Term Bonds:

Principal Amount	<u>Year</u>
\$ _____	20__
_____	20__*

*Final Maturity

(b) *20__ Term Bonds.* The 20__ Term Bonds shall be subject to mandatory redemption and payment prior to Stated Maturity pursuant to the mandatory redemption requirements of this Section at a Redemption Price equal to 100% of the principal amount thereof plus accrued interest to the Redemption Date. The taxes levied in **Article IV** hereof which are to be deposited into the Debt Service Account shall be sufficient to redeem, and the Issuer shall redeem on September 1 in each year, the following principal amounts of such 20__ Term Bonds:

Principal	<u>Year</u>
------------------	--------------------

Amount
\$ _____

20____
20____*

*Final Maturity]

At its option, to be exercised on or before the 45th day next preceding any mandatory Redemption Date, the Issuer may: (1) deliver to the Paying Agent for cancellation Term Bonds subject to mandatory redemption on said mandatory Redemption Date, in any aggregate principal amount desired; or (2) furnish the Paying Agent funds, together with appropriate instructions, for the purpose of purchasing any Term Bonds subject to mandatory redemption on said mandatory Redemption Date from any Owner thereof whereupon the Paying Agent shall expend such funds for such purpose to such extent as may be practical; or (3) receive a credit with respect to the mandatory redemption obligation of the Issuer under this Section for any Term Bonds subject to mandatory redemption on said mandatory Redemption Date which, prior to such date, have been redeemed (other than through the operation of the mandatory redemption requirements of this subsection) and cancelled by the Paying Agent and not theretofore applied as a credit against any redemption obligation under this subsection. Each Term Bond so delivered or previously purchased or redeemed shall be credited at 100% of the principal amount thereof on the obligation of the Issuer to redeem Term Bonds of the same Stated Maturity on such mandatory Redemption Date, and any excess of such amount shall be credited on future mandatory redemption obligations for Term Bonds of the same Stated Maturity as designated by the Issuer, and the principal amount of Term Bonds to be redeemed by operation of the requirements of this Section shall be accordingly reduced. If the Issuer intends to exercise any option granted by the provisions of clauses (1), (2) or (3) above, the Issuer will, on or before the 45th day next preceding each mandatory Redemption Date, furnish the Paying Agent a written certificate indicating to what extent the provisions of said clauses (1), (2) and (3) are to be complied with, with respect to such mandatory redemption payment.]

Section 302. Selection of Bonds to be Redeemed. Bonds shall be redeemed only in an Authorized Denomination. When less than all of the Bonds are to be redeemed and paid prior to their Stated Maturity, such Bonds shall be redeemed in such manner as the Issuer shall determine. Bonds of less than a full Stated Maturity shall be selected by the Bond Registrar in a minimum Authorized Denomination of principal amount in such equitable manner as the Bond Registrar may determine.

In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than a minimum Authorized Denomination are then Outstanding, then for all purposes in connection with such redemption a minimum Authorized Denomination of face value shall be treated as though it were a separate Bond of the denomination of a minimum Authorized Denomination. If it is determined that one or more, but not all, of a minimum Authorized Denomination of face value represented by any Bond is selected for redemption, then upon notice of intention to redeem a minimum Authorized Denomination, the Owner or the Owner's duly authorized agent shall forthwith present and surrender such Bond to the Bond Registrar: (1) for payment of the Redemption Price and interest to the Redemption Date of a minimum Authorized Denomination of face value called for redemption, and (2) for exchange, without charge to the Owner thereof, for a new Bond or Bonds of the aggregate principal amount of the unredeemed portion of the principal amount of such Bond. If the Owner of any such Bond fails to present such Bond to the Paying Agent for payment and exchange as aforesaid, such Bond shall, nevertheless, become due and payable on the redemption date to the extent of a minimum Authorized Denomination of face value called for redemption (and to that extent only).

Section 303. Notice and Effect of Call for Redemption. In the event the Issuer desires to call the Bonds for redemption prior to maturity, written notice of such intent shall be provided to the

Bond Registrar in accordance with K.S.A. 10-129, as amended, not less than 45 days prior to the Redemption Date. The Bond Registrar shall call Bonds for redemption and payment and shall give notice of such redemption as herein provided upon receipt by the Bond Registrar at least 45 days prior to the Redemption Date of written instructions of the Issuer specifying the principal amount, Stated Maturities, Redemption Date and Redemption Prices of the Bonds to be called for redemption. [The foregoing provisions of this paragraph shall not apply in the case of any mandatory redemption of Term Bonds hereunder, and Term Bonds shall be called by the Paying Agent for redemption pursuant to such mandatory redemption requirements without the necessity of any action by the Issuer and whether or not the Paying Agent holds moneys available and sufficient to effect the required redemption.]

Unless waived by any Owner of Bonds to be redeemed, if the Issuer shall call any Bonds for redemption and payment prior to the Stated Maturity thereof, the Issuer shall give written notice of its intention to call and pay said Bonds to the Bond Registrar and the State Treasurer. In addition, the Issuer shall cause the Bond Registrar to give written notice of redemption to the Owners of said Bonds. Each of said written notices shall be deposited in the United States first class mail not less than 30 days prior to the Redemption Date.

All official notices of redemption shall be dated and shall contain the following information:

- (a) the Redemption Date;
- (b) the Redemption Price;
- (c) if less than all Outstanding Bonds are to be redeemed, the identification (and, in the case of partial redemption of any Bonds, the respective principal amounts) of the Bonds to be redeemed;
- (d) a statement that on the Redemption Date the Redemption Price will become due and payable upon each such Bond or portion thereof called for redemption and that interest thereon shall cease to accrue from and after the Redemption Date; and
- (e) the place where such Bonds are to be surrendered for payment of the Redemption Price, which shall be the principal office of the Paying Agent.

The failure of any Owner to receive notice given as heretofore provided or an immaterial defect therein shall not invalidate any redemption.

Prior to any Redemption Date, the Issuer shall deposit with the Paying Agent an amount of money sufficient to pay the Redemption Price of all the Bonds or portions of Bonds that are to be redeemed on such Redemption Date.

For so long as the Securities Depository is effecting book-entry transfers of the Bonds, the Bond Registrar shall provide the notices specified in this Section to the Securities Depository. It is expected that the Securities Depository shall, in turn, notify its Participants and that the Participants, in turn, will notify or cause to be notified the Beneficial Owners. Any failure on the part of the Securities Depository or a Participant, or failure on the part of a nominee of a Beneficial Owner of a Bond (having been mailed notice from the Bond Registrar, the Securities Depository, a Participant or otherwise) to notify the Beneficial Owner of the Bond so affected, shall not affect the validity of the redemption of such Bond.

Official notice of redemption having been given as aforesaid, the Bonds or portions of Bonds to be redeemed shall become due and payable on the Redemption Date, at the Redemption Price therein specified,

and from and after the Redemption Date (unless the Issuer defaults in the payment of the Redemption Price) such Bonds or portion of Bonds shall cease to bear interest. Upon surrender of such Bonds for redemption in accordance with such notice, the Redemption Price of such Bonds shall be paid by the Paying Agent. Installments of interest due on or prior to the Redemption Date shall be payable as herein provided for payment of interest. Upon surrender for any partial redemption of any Bond, there shall be prepared for the Owner a new Bond or Bonds of the same Stated Maturity in the amount of the unpaid principal as provided herein. All Bonds that have been surrendered for redemption shall be cancelled and destroyed by the Paying Agent as provided herein and shall not be reissued.

In addition to the foregoing notice, the Issuer shall provide such notices of redemption as are required by the Disclosure Undertaking. Further notice may be given by the Issuer or the Bond Registrar on behalf of the Issuer as set out below, but no defect in said further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if official notice thereof is given as above prescribed:

(a) Each further notice of redemption given hereunder shall contain the information required above for an official notice of redemption plus (1) the CUSIP numbers of all Bonds being redeemed; (2) the date of issue of the Bonds as originally issued; (3) the rate of interest borne by each Bond being redeemed; (4) the maturity date of each Bond being redeemed; and (5) any other descriptive information needed to identify accurately the Bonds being redeemed.

(b) Each further notice of redemption shall be sent at least one day before the mailing of notice to Owners by first class, registered or certified mail or overnight delivery, as determined by the Bond Registrar, to all registered securities depositories then in the business of holding substantial amounts of obligations of types comprising the Bonds and to one or more national information services that disseminate notices of redemption of obligations such as the Bonds.

(c) Each check or other transfer of funds issued for the payment of the Redemption Price of Bonds being redeemed shall bear or have enclosed the CUSIP number of the Bonds being redeemed with the proceeds of such check or other transfer.

The Paying Agent is also directed to comply with any mandatory standards then in effect for processing redemptions of municipal securities established by the State or the Securities and Exchange Commission. Failure to comply with such standards shall not affect or invalidate the redemption of any Bond.

ARTICLE IV

SECURITY FOR BONDS

Section 401. Security for the Bonds. The Bonds shall be general obligations of the Issuer payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the Issuer. The full faith, credit and resources of the Issuer are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Bonds as the same become due.

Section 402. Levy and Collection of Annual Tax; Transfer to Debt Service Account. The Governing Body shall annually make provision for the payment of principal of, premium, if any,

and interest on the Bonds as the same become due by, to the extent necessary, levying and collecting the necessary taxes upon all of the taxable tangible property within the Issuer in the manner provided by law.

The taxes referred to above shall be extended upon the tax rolls in each of the several years, respectively, and shall be levied and collected at the same time and in the same manner as the other ad valorem taxes of the Issuer are levied and collected. The proceeds derived from said taxes shall be deposited in the Bond and Interest Fund, shall be kept separate and apart from all other funds of the Issuer shall thereafter be transferred to the Debt Service Account and shall be used solely for the payment of the principal of and interest on the Bonds as and when the same become due, taking into account any scheduled mandatory redemptions, and the fees and expenses of the Paying Agent.

If at any time said taxes are not collected in time to pay the principal of or interest on the Bonds when due, the Treasurer is hereby authorized and directed to pay said principal or interest out of the general funds of the Issuer and to reimburse said general funds for money so expended when said taxes are collected.

ARTICLE V

ESTABLISHMENT OF FUNDS AND ACCOUNTS DEPOSIT AND APPLICATION OF BOND PROCEEDS

Section 501. Creation of Funds and Accounts. Simultaneously with the issuance of the Bonds, there shall be created within the Treasury of the Issuer the following Funds and Accounts:

- (a) Improvement Fund for General Obligation Bonds, Series 2021A.
- (b) Debt Service Account for General Obligation Bonds, Series 2021A (within the Bond and Interest Fund).
- (c) Rebate Fund for General Obligation Bonds, Series 2021A.

The Funds and Accounts established herein shall be administered in accordance with the provisions of this Bond Resolution so long as the Bonds are Outstanding.

Section 502. Deposit of Bond Proceeds. The net proceeds received from the sale of the Bonds shall be deposited simultaneously with the delivery of the Bonds as follows:

- (a) All accrued interest, if any, received from the sale of the Bonds shall be deposited in the Debt Service Account.
- (b) The remaining balance of the proceeds derived from the sale of the Bonds shall be deposited in the Improvement Fund.

Section 503. Application of Moneys in the Improvement Fund. Moneys in the Improvement Fund shall be used for the sole purpose of: (a) paying the costs of the Improvements, in accordance with the plans and specifications therefor approved by the Governing Body and on file in the office of the Clerk, including any alterations in or amendments to said plans and specifications deemed advisable and approved by the Governing Body; (b) paying interest on the Bonds during

construction of the Improvements; (c) paying Costs of Issuance; and (d) transferring any amounts to the Rebate Fund required by this *Article V*. Upon completion of the Improvements, any surplus remaining in the Improvement Fund shall be deposited in the Debt Service Account.

Section 504. Substitution of Improvements; Reallocation of Proceeds.

(a) The Issuer may elect for any reason to substitute or add other public improvements to be financed with proceeds of the Bonds provided the following conditions are met: (1) the Substitute Improvement and the issuance of general obligation bonds to pay the cost of the Substitute Improvement has been duly authorized by the Governing Body in accordance with the laws of the State; (2) a resolution or ordinance authorizing the use of the proceeds of the Bonds to pay the Financeable Costs of the Substitute Improvement has been duly adopted by the Governing Body pursuant to this Section, (3) the Attorney General of the State has approved the amendment made by such resolution or ordinance to the transcript of proceedings for the Bonds to include the Substitute Improvements; and (4) the use of the proceeds of the Bonds to pay the Financeable Cost of the Substitute Improvement will not adversely affect the tax-exempt status of the Bonds under State or federal law.

(b) The Issuer may reallocate expenditure of Bond proceeds among all Improvements financed by the Bonds; provided the following conditions are met: (1) the reallocation is approved by the Governing Body; (2) the reallocation shall not cause the proceeds of the Bonds allocated to any Improvement to exceed the Financeable Costs of the Improvement; and (3) the reallocation will not adversely affect the tax-exempt status of the Bonds under State or federal law.

Section 505. Application of Moneys in Debt Service Account. All amounts paid and credited to the Debt Service Account shall be expended and used by the Issuer for the sole purpose of paying the principal or Redemption Price of and interest on the Bonds as and when the same become due and the usual and customary fees and expenses of the Bond Registrar and Paying Agent. The Treasurer is authorized and directed to withdraw from the Debt Service Account sums sufficient to pay both principal or Redemption Price of and interest on the Bonds and the fees and expenses of the Bond Registrar and Paying Agent as and when the same become due, and to forward such sums to the Paying Agent in a manner which ensures that the Paying Agent will receive immediately available funds in such amounts on or before the Business Day immediately preceding the dates when such principal, interest and fees of the Bond Registrar and Paying Agent will become due. If, through the lapse of time or otherwise, the Owners of Bonds are no longer entitled to enforce payment of the Bonds or the interest thereon, the Paying Agent shall return said funds to the Issuer. All moneys deposited with the Paying Agent shall be deemed to be deposited in accordance with and subject to all of the provisions contained in this Bond Resolution and shall be held in trust by the Paying Agent for the benefit of the Owners of the Bonds entitled to payment from such moneys.

Any moneys or investments remaining in the Debt Service Account after the retirement of the Bonds shall be transferred and paid into the Bond and Interest Fund.

Section 506. Application of Moneys in the Rebate Fund.

(a) There shall be deposited in the Rebate Fund such amounts as are required to be deposited therein pursuant to the Federal Tax Certificate. All money at any time deposited in the Rebate Fund shall be held in trust, to the extent required to satisfy the Rebate Amount (as defined in the Federal Tax Certificate), for payment to the United States of America, and neither the Issuer nor the Owner of any Bonds shall have any rights in or claim to such money. All amounts deposited into or on deposit in the Rebate Fund shall be governed by this Section and the Federal Tax Certificate.

(b) The Issuer shall periodically determine the arbitrage rebate, if any, under Code § 148(f) in accordance with the Federal Tax Certificate, and the Issuer shall make payments to the United States of America at the times and in the amounts determined under the Federal Tax Certificate. Any moneys remaining in the Rebate Fund after redemption and payment of all of the Bonds and payment and satisfaction of any Rebate Amount, or provision made therefor, shall be deposited into the Bond and Interest Fund.

(c) Notwithstanding any other provision of this Bond Resolution, including in particular *Article VII* hereof, the obligation to pay arbitrage rebate to the United States of America and to comply with all other requirements of this Section and the Federal Tax Certificate shall survive the defeasance or payment in full of the Bonds.

Section 507. Deposits and Investment of Moneys. Moneys in each of the Funds and Accounts shall be deposited in accordance with laws of the State, in a bank, savings and loan association or savings bank organized under the laws of the State, any other state or the United States: (a) which has a main or branch office located in the Issuer; or (b) if no such entity has a main or branch office located in the Issuer, with such an entity that has a main or branch office located in the county or counties in which the Issuer is located. All such depositories shall be members of the Federal Deposit Insurance Corporation, or otherwise as permitted by State law. All such deposits shall be invested in Permitted Investments as set forth in this Article or shall be adequately secured as provided by the laws of the State. All moneys held in the Funds and Accounts shall be kept separate and apart from all other funds of the Issuer so that there shall be no commingling with any other funds of the Issuer.

Moneys held in any Fund or Account may be invested in accordance with this Bond Resolution and the Federal Tax Certificate in Permitted Investments; provided, however, that no such investment shall be made for a period extending longer than to the date when the moneys invested may be needed for the purpose for which such fund was created. All earnings on any investments held in any Fund or Account shall accrue to and become a part of such Fund or Account; provided that, during the period of construction of the Improvements, earnings on the investment of such funds may, at the discretion of the Issuer, be credited to the Debt Service Account.

ARTICLE VI

DEFAULT AND REMEDIES

Section 601. Remedies. The provisions of the Bond Resolution, including the covenants and agreements herein contained, shall constitute a contract between the Issuer and the Owners of the Bonds. If an Event of Default occurs and shall be continuing, the Owner or Owners of not less than 10% in principal amount of the Bonds at the time Outstanding shall have the right for the equal benefit and protection of all Owners of Bonds similarly situated:

(a) by mandamus or other suit, action or proceedings at law or in equity to enforce the rights of such Owner or Owners against the Issuer and its officers, agents and employees, and to require and compel duties and obligations required by the provisions of the Bond Resolution or by the Constitution and laws of the State;

(b) by suit, action or other proceedings in equity or at law to require the Issuer, its officers, agents and employees to account as if they were the trustees of an express trust; and

(c) by suit, action or other proceedings in equity or at law to enjoin any acts or things which may be unlawful or in violation of the rights of the Owners of the Bonds.

Section 602. Limitation on Rights of Owners. The covenants and agreements of the Issuer contained herein and in the Bonds shall be for the equal benefit, protection, and security of the Owners of any or all of the Bonds, all of which Bonds shall be of equal rank and without preference or priority of one Bond over any other Bond in the application of the funds herein pledged to the payment of the principal of and the interest on the Bonds, or otherwise, except as to rate of interest, date of maturity and right of prior redemption as provided in this Bond Resolution. No one or more Owners secured hereby shall have any right in any manner whatever by his or their action to affect, disturb or prejudice the security granted and provided for herein, or to enforce any right hereunder, except in the manner herein provided, and all proceedings at law or in equity shall be instituted, had and maintained for the equal benefit of all Outstanding Bonds.

Section 603. Remedies Cumulative. No remedy conferred herein upon the Owners is intended to be exclusive of any other remedy, but each such remedy shall be cumulative and in addition to every other remedy and may be exercised without exhausting and without regard to any other remedy conferred herein. No waiver of any default or breach of duty or contract by the Owner of any Bond shall extend to or affect any subsequent default or breach of duty or contract or shall impair any rights or remedies thereon. No delay or omission of any Owner to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver of any such default or acquiescence therein. Every substantive right and every remedy conferred upon the Owners of the Bonds by this Bond Resolution may be enforced and exercised from time to time and as often as may be deemed expedient. If action or proceedings taken by any Owner on account of any default or to enforce any right or exercise any remedy has been discontinued or abandoned for any reason, or shall have been determined adversely to such Owner, then, and in every such case, the Issuer and the Owners of the Bonds shall, subject to any determination in such action or proceeding or applicable law of the State, be restored to their former positions and rights hereunder, respectively, and all rights, remedies, powers and duties of the Owners shall continue as if no such suit, action or other proceedings had been brought or taken.

ARTICLE VII

DEFEASANCE

Section 701. Defeasance. When any or all of the Bonds, redemption premium, if any, or scheduled interest payments thereon have been paid and discharged, then the requirements contained in this Bond Resolution and the pledge of the Issuer's faith and credit hereunder and all other rights granted hereby shall terminate with respect to the Bonds or scheduled interest payments thereon so paid and discharged. Bonds, redemption premium, if any, or scheduled interest payments thereon shall be deemed to have been paid and discharged within the meaning of this Bond Resolution if there has been deposited with the Paying Agent, or other commercial bank or trust company located in the State and having full trust powers, at or prior to the Stated Maturity or Redemption Date of said Bonds or the interest payments thereon, in trust for and irrevocably appropriated thereto, moneys and/or Defeasance Obligations which, together with the interest to be earned on any such Defeasance Obligations, will be sufficient for the payment of the principal of or Redemption Price of said Bonds and/or interest accrued to the Stated Maturity or Redemption Date, or if default in such payment has occurred on such date, then to the date of the tender of such

payments. If the amount to be so deposited is based on the Redemption Price of any Bonds, no such satisfaction shall occur until (a) the Issuer has elected to redeem such Bonds, and (b) either notice of such redemption has been given, or the Issuer has given irrevocable instructions, or shall have provided for an escrow agent to give irrevocable instructions, to the Bond Registrar to give such notice of redemption in compliance with *Article III* hereof. Any money and Defeasance Obligations that at any time shall be deposited with the Paying Agent or other commercial bank or trust company by or on behalf of the Issuer, for the purpose of paying and discharging any of the Bonds, shall be and are hereby assigned, transferred and set over to the Paying Agent or other bank or trust company in trust for the respective Owners of the Bonds, and such moneys shall be and are hereby irrevocably appropriated to the payment and discharge thereof. All money and Defeasance Obligations deposited with the Paying Agent or such bank or trust company shall be deemed to be deposited in accordance with and subject to all of the provisions of this Bond Resolution.

ARTICLE VIII

TAX COVENANTS

Section 801. General Covenants. The Issuer covenants and agrees that it will comply with: (a) all applicable provisions of the Code necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Bonds; and (b) all provisions and requirements of the Federal Tax Certificate. The Mayor and Clerk are hereby authorized and directed to execute the Federal Tax Certificate in a form approved by Bond Counsel, for and on behalf of and as the act and deed of the Issuer. The Issuer will, in addition, adopt such other ordinances or resolutions and take such other actions as may be necessary to comply with the Code and with all other applicable future laws, regulations, published rulings and judicial decisions, in order to ensure that the interest on the Bonds will remain excluded from federal gross income, to the extent any such actions can be taken by the Issuer.

Section 802. Survival of Covenants. The covenants contained in this Article and in the Federal Tax Certificate shall remain in full force and effect notwithstanding the defeasance of the Bonds pursuant to *Article VII* hereof or any other provision of this Bond Resolution until such time as is set forth in the Federal Tax Certificate.

ARTICLE IX

CONTINUING DISCLOSURE REQUIREMENTS

Section 901. Disclosure Requirements. The Mayor and Clerk are hereby authorized and directed to execute the Disclosure Undertaking in a form approved by Bond Counsel, for and on behalf of and as the act and deed of the Issuer. The Issuer hereby covenants with the Purchaser and the Beneficial Owners to provide and disseminate such information as is required by the SEC Rule and as further set forth in the Disclosure Undertaking, the provisions of which are incorporated herein by reference. Such covenant shall be for the benefit of and enforceable by the Purchaser and the Beneficial Owners.

Section 901. Failure to Comply with Continuing Disclosure Requirements. In the event the Issuer fails to comply in a timely manner with its covenants contained in the preceding section, the Purchaser and/or any Beneficial Owner may make demand for such compliance by written notice

to the Issuer. In the event the Issuer does not remedy such noncompliance within 10 days of receipt of such written notice, the Purchaser or any Beneficial Owner may in its discretion, without notice or demand, proceed to enforce compliance by a suit or suits in equity for the specific performance of such covenant or agreement contained in the preceding section or for the enforcement of any other appropriate legal or equitable remedy, as the Purchaser and/or any Beneficial Owner shall deem effectual to protect and enforce any of the duties of the Issuer under such preceding section. Notwithstanding any other provision of this Bond Resolution, failure of the Issuer to comply with its covenants contained in the preceding section shall not be considered an Event of Default under this Bond Resolution.

ARTICLE X

MISCELLANEOUS PROVISIONS

Section 1001. Annual Audit. Annually, promptly after the end of the Fiscal Year, the Issuer will cause an audit to be made of the financial statements of the Issuer for the preceding Fiscal Year by an Independent Accountant. Within 30 days after the completion of each such audit, a copy thereof shall be filed in the office of the Clerk. Such audit shall at all times during the usual business hours be open to the examination and inspection by any taxpayer, any Owner of any of the Bonds, or by anyone acting for or on behalf of such taxpayer or Owner. Upon payment of the reasonable cost of preparing and mailing the same, a copy of any annual audit will, upon request, be sent to any Owner or prospective Owner. As soon as possible after the completion of the annual audit, the Governing Body shall review such audit, and if the audit discloses that proper provision has not been made for all of the requirements of this Bond Resolution, the Issuer shall promptly cure such deficiency.

Section 1002. Amendments. The rights and duties of the Issuer and the Owners, and the terms and provisions of the Bonds or of this Bond Resolution, may be amended or modified at any time in any respect by ordinance or resolution of the Issuer with the written consent of the Owners of not less than a majority in principal amount of the Bonds then Outstanding, such consent to be evidenced by an instrument or instruments executed by such Owners and duly acknowledged or proved in the manner of a deed to be recorded, and such instrument or instruments shall be filed with the Clerk, but no such modification or alteration shall:

- (a) extend the maturity of any payment of principal or interest due upon any Bond;
- (b) effect a reduction in the amount which the Issuer is required to pay as principal of or interest on any Bond;
- (c) permit preference or priority of any Bond over any other Bond; or
- (d) reduce the percentage in principal amount of Bonds required for the written consent to any modification or alteration of the provisions of this Bond Resolution.

Any provision of the Bonds or of this Bond Resolution may, however, be amended or modified by ordinance or resolution duly adopted by the Governing Body at any time in any legal respect with the written consent of the Owners of all of the Bonds at the time Outstanding.

Without notice to or the consent of any Owners, the Issuer may amend or supplement this Bond Resolution for the purpose of curing any formal defect, omission, inconsistency or ambiguity herein, to

grant to or confer upon the Owners any additional rights, remedies, powers or authority that may lawfully be granted to or conferred upon the Owners, to more precisely identify the Improvements, to reallocate proceeds of the Bonds among Improvements, to provide for Substitute Improvements, to conform this Bond Resolution to the Code or future applicable federal law concerning tax-exempt obligations, or in connection with any other change therein which is not materially adverse to the interests of the Owners.

Every amendment or modification of the provisions of the Bonds or of this Bond Resolution, to which the written consent of the Owners is given, as above provided, shall be expressed in a resolution or ordinance adopted by the Governing Body amending or supplementing the provisions of this Bond Resolution and shall be deemed to be a part of this Bond Resolution. A certified copy of every such amendatory or supplemental ordinance or resolution, if any, and a certified copy of this Bond Resolution shall always be kept on file in the office of the Clerk, and shall be made available for inspection by the Owner of any Bond or a prospective purchaser or owner of any Bond authorized by this Bond Resolution, and upon payment of the reasonable cost of preparing the same, a certified copy of any such amendatory or supplemental ordinance or resolution or of this Bond Resolution will be sent by the Clerk to any such Owner or prospective Owner.

Any and all modifications made in the manner hereinabove provided shall not become effective until there has been filed with the Clerk a copy of the ordinance or resolution of the Issuer hereinabove provided for, duly certified, as well as proof of any required consent to such modification by the Owners of the Bonds then Outstanding. It shall not be necessary to note on any of the Outstanding Bonds any reference to such amendment or modification.

The Issuer shall furnish to the Paying Agent a copy of any amendment to the Bonds or this Bond Resolution which affects the duties or obligations of the Paying Agent under this Bond Resolution.

Section 1003. Notices, Consents and Other Instruments by Owners. Any notice, consent, request, direction, approval or other instrument to be signed and executed by the Owners may be in any number of concurrent writings of similar tenor and may be signed or executed by such Owners in person or by agent appointed in writing. Proof of the execution of any such instrument or of the writing appointing any such agent and of the ownership of Bonds, if made in the following manner, shall be sufficient for any of the purposes of this Bond Resolution, and shall be conclusive in favor of the Issuer and the Paying Agent with regard to any action taken, suffered or omitted under any such instrument, namely:

(a) The fact and date of the execution by any person of any such instrument may be proved by a certificate of any officer in any jurisdiction who by law has power to take acknowledgments within such jurisdiction that the person signing such instrument acknowledged before such officer the execution thereof, or by affidavit of any witness to such execution.

(b) The fact of ownership of Bonds, the amount or amounts, numbers and other identification of Bonds, and the date of holding the same shall be proved by the Bond Register.

In determining whether the Owners of the requisite principal amount of Bonds Outstanding have given any request, demand, authorization, direction, notice, consent or waiver under this Bond Resolution, Bonds owned by the Issuer shall be disregarded and deemed not to be Outstanding under this Bond Resolution, except that, in determining whether the Owners shall be protected in relying upon any such request, demand, authorization, direction, notice, consent or waiver, only Bonds which the Owners know to be so owned shall be so disregarded. Notwithstanding the foregoing, Bonds so owned which have been pledged in good faith shall not be disregarded as aforesaid if the pledgee establishes to the satisfaction of the Owners the pledgee's right so to act with respect to such Bonds and that the pledgee is not the Issuer.

Section 1004. Notices. Any notice, request, complaint, demand or other communication required or desired to be given or filed under this Bond Resolution shall be in writing, given to the Notice Representative at the Notice Address and shall be deemed duly given or filed if the same shall be: (a) duly mailed by registered or certified mail, postage prepaid; or (b) communicated via fax, with electronic or telephonic confirmation of receipt. Copies of such notices shall also be given to the Paying Agent. The Issuer, the Paying Agent and the Purchaser may from time to time designate, by notice given hereunder to the others of such parties, such other address to which subsequent notices, certificates or other communications shall be sent.

All notices given by: (a) certified or registered mail as aforesaid shall be deemed duly given as of the date they are so mailed; (b) fax as aforesaid shall be deemed duly given as of the date of confirmation of receipt. If, because of the temporary or permanent suspension of regular mail service or for any other reason, it is impossible or impractical to mail any notice in the manner herein provided, then such other form of notice as shall be made with the approval of the Paying Agent shall constitute a sufficient notice.

Section 1005. Electronic Transactions. The transactions described in this Bond Resolution may be conducted, and documents related to the Bonds may be sent, received, executed, and stored, by electronic means or transmissions. Copies, telecopies, electronic files and other reproductions of original executed documents (or documents executed by electronic means or transmissions) shall be deemed to be authentic and valid counterparts of such documents for all purposes, including the filing of any claim, action or suit in the appropriate court of law.

Section 1006. Further Authority. The officers and officials of the Issuer, including the Mayor and Clerk, are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Bond Resolution and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 1007. Severability. If any section or other part of this Bond Resolution, whether large or small, is for any reason held invalid, the invalidity thereof shall not affect the validity of the other provisions of this Bond Resolution.

Section 1008. Governing Law. This Bond Resolution shall be governed exclusively by and construed in accordance with the applicable laws of the State.

Section 1009. Effective Date. This Bond Resolution shall take effect and be in full force from and after its adoption by the Governing Body.

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ADOPTED by the Governing Body on October 20, 2021.

(SEAL)

Ronald E. Appletoft, Mayor

ATTEST:

Audrey McClanahan, City Clerk

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EXHIBIT A
(FORM OF BONDS)

**REGISTERED
NUMBER** __

**REGISTERED
\$**

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York Corporation (“DTC”), to the Issuer or its agent for registration of transfer, exchange or payment, and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

**UNITED STATES OF AMERICA
STATE OF KANSAS
COUNTY OF JOHNSON
CITY OF MISSION
GENERAL OBLIGATION BOND
SERIES 2021A**

**Interest
Rate:**

**Maturity
Date:**

**Dated
Date: November 10, 2021**

CUSIP:

REGISTERED OWNER:

PRINCIPAL AMOUNT:

KNOW ALL PERSONS BY THESE PRESENTS: That the City of Mission, in the County of Johnson, State of Kansas (the “Issuer”), for value received, hereby acknowledges itself to be indebted and promises to pay to the Registered Owner shown above, or registered assigns, but solely from the source and in the manner herein specified, the Principal Amount shown above on the Maturity Date shown above, unless called for redemption prior to the Maturity Date, and to pay interest thereon at the Interest Rate per annum shown above (computed on the basis of a 360-day year of twelve 30-day months), from the Dated Date shown above, or from the most recent date to which interest has been paid or duly provided for, payable semiannually on March 1 and September 1 of each year, commencing March 1, 2022 (the “Interest Payment Dates”), until the Principal Amount has been paid.

Method and Place of Payment. The principal or redemption price of this Bond shall be paid at maturity or upon earlier redemption to the person in whose name this Bond is registered at the maturity or redemption date thereof, upon presentation and surrender of this Bond at the principal office of the Treasurer of the State of Kansas, Topeka, Kansas (the “Paying Agent” and “Bond Registrar”). The interest payable on this Bond on any Interest Payment Date shall be paid to the person in whose name this Bond is registered on the registration books maintained by the Bond Registrar at the close of business on the Record Date(s)

for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding the Interest Payment Date. Such interest shall be payable (a) by check or draft mailed by the Paying Agent to the address of such Registered Owner shown on the Bond Register or at such other address as is furnished to the Paying Agent in writing by such Registered Owner; or (b) in the case of an interest payment to Cede & Co. or any Owner of \$500,000 or more in aggregate principal amount of Bonds by electronic transfer to such Owner upon written notice given to the Bond Registrar by such Registered Owner, not less than 15 days prior to the Record Date for such interest, containing the electronic transfer instructions including the bank, ABA routing number and account number to which such Registered Owner wishes to have such transfer directed. The principal or redemption price of and interest on the Bonds shall be payable in any coin or currency that, on the respective dates of payment thereof, is legal tender for the payment of public and private debts. Interest not punctually paid will be paid in the manner established in the within defined Bond Resolution.

Definitions. Capitalized terms used herein and not otherwise defined herein shall have the meanings assigned to such terms in the hereinafter defined Bond Resolution.

Authorization of Bonds. This Bond is one of an authorized series of Bonds of the Issuer designated “General Obligation Bonds, Series 2021A,” aggregating the principal amount of \$[PRINCIPAL AMOUNT] (the “Bonds”) issued for the purposes set forth in the Ordinance of the Issuer authorizing the issuance of the Bonds and the Resolution of the Issuer prescribing the form and details of the Bonds (collectively, the “Bond Resolution”). The Bonds are issued by the authority of and in full compliance with the provisions, restrictions and limitations of the Constitution and laws of the State of Kansas, including K.S.A. 12-1736 *et seq.*, Charter Ordinance No. 32 of the Issuer, and Article 12, Section 5 of the Constitution of the State of Kansas, all as amended, and all other provisions of the laws of the State of Kansas applicable thereto.

General Obligations. The Bonds constitute general obligations of the Issuer payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the Issuer. The full faith, credit and resources of the Issuer are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Bonds as the same become due.

Redemption Prior to Maturity. The Bonds are subject to redemption prior to maturity, as set forth in the Bond Resolution.

Book-Entry System. The Bonds are being issued by means of a book-entry system with no physical distribution of bond certificates to be made except as provided in the Bond Resolution. One Bond certificate with respect to each date on which the Bonds are stated to mature or with respect to each form of Bonds, registered in the nominee name of the Securities Depository, is being issued and required to be deposited with the Securities Depository and immobilized in its custody. The book-entry system will evidence positions held in the Bonds by the Securities Depository’s participants, beneficial ownership of the Bonds in authorized denominations being evidenced in the records of such participants. Transfers of ownership shall be effected on the records of the Securities Depository and its participants pursuant to rules and procedures established by the Securities Depository and its participants. The Issuer and the Bond Registrar will recognize the Securities Depository nominee, while the Registered Owner of this Bond, as the owner of this Bond for all purposes, including (i) payments of principal of, and redemption premium, if any, and interest on, this Bond, (ii) notices and (iii) voting. Transfer of principal, interest and any redemption premium payments to participants of the Securities Depository, and transfer of principal, interest and any redemption premium payments to beneficial owners of the Bonds by participants of the Securities Depository will be the responsibility of such participants and other nominees of such beneficial owners. The Issuer and the Bond Registrar will not be responsible or liable for such transfers of payments

or for maintaining, supervising or reviewing the records maintained by the Securities Depository, the Securities Depository nominee, its participants or persons acting through such participants. While the Securities Depository nominee is the owner of this Bond, notwithstanding the provision hereinabove contained, payments of principal of, redemption premium, if any, and interest on this Bond shall be made in accordance with existing arrangements among the Issuer, the Bond Registrar and the Securities Depository.

Transfer and Exchange. EXCEPT AS OTHERWISE PROVIDED IN THE BOND RESOLUTION, THIS GLOBAL BOND MAY BE TRANSFERRED, IN WHOLE BUT NOT IN PART, ONLY TO ANOTHER NOMINEE OF THE SECURITIES DEPOSITORY OR TO A SUCCESSOR SECURITIES DEPOSITORY OR TO A NOMINEE OF A SUCCESSOR SECURITIES DEPOSITORY. This Bond may be transferred or exchanged, as provided in the Bond Resolution, only on the Bond Register kept for that purpose at the principal office of the Bond Registrar, upon surrender of this Bond, together with a written instrument of transfer or authorization for exchange satisfactory to the Bond Registrar duly executed by the Registered Owner or the Registered Owner's duly authorized agent, and thereupon a new Bond or Bonds in any Authorized Denomination of the same maturity and in the same aggregate principal amount shall be issued to the transferee in exchange therefor as provided in the Bond Resolution and upon payment of the charges therein prescribed. The Issuer shall pay all costs incurred in connection with the issuance, payment and initial registration of the Bonds and the cost of a reasonable supply of bond blanks. The Issuer and the Paying Agent may deem and treat the person in whose name this Bond is registered on the Bond Register as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes. The Bonds are issued in fully registered form in Authorized Denominations.

Authentication. This Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Bond Resolution until the Certificate of Authentication and Registration hereon shall have been lawfully executed by the Bond Registrar.

IT IS HEREBY DECLARED AND CERTIFIED that all acts, conditions, and things required to be done and to exist precedent to and in the issuance of this Bond have been properly done and performed and do exist in due and regular form and manner as required by the Constitution and laws of the State of Kansas, and that the total indebtedness of the Issuer, including this series of bonds, does not exceed any constitutional or statutory limitation.

BOND ASSIGNMENT

FOR VALUE RECEIVED, the undersigned do(es) hereby sell, assign and transfer to

(Name and Address)

(Social Security or Taxpayer Identification No.)

the Bond to which this assignment is affixed in the outstanding principal amount of \$_____, standing in the name of the undersigned on the books of the Bond Registrar. The undersigned do(es) hereby irrevocably constitute and appoint _____ as agent to transfer said Bond on the books of said Bond Registrar with full power of substitution in the premises.

Dated _____

Name

Social Security or
Taxpayer Identification No.

Signature (Sign here exactly as name(s)
appear on the face of Certificate)

Signature guarantee:

By _____

LEGAL OPINION

The following is a true and correct copy of the approving legal opinion of Gilmore & Bell, P.C., Bond Counsel, which was dated and issued as of the date of original issuance and delivery of such Bonds:

GILMORE & BELL, P.C.

2405 Grand Boulevard
Suite 1100
Kansas City, Missouri 64108

(PRINTED LEGAL OPINION)

City of Mission	Item Number:	2.
ACTION ITEM SUMMARY	Date:	October 6, 2021
Administration	From:	Audrey McClanahan

Action items require a vote to recommend the item to full City Council for further action.

RE: September 1, 2021 Finance & Administration Committee Minutes.

RECOMMENDATION: Review and accept the September 1, 2021 minutes of the Finance & Administration Committee.

DETAILS: Minutes of the September 1, 2021 Finance & Administration Committee meeting are presented for review and acceptance. At the committee meeting, if there are no objections or recommended corrections, the minutes will be considered accepted as presented.

Draft minutes are linked to the City Council agenda packet so that the public may review the discussion from the committee meeting in advance of the Council action on any particular item.

CFAA CONSIDERATIONS/IMPACTS: N/A

Related Statute/City Ordinance:	NA
Line Item Code/Description:	NA
Available Budget:	NA



MINUTES OF THE MISSION FINANCE & ADMINISTRATION COMMITTEE

September 1, 2021

The Mission Finance & Administration Committee met at the Powell Community Center and virtually via ZOOM on Wednesday, September 1, 2021. The following Committee members were present: Sollie Flora, Ken Davis, Arcie Rothrock, Trent Boultinghouse, Hillary Parker Thomas, Debbie Kring and Nick Schlossmacher. Mayor Appletoft and Councilmember Inman were absent. Councilmember Kring called the meeting to order at 7:25 p.m.

The following staff were present: City Administrator Laura Smith, Assistant City Administrator Brian Scott, City Clerk Audrey McClanahan, Assistant to the City Administrator Emily Randel, Public Works Director Celia Duran, Public Works Superintendent Brent Morton, Parks & Recreation Director Penn Almoney and Police Chief Dan Madden.

Public Comments

Resolution Approving a Master Capital Improvement Plan (CIP) for the City of Mission

Ms. Smith reported that in June 2021, the City Council passed Charter Ordinance 32, which was necessary in order to proceed with issuing of general obligation bonds to finance all or a portion of the cost of updating our streetlight network and converting the streetlight system to LED. The Kansas Constitution allows cities to exercise home rule powers – including approval of charter ordinances which exempt cities from non-uniform enactments of the State Legislature. K.S.A. 14-570 and K.S.A. 14-571 related to public improvements and the issuance of general obligation bonds for such purposes. Charter Ordinance 32 exempted the City of Mission from the provisions of K.S.A. 14-570 and K.S.A. 14-571, and authorized the City to issue General Obligation bonds for public improvements, without need for a public vote, when the bonds are in an amount sufficient to carry out a master plan for public improvements that has been approved by the Governing Body.

The City can proceed to finance the public improvements, specifically the conversion of the streetlight network to LED, and a master plan for public improvements has been proposed that is related to acquisition of equipment, vehicles or personal property to be used in relation to these improvements. The Master Plan must be approved by the Governing Body, through a resolution, prior to issuance of any debt. The other requirements imposed on cities when issuing debt still apply to any debt considered in accordance with a Charter Ordinance of this type.

Councilmember Davis recommended the resolution approving the Capital Improvement Master Plan for the City of Mission and communicating the City's expectations to finance certain costs for the street light program in the maximum amount of \$422,000 plus capitalized interest, interest on any temporary financing, and costs of issuance be forwarded to Council for approval. All on the Committee agreed, this will be on the regular agenda.

Resolution Authorizing the Sale of General Obligation Bonds, Series 2021A
(FCIP Improvements)

Ms. Smith explained that this resolution signals the City's intent to take the General Obligation Bonds, Series 2021A to the market on October 20, 2021. The pre-sale report for this issue was prepared by Ehlers and describes the purpose and intent of the financing as well as the anticipated debt service schedule. The resolution has been prepared by the City's Bond Counsel, Gilmore & Bell. The proposed issue includes financing to make improvements identified as a part of the Facility Conservation Improvement Program (FCIP) as well as replacement of the pool filter at the Powell Community Center. Debt service on these bonds is anticipated to be paid from energy and operations and maintenance savings which will occur in the General Fund as well as other General Fund revenues. The City will request a new rating on these bonds from Standard & Poor's. In order to obtain the lowest interest cost, the City will solicit competitive bids. The Set Sale Resolution does not commit the City to the financing, and is used to authorize staff, our Financial Advisor and our Bond Counsel to proceed with preparing the offering documents.

Bruce Kimmel from Ehlers presented on the pre-sale report. He explained that debt service on this financing will be paid for by property taxes and other general revenue such as energy savings. The term of the bond will be for fifteen years which will require debt service from 2022-2036. After seven years from the first payment date, there will be discussions with Standard & Poor's on the City's rating as part of the bond issuance process. Currently, the City is rated excellent at AA+ and there is no indication of stress on that rating. There will be a competitive bond sale with the winning underwriter offering to pay more than the \$3.4 million for these bonds. After the resolution is approved at the September 15 legislative meeting, Ehlers will distribute the official statement during the week of October 4.

Councilmember Flora asked for clarification as to why the City is extending the issuance time period to fifteen years, instead of general policy of ten years. Mr. Kimmel explained that since CTS Group contract shows more savings over a longer period time and the City is trying to pay as much of this debt with those energy savings, it felt appropriate to go with the fifteen year financing option. Ms. Smith added that those energy savings are guaranteed as part of the CTS contract for the first three years of the project.

Councilmember Kring thanked Mr. Kimmel, adding that he always does a great job explaining the information and the City enjoys the relationship it has with Ehlers.

Councilmember Davis recommended the resolution setting the sale at 10 a.m. on October 20, 2021 for General Obligation Bonds, Series 2021A which will fund improvements identified as a part of the Facility Conservation Improvement Program (FCIP) as well as replacement of the pool filter at the Powell Community Center be forwarded to Council for approval. All on the Committee agreed, this will be on the regular agenda.

Budget Public Hearing Explanation and Requirements

Councilmember Kring reported that the official Budget Hearing would be held at the legislative meeting on September 15. Mr. Scott explained that Senate Bill 13, which was adopted by the Kansas Legislature and signed into law by Gov. Kelly in 2021 repeals K.S.A 79-2925, which required taxing jurisdictions to obtain voter approval for any proposed increase in the mill levy. Senate Bill 13, instead, stipulates that a “revenue neutral rate” be determined for each taxing jurisdiction in the county by the county clerk. This revenue neutral rate is determined by taking the amount of ad valorem tax revenue levied in the prior year and dividing by the current year’s assessed valuation estimates, and then expressing that number as a mill (a mill being \$1 per \$1,000 of assessed value).

If a taxing jurisdiction wishes to exceed the revenue neutral rate, then it must hold a public hearing no sooner than August 20th and no later than September 20th. The County Clerk must be notified of the public hearing date and the proposed mill rate by July 20th. For 2022, a public notice of the hearing must be published in the paper of general circulation in the county. The City has expressed to the County Clerk its intent to exceed the Revenue Neutral Rate for the City Budget and the Rock Creek Drainage Districts #1 and #2 by keeping the current mill rate established last year. A public hearing on the budget and the intent to exceed the revenue neutral rates for the three entities will be held at the City Council meeting on September 15, 2021 at 7:00 PM at the Powell Community Center in connection with the City Council’s regularly scheduled legislative meeting.

Acceptance of the August 4, 2021 Finance and Administration Committee Minutes

Minutes of the August 4, 2021 Finance and Administration Committee Meetings were provided to the Committee. There being no objections or corrections, the minutes were accepted as presented.

2021 Classification and Compensation System Recommendations

Ms. Smith explained that the classification and compensation system is important because personnel is the largest expense on the budget every year. The City relies heavily on our employees to have success in delivering the programs and services provided to residents and businesses. A structured compensation plan also helps the City recruit qualified candidates by clearly communicating expectations to those individuals interested in employment with the City. It will reduce the risk of employee turnover and provide a clearer pathway for professional development and allow for the opportunity for promotion and salary growth. Administratively, it will assist staff in evaluating both external and internal equity questions.

In March 2017, the City contracted with The Austin Peters Group (APG) to conduct the classification and compensation study. During the 2017 process, the City sought input from the consultant to review market data, and to identify any potential structural deficiencies that existed.

In late 2020, due to attrition/retirement of several long-tenured employees, the introduction of new positions, and continually evolving roles and responsibilities in several departments, APG was engaged for a review and update to Mission's classification and compensation system which included a market analysis and recommendations regarding range and compression adjustments.

Earlier this year, staff presented the APG report to Council to confirm a desired or appropriate market position. Staff recommended maintaining the 2017 philosophy adopted to remain competitive at the 60th percentile, and Council generally agreed. In addition to confirming a preferred market position, several position reclassifications and a restructuring in the Police Department were presented and reviewed. Council had several questions around some of these changes which were reviewed in subsequent meetings, and ultimately supported. With the general direction and consensus of the Council in place, staff was then able to begin developing a specific implementation strategy and refined costs to be considered as a part of the 2021 Revised and 2022 Recommended Budget discussions with implementation in fall 2021.

The memorandum and resolution outlined staff recommendations related to updates to Mission's Classification and Compensation Plan for Council's consideration and included:

- Reaffirm the compensation philosophy adopted in 2017 and communicates the City's overall objectives and intent.
- Adopt the proposed salary structures effective September 19, 2021 and represents Mission competing at the 60th percentile in the market.
- Authorize the City Administrator to implement the one-time pay compression adjustments and annual merit increases for any employee not eligible for a market adjustment with the October 1, 2021 payroll to improve Mission's competitiveness with the market and assist with employee retention.
 - Total estimated financial impact in the 2022 Recommended budget is approximately \$220,000.

Councilmember Flora commented that she appreciates staff bringing this forward and implementing it sooner for employees, adding that she supports funding this plan and it really adheres to the City's values. Councilmember Flora thanked staff for all their hard-work over this challenging period of time.

Councilmember Davis clarified that performance reviews are all completed at the same time and not on employment anniversaries.

Councilmember Kring commended Ms. Smith on her work and presenting the information in a comprehensive structure for effective position breakdown and understanding.

Councilmember Thomas commented that she supports the recommendation and asked about lifeguards being included in the pay increase. Ms. Smith explained that they are not included in this schedule but staff is working around those adjustments for next season and will bring back recommendations to the Council.

Councilmember Rothrock appreciated all pay adjustments being handled efficiently and thanked staff for their hard-work.

Councilmember Davis recommended the resolution outlining the recommendations and implementation schedule for changes to Mission's employee Classification and Compensation Plan be forwarded to Council for approval. All on the Committee agreed, this will be on the regular agenda.

Adoption of 2022 Budget

Ms. Smith explained that the final Budget Public Hearing would take place at the September 15 legislative meeting but highlighted items that had been recently finalized. Due to COVID-19 impacts, the City initially took a conservative approach when constructing the 2022 budget. However, after close monitoring, revenue projections continue to increase from a sales tax perspective and even outperforms the 2019 estimates. The Community Center revenues needed to be reduced and the City was able to incorporate the American Rescue Plan Act funding (ARPA). From a revenue perspective there is no change anticipated and expenses will be continually assessed from each department director.

Next, Ms. Smith provided an overview of capital and supplemental considerations which are included in the budget and will be presented during the public hearing. These considerations included purchase and installation of access card readers and security camera upgrades. There will also be the Community Center feasibility study which will help assess long-term sustainability and viability of the center. The Public Works facility will have an automatic gate installed at the entrance, the reclassification of the computer information specialist position and finally, the ADA plan to meet compliance at all City facilities. In the 2022 budget, there will be items for consulting services for financial management software implementation, replacement of fifteen laptop computers, further marketing materials, addition of a second mental health co-responder and Public Works equipment replacement. At the Budget Hearing, the proposed budgets for the City as well as Rock Creek Drainage Districts #1 and #2 will need to be considered with two separate resolutions.

Councilmember Davis recommended the 2021 Revised and 2022 Recommended Budgets for the City of Mission, Rock Creek Drainage District #1 and Rock Creek Drainage District #2 be forwarded to Council for approval. All on the Committee agreed, this will be on the regular agenda.

2022 Budget Resolution

Ms. Smith reported that as a part of the annual budget process, the City Council adopts a budget resolution which outlines and describes the financial policies, tax and fee structures and other related issues identified in a particular fiscal year. It is a tool which helps communicate the policies that are driving the implementation of the budget and outlines the various fees and tax components that are incorporated. The resolution will meet the Senate Bill 13 requirement to

exceed the revenue neutral rate which is the common position among other cities. It will equate to about \$135,000 for the City which is less than one mill in total. The resolution helps present the priorities that the Governing Body has on the operating and capital side. Finally, it will provide the opportunity for direction for Council to give to staff each year for items to pursue in the following year's budget process.

The resolution has been prepared based on the staff, Council and public input received to date in the budget process. If, following the 2022 Budget Public Hearing on September 15, 2021, any changes are recommended, the resolution will be revised during the September 15 City Council meeting.

Councilmember Davis recommended the 2022 Budget Resolution outlining the policy decisions, mill levies, and fees included in the City of Mission, Rock Creek Drainage District #1 and Rock Creek Drainage District #2 budgets for 2022 be forwarded to Council for approval. All on the Committee agreed, this will be on the regular agenda.

2022-2026 CIP Resolution

Ms. Smith explained that there is a second resolution adopting the five-year Capital Improvement Program (CIP) which allows for the communication of certain policies. The revenues and expenses programmed in the CIP for 2022 are included in the 2022 Recommended Budget in the appropriate funds. The remainder of the CIP is designed to be fluid and flexible in order to evaluate and address changes in resources or priorities in future years. Projects which have been identified or discussed in the current or previous years but were not specifically included in the 2022-2026 CIP may be included as a part of the resolution and are also tracked internally as a record/reminder of historical considerations and discussions. These projects may eventually be programmed within the 5-year plan as a part of future budget discussions. Approval of the 2022-2026 CIP does not commit the City to any specific expenditures beyond those detailed in the 2022 Budget. Additionally, contracts to proceed with projects included in the 2022 CIP will be brought forward for formal Council approval as appropriate.

Ms. Smith thanked Council and staff for all their time and effort spent on the budget. Councilmember Kring thanked Ms. Smith, commenting that she had done an amazing job clarifying and providing comprehensive information.

Councilmember Davis recommended the Resolution adopting the City of Mission's 2022-2026 Capital Improvement Program (CIP) be forwarded to Council for approval. All on the Committee agreed, this will be on the regular agenda.

Revisions to Municipal Code Regarding Alcoholic Liquor and Cereal Malt Beverage

Ms. Randel reported that in 2021, the Kansas Legislature approved House Bill 2137 eliminating Kansas residency requirements for licensure and expanding the authorized hours for retail sales of alcoholic liquor and cereal malt beverages (CMB). The proposed ordinance amends the City

Code to eliminate Kansas residency requirements and expand the authorized hours of retail sales of alcoholic liquor and CMB to 9 AM on Sundays except on Easter, Thanksgiving Day and Christmas Day. Under previous State law, alcoholic liquor and CMB could not be sold prior to 12 PM on Sundays. Pursuant to K.S.A. 41-2911 (b)(1)(A), the City must pass an ordinance expanding the hours of sales. The City may draft the ordinance without an election, but it is subject to a 60-day waiting period during which a petition for an election can be filed. Such ordinance must be published at least once each week for two consecutive weeks in the official City newspaper. The section shall take effect sixty-one (61) days after final publication or on November 29, 2021, whichever is later, unless a sufficient petition for a referendum is filed, requiring a referendum to be held on the Section as provided in accordance with State law, in which case this Section shall become effective upon approval by a majority of the electors voting thereon.

Councilmember Davis recommended the ordinance amending the City Code regarding alcoholic liquor and cereal malt beverage (CMB) licensing, hours of retail sales and consumption and possession on certain public property be forwarded to Council for approval. All on the Committee agreed, this will be on the consent agenda.

Resolution Declaring Surplus Property

Mr. Scott explained that City Council Policy No. 111 defines the process and procedure for the sale and disposal of real and personal property by the City which is also outlined in K.S.A. 12-101. Each department, in consultation with the finance director, will be responsible for determining the best method for disposal in accordance with Council Policy and State law. Items to be declared as surplus are Public Works equipment including a backhoe, pickup truck, and sign making equipment. The Police Department is declaring a motorcycle and a seized vehicles surplus, and the Administration Department has declared miscellaneous computer equipment. The Public works and Police surplus items will be sold via on-line auction. The computer equipment has no residual value and will have all hard drives erased before they are disposed of in an environmentally appropriate manner.

Councilmember Schlossmacher asked and Mr. Scott confirmed that the vehicles will be sold through an online action called Purple Wave.

Councilmember Davis recommended the resolution providing for the sale/disposal of surplus equipment from various Departments be forwarded to Council for approval. All on the Committee agreed, this will be on the consent agenda.

City Sponsored Special Events – Mission Summer Family Picnic

Ms. Smith explained that earlier this year a resolution was brought to Council for the Mission Family Picnic to allow a beer garden at the event. However, due to weather, it needed to be rescheduled. Due to Ordinance No. 1172 the City Council must pass a resolution each year designating specific events to be held in that calendar year. Any vendor providing alcohol at an approved event is required to obtain a temporary/special event license from both the State of



Kansas and the City. Vendors are limited to four temporary/special event permits per calendar year.

The Parks + Recreation staff originally recommended that the City consider offering a beer tent in connection with the Mission Family Picnic in Broadmoor Park. It is anticipated that the Shawnee Mission Rotary Club would be staffing the beer tent for the event. The event has tentatively been rescheduled for Saturday, October 9, 2021. As a result, the resolution passed in June needed to be updated to designate the Mission Family Picnic on Saturday, October 9, 2021 from 5 p.m. until 10 p.m. as a City Sponsored Festival Event.

Councilmember Davis recommended the resolution designating the Mission Family Picnic on Saturday, October 9, 2021 from 5 p.m. until 10 p.m. in Broadmoor Park as a City Sponsored Festival Event for 2021 be forwarded to Council for approval. All on the Committee agreed, this will be on the consent agenda.

Fireworks Permit Approval

The Mission Family Picnic was previously scheduled for July 10, 2021 and was cancelled due to weather conditions. The picnic has been rescheduled for Saturday, October 9, 2021, requiring the permit approval to be updated. The previously approved permit is included in the packet and staff is currently working with the fireworks vendor to update the dates accordingly. In accordance with Mission's Municipal Code, the City Council must approve a fireworks permit for any display conducted by a professional operator in our Community. Funds were budgeted in 2020 for the event and carried over into 2021. The total amount paid for the fireworks was \$3,169.

Councilmember Flora asked if the City's insurance covered any damage from the fireworks. Mr. Almoney replied that the firework company's insurance would cover damages. The property owner's approval is based on the condition that the winds are less than five miles per hour.

Councilmember Davis recommended a fireworks permit for Wald & Company for a fireworks display to be held in connection with the Mission Summer Family Picnic on Saturday, October 9, 2021 at Broadmoor Park be forwarded to Council for approval. All on the Committee agreed, this will be on the consent agenda.

Discussion Items

OTHER

Department Updates

Chief Madden reported that Officer Fler has retired from the Police Department and his accomplishments were celebrated with a retirement party at Andersen Park. Councilmember Davis thanked Chief Madden and commented that the retirement party was nicely put together.



Mr. Scott informed the Council that he contacted Mainstreet Credit Union and they reported their plans to demolish the old Barn Players building in September. They decided to utilize the space as extra parking which will be especially useful when there is NEJC Chamber events and staff training. There are also two long-time businesses on Johnson Drive that are closing which are Bearde Salon and Melange Dance and Events.

Councilmember Thomas asked for an update on Mission Bowl. Mr. Scott reported that the developers are moving along and he expects construction drawings soon. Ben Chocie, Mission resident, explained that he spoke with the developers and they informed him they could possibly start work as soon as September 17.

Councilmember Kring commented how fortunate the City is to have professional staff and department directors that provide such clarity in their service, adding that she is very proud to work in this Community.

Ms. Smith reported that Mission's Candidate Forum has been scheduled for September 21, with a forum for the mayoral candidates and another forum for the council candidates, at the Powell Community Center.

Meeting Close

There being no further business to come before the Committee, the meeting of the Finance and Administration Committee adjourned at 8:35 p.m.

Respectfully submitted,

Audrey M. McClanahan
City Clerk

City of Mission	Item Number:	3.
ACTION ITEM SUMMARY	Date:	October 6, 2021
Administration	From:	Laura Smith

Action items require a vote to recommend the item to the full City Council for further action.

RE: Ordinance Authorizing the Imposition of a Special $\frac{3}{8}$ -percent (0.375%) Citywide Retailers' Sales Tax to Finance Transportation Related Improvements

RECOMMENDATION: Approve the ordinance imposing the special $\frac{3}{8}$ -percent citywide retailers' sales tax to finance transportation related improvements and providing notice to the State Director of Taxation requesting the sales tax commence on April 1, 2022 and expire on March 30, 2032.

DETAILS: For the last 12-18 months the City Council has been working to update the comprehensive street maintenance program to make decisions regarding renewal of the existing, dedicated $\frac{1}{4}$ -cent street sales tax approved in December 2011 and sunseting in March 2022. Based on the needs identified, and resident's willingness to support increased investment in street maintenance, the Council elected to ask voters to consider renewing the special sales tax an increased rate of $\frac{3}{8}$ -cent.

Mission voters were presented with the following question via a September 2021 mail ballot election:

"Shall the City of Mission, Kansas, be authorized to renew the citywide retailers' sales tax currently imposed at one-fourth percent (0.250%) and impose such sales tax at an increased rate of three-eighths percent (0.375%), the collection of which shall commence on April 1, 2022 or as soon thereafter as permitted by law, and shall terminate ten years after its commencement, the proceeds of which shall be used to finance the costs of transportation improvements, including the construction and reconstruction of streets, bridges, sidewalks, curbs, gutters, trails, transit facilities, bicycle lanes, street lighting, traffic signalization, signage and landscape along rights-of-way and related improvements (the "Project"); all pursuant to the provisions of K.S.A. 12-187 et seq. and K.S.A. 25-431 et seq., as amended?"

Voter turnout for the mail ballot election was 23.97%. The election results were certified on September 28, 2021 by the Johnson County Election Office as follows:

Total Votes Cast		1,650
Yes	1,273	77.15%
No	377	22.85%

The final step in the process requires the City Council to pass an ordinance to formally impose/levy the sales tax and provides for notice to be provided to the State Director of

Related Statute/City Ordinance:	K.S.A 12-187 et seq.
Line Item Code/Description:	NA
Available Budget:	NA

City of Mission	Item Number:	3.
ACTION ITEM SUMMARY	Date:	October 6, 2021
Administration	From:	Laura Smith

Action items require a vote to recommend the item to the full City Council for further action.

Taxation that the sales tax will become effective on April 1, 2022 and expire on March 30, 2032. The ordinance has been prepared by Gilmore & Bell for Council consideration.

CFAA CONSIDERATIONS/IMPACTS: Maintaining an efficient street network in both residential and commercial areas of the community allow for residents and visitors to safely travel to and from home, work, school, and shopping.

Related Statute/City Ordinance:	K.S.A 12-187 <i>et seq.</i>
Line Item Code/Description:	NA
Available Budget:	NA

**EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF MISSION, KANSAS
HELD ON OCTOBER 20, 2021**

The governing body met in regular session at the usual meeting place in the City of Mission at 7:00 p.m. The Mayor presided and the following members of the governing body were present:

The following members of the governing body were absent:

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

(Other Proceedings)

Thereupon, an Ordinance was presented entitled:

**AN ORDINANCE OF THE CITY OF MISSION, KANSAS, AUTHORIZING THE
IMPOSITION OF A SPECIAL THREE-EIGHTHS PERCENT (0.375%)
CITYWIDE RETAILERS' SALES TAX TO FINANCE THE COSTS OF
TRANSPORTATION IMPROVEMENTS AND RELATED COSTS FOR A
PERIOD OF TEN YEARS.**

Thereupon, Councilmember _____ moved that said Ordinance be passed. The motion was seconded by Councilmember _____. Said Ordinance was duly read and considered, and upon being put, the motion for the passage of said Ordinance was carried by the vote of the governing body, the vote being as follows:

Aye:

Nay:

Thereupon, the Mayor declared said Ordinance duly passed and the Ordinance was then duly numbered Ordinance No. _____, was signed and approved by the Mayor and attested by the Clerk and was directed to be published one time in the official newspaper of the City. The City Clerk was further directed to forward a certified copy of the Ordinance to the State Director of Taxation.

* * * * *

(Other Proceedings)

CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the governing body of City of Mission, Kansas held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(SEAL)

City Clerk

(PUBLISHED IN *THE LEGAL RECORD* ON OCTOBER ____, 2021)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MISSION, KANSAS, AUTHORIZING THE IMPOSITION OF A SPECIAL THREE-EIGHTHS PERCENT (0.375%) CITYWIDE RETAILERS' SALES TAX TO FINANCE THE COSTS OF TRANSPORTATION IMPROVEMENTS AND RELATED COSTS FOR A PERIOD OF TEN YEARS.

WHEREAS, by Resolution No. 1080 adopted by the Governing Body of City of Mission, Kansas (the "City") on June 16, 2021, the Governing Body authorized and provided for a special question election in the City for the purpose of submitting to the qualified electors of the City the proposition to impose a three-eighths percent (0.375%) citywide retailers' special purpose sales tax, the collection of which to commence on April 1, 2022 or as soon thereafter as permitted by law and shall terminate ten years after its commencement, the proceeds of which shall be used to finance the costs of transportation improvements, including the construction and reconstruction of streets, bridges, sidewalks, curbs, gutters, trails, transit facilities, bicycle lanes, street lighting, traffic signalization, signage and landscape along rights-of-way and related improvements (the "Sales Tax") pursuant to the authority of K.S.A. 12-187 *et seq.*, (the "Sales Tax Act"); and

WHEREAS, a special question mail ballot election was held in the City on September 21, 2021 at which time there was submitted to the qualified electors of the City the aforementioned proposition, and a majority of the qualified electors of the City voting on this proposition voted in favor thereof; and

WHEREAS, pursuant to the Sales Tax Act and the results of the aforementioned special question election, the Governing Body deems it necessary and advisable to authorize the imposition of the Sales Tax.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MISSION, KANSAS, AS FOLLOWS:

SECTION 1. The imposition of the Sales Tax is hereby authorized pursuant to the provisions of the Sales Tax Act.

SECTION 2. The City Clerk shall provide a certified copy of this Ordinance to the State Director of Taxation and request that the Sales Tax commence on April 1, 2022 and shall expire on March 30, 2032.

SECTION 3. This Ordinance shall take effect and be in full force from and after its passage by the governing body of the City, approval by the Mayor and publication in the official City newspaper.

PASSED by the governing body of the City on October 20, 2021 and **APPROVED AND SIGNED** by the Mayor.

(SEAL)

Ronald E. Appletoft, Mayor

ATTEST:

Audrey McClanahan, City Clerk

STATISTICS

	TOTAL
Registered Voters - Total	6,897
Ballots Cast - Total	1,653
Ballots Cast - Blank	3
Voter Turnout - Total	23.97%

City of Mission City of Mission

Vote For 1

	TOTAL	VOTE %
Yes	1,273	77.15%
No	377	22.85%
Total Votes Cast	1,650	100.00%
Overvotes	0	
Undervotes	3	
Contest Totals	1,653	

City of Mission	Item Number:	4.
ACTION ITEM SUMMARY	Date:	October 6, 2021
POLICE	From:	Kirk Lane

Action items require a vote to recommend the item to full City Council for further action.

RE: Adoption of the *Standard Traffic Ordinance (STO)* and *Uniform Public Offense Code (UPOC) Code Books for 2021*, and deletion of Chapter 215, Article III of Mission’s Municipal Code related to drugs.

RECOMMENDATION: Approve the ordinances adopting the 2021 editions of the *Standard Traffic Ordinance for Kansas Cities-48th edition (STO)* and the *Uniform Public Offense Code for Kansas Cities-37th edition (UPOC)*, as published by the League of Kansas Municipalities. In addition, approve an ordinance deleting *Chapter 215, Article III, Offenses Concerning Drugs from the Code of the City of Mission*.

DETAILS: The *Uniform Public Offense Code* and the *Standard Traffic Ordinance* have been published by the League of Kansas Municipalities since 1980. They are updated each legislative session and are designed to provide a comprehensive public offense ordinance and a comprehensive traffic code for Kansas cities. They do not take effect in a city until the Governing Body has passed and published ordinances incorporating them. When properly incorporated by reference, it is not necessary to publish the entirety of the codes, just the ordinances.

Currently, the police department and court are utilizing the 2020 versions of the above referenced codes. The 2021 versions became effective July 1, 2021, but we wait until the updated (printed) versions are available through the League before bringing the action item forward to the City Council. To maintain uniformity with agencies in the area, the State of Kansas, and the actions of the State Legislature, it is recommended that these codes be adopted. The City also has the ability to use the ordinances to address local issues which the City may want to address differently.

There were minor changes and additions made to the 2021 version of the STO, which include:

- The addition of section 10.1, *Funeral Processions*, which allows for funeral escorts to direct traffic, disregard traffic control devices, and requires notification of a funeral procession to be made to the Police Department. This new section also spells out expectations of drivers in funeral processions.
- Section 119, *Parades and Processions*. This section was amended to remove

Related Statute/City Ordinance:	
Line Item Code/Description:	01-30-206-03 Publications
Available Budget:	\$2,500

City of Mission	Item Number:	4.
ACTION ITEM SUMMARY	Date:	October 6, 2021
POLICE	From:	Kirk Lane

Action items require a vote to recommend the item to full City Council for further action.

funeral processions due to the new section 10.1 which now addresses funeral processions separately. Similar to section 10.1, this requires that the Chief of Police be notified of any parade of persons or vehicles that is scheduled to occur. The Chief of Police, or a designee then determines if a police escort is warranted.

- Section 31, *Fleeing or Attempting to Elude a Police Officer* was updated to reflect the language in SB 60 where the intent language was modified from “willfully” to “knowingly.”
- Section 40.2, *Passing a Stationary Authorized Utility or Telecommunications Vehicle* was added. This new section requires drivers to move over and/or slow down when passing a stationary utility or telecommunications vehicle similar to the language regarding passing a stationary emergency vehicle.
- Section 126.1, *Display of License Plate* was added, which regulates the location of license plates on a vehicle, as well as forbidding license plate covers which cover all or part of a license plate.
- Section 201.1, *Failure to Comply with a Traffic Citation* was amended to include a process for waiving fines and/or court costs in the event paying the fines would create a hardship.

The UPOC also amended and added several sections in the 2021 version. Of particular interest are:

- Section 3.2.1, *Sexual Battery* was amended to remove the spousal exception.
- Section 6.7.2, *Trespassing on a Critical Infrastructure Facility* was added and will have implications in Mission at the AT&T building, Entercom, the JCW Nelson Wastewater facility, other JCW pumping stations, WaterOne facilities in Waterworks Park, and cell tower locations. This raises the severity to a Class A Misdemeanor.
- Section 7.5, *Distribution of Unattributed Applications for Advance Voting Ballots*, was added to include requirements for disclosure of the group or organization responsible for distributing the information.
- Section 7.14, *Electioneering* was amended to include limitations for when a ballot can be handled by a candidate.
- Section 9.3, *Violation of Executive Order* was added which allows an enforcement mechanism for persons who knowingly violate an Executive Order that mandates a curfew or prohibits public entry into an area affected by a

Related Statute/City Ordinance:	
Line Item Code/Description:	01-30-206-03 Publications
Available Budget:	\$2,500

City of Mission	Item Number:	4.
ACTION ITEM SUMMARY	Date:	October 6, 2021
POLICE	From:	Kirk Lane

Action items require a vote to recommend the item to full City Council for further action.

disaster.

The City has historically chosen to not adopt the following sections of the STO and UPOC due to having existing ordinances that better fit the Mission's needs:

In the *Standard Traffic Ordinance* those include:

- Article 7, Section 33 relating to maximum speed limits is deleted. Maximum speed limits are regulated by the Mission Municipal Code Section 310.010
- Article 20, section 204(b) relating to fines in school zones is deleted. School zone fines are regulated by Mission Municipal Code Section 300.035.

In the *Uniform Public Offense Code* those include:

- Article 10, Sections 10.24, 10.25, and 10.26 relating to smoking prohibitions are deleted. Smoking restrictions are regulated by Mission Municipal Code Chapter 225, Article III.
- Article 11, Section 11.11 relating to animal cruelty is deleted. Animal cruelty is regulated by Mission Municipal Code Chapter 210, Section 210.160.
- Article 11, Section 11.15 relating to dangerous animals at large is deleted. Dangerous animals at large are regulated by Mission Code, Chapter 210, Section 210.150.

Along with the printed code books, licenses for electronic versions of the STO and UPOC were purchased so that the information can be placed on the City's website and on computers in patrol vehicles and workstations used by the court and police department personnel. The cost for updated ordinances was \$893.18.

During the review of the STO and UPOC updates staff realized the city code relating to drug offenses had not been deleted after the UPOC began including all drug offenses. To insure there is no competition among ordinances, the City Attorney recommends deleting Chapter 215, Article III, Offenses Concerning Drugs from Mission's Municipal codes.

There are two ordinances that have been prepared for Council action to adopt these

Related Statute/City Ordinance:	
Line Item Code/Description:	01-30-206-03 Publications
Available Budget:	\$2,500

City of Mission	Item Number:	4.
ACTION ITEM SUMMARY	Date:	October 6, 2021
POLICE	From:	Kirk Lane

Action items require a vote to recommend the item to full City Council for further action.

changes from the 2021 STO and UPOC and fully incorporate them into Mission City Code. An additional ordinance to delete Chapter 215, Article III is also included for consideration. The City Attorney has developed and reviewed the ordinances included in the packet.

CFAA CONSIDERATIONS/IMPACTS: This Ordinance provides authority to the Police Department to enforce violations of traffic and criminal offenses, which aid in the safety, health, and welfare to both residents and visitors of the City of Mission.

Related Statute/City Ordinance:	
Line Item Code/Description:	01-30-206-03 Publications
Available Budget:	\$2,500

2021 Changes to the Standard Traffic Ordinance and Uniform Public Offense Code

Amanda Stanley, General Counsel

The 2021 legislative session was extremely busy. There were 116 bills enrolled, many impacting the Standard Traffic Ordinance (STO) and the Uniform Public Offense Code. This summary is to highlight the changes made to both publications.

Changes to the 48th Edition of the STO

Article 1 Definitions

In Article 1 Definitions, the following have been amended: All-Terrain Vehicle (SB 95), Antique (HB 2165), Golf Cart (SB 95), and Recreational Off-Highway Vehicle (SB 95). There are also new definitions for Authorized Utility or Telecommunication Vehicle (SB 67), Funeral Escort (SB 67), Funeral Lead Vehicle (SB 67), and Funeral Procession (SB 67).

New Section 10.1 Funeral Procession; Section 119 Parades and Processions

SB 67 modified how funerals are treated under the traffic code. The STO previously contained provisions relating to funerals (that the organizers notify the chief of police, and that no driver not involved in the funeral procession insert themselves into the procession of vehicles) in sections 119, Parades and processions, and Section 120 Driving through Procession.

The new requirements in SB 67 are found in New Section 10.1 of the STO. The legislation sets out the duties of both the operators of vehicles in the funeral procession and of other vehicles and pedestrians who encounter funeral processions in the context of traffic laws and right-of-way at intersections. Cities are allowed to require prior notice of a planned funeral procession and make additional requirements that go beyond, but are not in conflict with, the requirements of the act.

Section 119 Parades and Processions has been updated to remove the funeral procession provisions now in New Section 10.1.

Section 30.4 Impounded Motor Vehicle

While this section was not modified, a new editor's note has been added drawing the reader's attention to SB 36 which amended the requirements for the disposition of such vehicle.

Section 31 Fleeing or Attempting to Elude a Police Officer

Section 31 has been amended to match the language in SB 60. The intent requirement has been modified to a knowingly standard (previously a willfully standard). The sentencing language has also been modified. SB 60 elevated certain offenses to a felony.

New Section 40.2 Passing a Stationary Authorized Utility or Telecommunications Vehicle

SB 67 created a new traffic offense for failing to move over when approaching an authorized utility or telecommunications vehicle. This is contained in New Section 40.2.

Section 106 Transportation of Alcoholic Beverage

A new editor's note has been added to Section 106. HB 2137 made several changes to Kansas alcohol statutes regarding liquor and CMB to go; however, K.S.A. 8-1599 regarding the transportation of said liquor or CMB was not amended to reflect the changes. An editor's note has been added to explain this discrepancy and list the requirements establishments must follow under HB 2137.

Section 115 Unlawful Riding on Vehicles; Persons 14 years of age and older

An eagle-eyed city attorney noticed an error in (c)(1) of this section in previous editions. It has been updated accordingly.

New Section 126.1.1 Display of License Plate

Section 126.1.1 has been added to the STO in response to HB 2167 which established new rules for the locations of license plates on certain types of vehicles.

Section 179 Spilling Loads on Highway

Section 179 has been amended to match the changes made in SB 89.

Section 201.1 Failure to Comply with a Traffic Citation

Section 201.1 was amended in SB 127 to allow a person who is assessed a fine or court costs for a traffic citation to petition the court for waiver of payment of the fine or costs at any time if the amount due will impose a manifest hardship on the person or the person's immediate family. The corresponding section has been updated to match the changes to state law.

Changes in the 37th Edition of the UPOC

Section 1.1 Definitions

Two definitions were modified in Section 1.1: Class A Club and Drinking Establishment (HB 2137).

Section 3.2.1 Sexual Battery

Section 3.2.1 was amended to remove the spousal exception to sexual battery per SB 60. The editor's note was also updated in response to *City of Shawnee v. Adem*, 58 Kan. App. 2d 560 (2020).

Section 5.5 Watercraft

Section 5.5 was updated in response to SB 142's new requirements for approved personal flotation devices.

Section 6.2 Intent; Permanently Deprive

SB 60 made changes to this section of law when dealing with the theft of a motor vehicle. Those changes have been added to Section 6.2.

New Section 6.7.2 Trespassing on a critical infrastructure facility

SB 172 created several new criminal offenses. One of the offenses, trespassing on a critical infrastructure facility, is a misdemeanor and has been added to the UPOC in New Section 6.7.2.

New Section 7.1 Unlawfully tampering with electronic monitoring equipment

While not often used, municipal courts can require court ordered supervision in some instances. HB 2026 amended the offense of unlawfully tampering with electronic monitoring equipment. This has been added as new Section 7.1.

New Section 7.5 Distribution of unattributed applications for advance voting ballots

This is a new election offense created in HB 2323. It has been added as new Section 7.5

Section 7.14 Electioneering.

HB 2183 amended the offense of electioneering and added new limitations for when a ballot can be handled by a candidate.

New Section 9.3 Violation of Executive Order under K.S.A 48-925 mandating a curfew or prohibiting public entry

The legislature made several changes to the Kansas Emergency Management Act in SB 40. One change relevant to the UPOC was making certain violations of executive orders mandating a curfew or prohibiting public entry criminal offenses. This has been added as New Section 9.3.

Section 11.3 Commercialization of Wildlife

The Legislature fixed a grammatical error in K.S.A. 32-1005. This has been updated in Section 11.3.

**CITY OF MISSION
ORDINANCE NO. _____**

AN ORDINANCE ADOPTING THE STANDARD TRAFFIC ORDINANCE 48th EDITION, PUBLISHED IN 2021, AND AMENDING THE CODE OF THE CITY OF MISSION.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MISSION, KANSAS AS FOLLOWS:

SECTION 1: The traffic Code of the City of Mission, Chapter 300, Section 300.010 is hereby amended as follows:

CHAPTER 300: GENERAL PROVISIONS

§300.010: INCORPORATING STANDARD TRAFFIC ORDINANCE

There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Mission, Kansas, that a certain "Standard Traffic Ordinance for Kansas Cities," 48th Edition, published in 2021, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such Articles, Sections, parts or portions as are hereby omitted, deleted, modified or changed. No fewer than three (3) copies of the Standard traffic Ordinance shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Mission" with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omissions or change and to which shall be attached a copy of this Chapter and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. The Police Department, Municipal Judge and all administrative departments of the City charged with enforcement of the Ordinance shall be supplied at the cost of the City, such number of official copies of such Standard Traffic Ordinance similarly marked as may be deemed expedient.

SECTION 2: Article 7, Section 33 relating to maximum speed limits is deleted. Maximum speed limits are regulated by the Mission Municipal Code Section 310.010.

SECTION 3: Article 20, Section 204(b) of said Standard Traffic Ordinance relating to fines in school zones is hereby deleted. School zone fines are regulated by Mission Municipal Code Section 300.035.

SECTION 4: This Ordinance shall take effect and be in full force from and after publication as required by law.

PASSED AND APPROVED by the City Council this 20th day of October, 2021.

APPROVED by the Mayor this 20th day of October, 2021.

Ronald E. Appletoft, Mayor

ATTEST:

Audrey M. McClanahan, City Clerk

APPROVED BY:

PAYNE & JONES, CHARTERED

David K. Martin, City Attorney
11000 King, Suite 200
PO Box 25625
Overland Park, KS 66225-5625

ORDINANCE _____

AN ORDINANCE ADOPTING THE UNIFORM PUBLIC OFFENSE CODE, 37TH EDITION, PUBLISHED IN 2021, AND AMENDING THE CODE OF THE CITY OF MISSION.

BE IT ORDAINED by the Governing Body of the City of Mission, Kansas:

SECTION 1: Section 215.010 of the Code of the City of Mission, Kansas is hereby amended by adopting the Uniform Public Offense Code, 37th edition, published in 2021, as follows:

§215.010: Incorporating Uniform Public Offense Code.

There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the City of Mission, Kansas, that a certain code known as the "Uniform Public Offense Code," 37th Edition, published in 2021, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such Articles, Sections, parts or portions as are hereby omitted, deleted, modified or changed. No fewer than three (3) copies of the Uniform Public Offense Code shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Mission" with all Sections or portions thereof intended to be omitted or changed clearly marked to show any such omissions or change and to which shall be attached a copy of this Chapter and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. The Police Department, Municipal Judge and all administrative departments of the City charged with enforcement of the Ordinance shall be supplied at the cost of the City such number of official copies of such Uniform Public Offense Code similarly marked as may be deemed expedient.

SECTION 2: Article 10, Sections 10.24, 10.25, and 10.26 relating to smoking prohibitions are deleted. Smoking restrictions are regulated by Mission Municipal Code Chapter 225, Article III.

SECTION 3: Article 11, Section 11.11 relating to animal cruelty is deleted. Animal cruelty is regulated by Mission Municipal Code Chapter 210, Section 210.160.

SECTION 4: Article 11, Section 11.15 relating to dangerous animals at large is deleted. Dangerous animals at large are regulated by Mission Code, Chapter 210, Section 210.150.

SECTION 5: This Ordinance shall be in full force and effect after publication according to law.

PASSED AND APPROVED by the City Council this day of _____, 2021.

APPROVED by the Mayor this ____ day of _____, 2021.

Ronald E. Appletoft, Mayor

ATTEST:

Audrey M. McClanahan, City Clerk

APPROVED BY:

PAYNE & JONES, CHARTERED

David K. Martin, City Attorney
11000 King, Suite 200
PO Box 25625
Overland Park, KS 66225-5625
(913) 469-4100
(913) 469-8182

**CITY OF MISSION
ORDINANCE NO. _____**

**AN ORDINANCE DELETING CHAPTER 215, ARTICLE III, OFFENSES
CONCERNING DRUGS FROM THE CODE OF THE CITY OF MISSION, KANSAS.**

WHEREAS, THE UNIFORM PUBLIC OFFENSE CODE CONTAINS
PROVISIONS CONCERNING ILLEGAL DRUGS; AND,

WHEREAS DELETING CHAPTER 215, ARTICLE III ELIMINATES THE
POTENTIAL FOR COMPETITION AMOUNG ORDINANCES.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE
CITY OF MISSION, KANSAS AS FOLLOWS:

SECTION 1: The Uniform Public Offense Code for Kansas Cities prepared and published by the League of Kansas Municipalities contains provisions relating to illegal drug use. The provisions of The Code of the City of Mission, Kansas, Chapter 215, Article III and Sections thereof are to be deleted.

SECTION 2: The Code of the City of Mission, Kansas is hereby amended by deleting in its entirety Chapter 215, Article III, Sections 215.040, 215.050, 215.060, and 215.065 from the Code of the City of Mission.

SECTION 3: This Ordinance shall be in force and take effect from and after publication according to law.

PASSED AND APPROVED by the City Council this 20th day of October, 2021.

APPROVED by the Mayor this 20th day of October 2021.

Ronald E. Appletoft, Mayor

ATTEST:

Audrey M. McClanahan, City Clerk

APPROVED BY:

PAYNE & JONES, CHARTERED

David K. Martin, City Attorney
11000 King, Suite 200
PO Box 25625
Overland Park, KS 66225-5625

City of Mission	Item Number:	5.
ACTION ITEM SUMMARY	Date:	October 6, 2021
Police Department	From:	Kirk Lane

Action items require a vote to recommend the item to the full City Council for further action.

RE: Proposed Amendment to City of Mission Municipal Code Section 210.170, related to animal trapping within the City.

RECOMMENDATION: Amend Chapter 210, Section 210.170, *Trapping Prohibited*, of the Mission Municipal Code to prohibit the use of certain animal traps.

DETAILS: Following an incident earlier this year staff was asked to research potential modifications to Chapter 210, Section 210.170 related to animal traps. The incident that spurred this request involved a wildlife control company placing a device known as a “dog-proof leg trap” to catch a raccoon.

These particular devices are spring loaded and designed to grab onto the legs of wildlife to immobilize them. Often, these devices cause significant injury to the wildlife, as was the case earlier this year. In this instance, a raccoon was trapped by the device which caused severe injury to its leg. The wildlife company who placed the trap was not going to remove the trapped raccoon for several hours. Ultimately, the Police Department’s Community Service Officer removed the trapped raccoon and humanely euthanized it to alleviate the concerns of residents.

Mission’s current code language does not prohibit the use of spring-loaded traps by wildlife control companies. The proposed code amendment would still allow for traditional cage-style traps to be used when combating wildlife nuisances, as well as mouse and rat traps. Many cities prohibit the use of spring-loaded traps, which is what amending this section will accomplish.

Both red-lined and clean copies of the proposed code changes are included in the packet for your review and information. In addition, an ordinance has been prepared to make the appropriate amendments to Section 210.170 of Mission’s Municipal Code.

CFAA CONSIDERATIONS/IMPACTS: Ordinances which provide for humane methods of handling nuisance wildlife add to the culture of the City that values, respects, and welcomes all, including the natural habitat of animals.

Related Statute/City Ordinance:	
Line Item Code/Description:	
Available Budget:	

Section 210.170 Trapping Prohibited.
[Ord. No. 1439 §3, 6-15-2016]

- A. No person shall do any trapping anywhere in the City.
- B. *Exceptions.*
 - 1. This Section does not apply to the use of any trap specifically designed to kill rats, mice, gophers, moles, or vermin of significance to the public health.
 - 2. This Section does not apply to the use of cage-type live traps employed for the control of wild animals.
 - 3. This Section does not apply to actions taken by a law enforcement officer pursuant to the interests of public health and safety.
 - 4. This Section does not apply to actions taken by a professional rodent or wildlife control company.

Section 210.170 **Trapping Prohibited.**
[Ord. No. 1439 §3, 6-15-2016]

- A. ~~No person shall do any trapping anywhere in the City. It shall be unlawful for any person to use, place, set out, or deploy any animal trap aboveground, which makes use of a spring gun, spring jaws, clamping device(s), cutting or stabbing mechanism, or any other device that will damage or severely injure any animal when caught or trapped by the device or trap.~~
- B. *Exceptions.*
 - 1. ~~This Section does not apply to the use of any trap specifically designed to kill rats, mice, gophers, moles, or vermin of significance to the public health. This Section shall not prohibit the use of mouse/rat traps.~~
 - 2. This Section does not apply to the use of cage-type live traps employed for the control of wild or non-domesticated animals.
 - 3. This Section does not apply to actions taken by a law enforcement officer, animal control officer, community service officer, or contractor hired by the City -pursuant to the interests of public health and safety.
 - 4. ~~This Section does not apply to actions taken by a professional rodent or wildlife control company.~~

**CITY OF MISSION
ORDINANCE NO. _____**

AN ORDINANCE AMENDING SECTION 210.170 OF THE CODE OF THE CITY OF MISSION, KANSAS REGULATING TRAPPING OF ANIMALS.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MISSION, KANSAS AS FOLLOWS:

SECTION 1: Section 210.170 of the Code of the City of Mission is hereby amended as follows:

Section 210.170. Trapping Prohibited.

- A. It shall be unlawful for any person to use, place, set out, or deploy any animal trap aboveground, which makes use of a spring gun, spring jaws, clamping device(s), cutting or stabbing mechanism, or any other device that will damage or severely injure any animal when caught or trapped by the device or trap.
- B. Exceptions.
 - 1. This Section shall not prohibit the use of mouse/rat traps.
 - 2. This Section does not apply to the use of cage-type live traps employed for the control of wild, or non-domesticated animals.
 - 3. This Section does not apply to actions taken by a law enforcement officer, animal control officer, community service officer, or contractor hired by the City pursuant to the interest of public health and safety.

SECTION 2: Prior provisions of Section 210.170 are hereby repealed.

SECTION 3: This Ordinance shall be in force and take effect from and after publication according to law.

PASSED AND APPROVED by the City Council this 20th day of October, 2021.

APPROVED by the Mayor this 20th day of October, 2021.

Ronald E. Appletoft, Mayor

ATTEST:

Audrey McClanahan, City Clerk

APPROVED BY:

PAYNE & JONES, CHARTERED

David K. Martin, City Attorney
11000 King, Suite 200
PO Box 25625
Overland Park, KS 66225-5625

City of Mission	Item Number:	6.
ACTION ITEM SUMMARY	Date:	October 6, 2022
Administration	From:	Emily Randel

Action items require a vote to recommend the item to full City Council for further action.

RE: Recommendation for 2022 Employee Benefits Program

RECOMMENDATION: Authorize the Mayor, or his designee, to execute any and all documents necessary to approve contracts for the City of Mission’s 2022 employee health/welfare benefits program.

DETAILS: Staff has been working with the City’s benefit broker, Lockton Benefit Company, to recommend an employee benefits program for 2022 that is both supportive of the employees and fiscally sound for the City.

Key items of note for 2022 include:

- **Medical Benefit** The City received an initial premium package from Blue Cross Blue Shield for 2022 with a 19.1% increase from current rates (~\$135,475). This comes following no increases for the 2020 and 2021 plan years. There is a low level of predictability in medical trends from year to year with potential increases over the last two to three years fluctuating between 0% and 50%. If the 2022 premium increase is evaluated over the three-year horizon, the annual rate increase is approximately 6.36%.

The City budgeted for a 5% (~\$35,000) increase in health and welfare benefits for 2022. Staff and Lockton have requested alternative plan designs on the chance that there can be some savings achieved over the proposed increase. Staff hopes to have more complete information about those options at the October 6 committee meeting or certainly by the October 20 City Council meeting. Staff recommends Council consider an approval of the medical benefit in an amount not to exceed a 19.1% increase over 2021 costs with the possibility of an improvement with alternative plan options.

- The Standard has increased Group Term Life/AD&D benefit by 9%. The rate comes following the increased coverage (doubling of life insurance benefits) implemented as a part of the 2021 employee benefit package.
- The City is terminating employee assistance program services through New Directions Behavioral Health and implementing a plan from LifeWorks.

The full recommendations for 2022 include:

- Renew with Blue Cross / Blue Shield of Kansas City either with current plan options, Preferred Care Blue, Blue Select and Spira Care or plan alternatives to

Related Statute/City Ordinance:	
Line Item Code/Description:	Various personnel line items that make up the 2022 Budget
Available Budget:	\$2,082,250

City of Mission	Item Number:	6.
ACTION ITEM SUMMARY	Date:	October 6, 2022
Administration	From:	Emily Randel

Action items require a vote to recommend the item to full City Council for further action.

- be determined at a premiums to increase at a rate not to exceed 19.1%.
- Continue with the current health insurance premium structure, 80% of the premium being paid by the City and 20% being paid by the employee.
- Fund a wellness program for City employees in the amount of \$10,000.
- Renew the dental insurance benefit plan with Delta Dental of Kansas with no increase in premium rates and expanded coverage / enhanced benefits.
- Maintain the current dental insurance premium structure of 80% paid by the City and 20% paid by the employees.
- Maintain the vision insurance benefit plan with EyeMed from 2021 with 100% of the premium paid by the City. The plan is on a rate hold through January 1, 2025.
- Continue to provide a Section 125 Flexible Spending Account through BASIC.
- Maintain basic Group-Term Life/AD&D benefits through The Standard paid 100% by the City with a rate increase not to exceed 9%.
- Maintain access to voluntary life insurance benefits through The Standard with all premiums paid 100% by participating employees.
- Maintain access to voluntary supplemental insurance benefits through AFLAC with all premiums paid 100% by participating employees.
- Fund the KPERS and KP&F retirement plans in accordance with state mandated rates.
- Maintain the quarterly contribution of 2% of total earnings in the Principal Plan for non-KP&F employees, with no optional matching benefit.
- Terminate EAP services with New Directions Behavioral Health and contract with LifeWorks for EAP services with a start date of January 1, 2022.

A memorandum with additional detail on each of the program elements is included in the meeting packet.

CFAA CONSIDERATIONS/IMPACTS: The health benefits offered in the City’s benefit package represent services that can facilitate active participation throughout each phase of life. Access to community and health services is one of the six areas of focus for the Communities for All Ages checklist, and providing some of that access in the workplace contributes to overall wellness in a fundamental way.

Related Statute/City Ordinance:	
Line Item Code/Description:	Various personnel line items that make up the 2022 Budget
Available Budget:	\$2,082,250

Date: September 30, 2022
To: Members of the Finance and Administration Committee
From: Emily Randel, Assistant City Administrator
RE: 2022 Employee Benefits Program

Each year, staff seeks the most effective balance of robust benefits for our employees that still allows the City to maintain a fiscally responsible position. The City's benefit broker, Lockton Benefit Company (LBC), assists to evaluate, negotiate and recommend an employee benefits package. The recommendations for fiscal year 2022 are summarized in this memorandum.

Medical Benefit

On September 24, the City received an initial proposed premium package from Blue Cross Blue Shield for 2022 with a 19.1% increase over current rates. This comes following no increases for the 2020 and 2021 plan years. There is a low level of predictability in medical trends from year to year with potential increases over the last three years fluctuating between 0% and 50%. When the 2022 increase is evaluated over the three year horizon, the average annual rate increase is approximately 6.36%. The City budgeted for a 5% increase in health and welfare benefits for 2022.

The proposed increase of 19.1% would increase the City's (employer's) net costs for medical coverage by approximately \$135,475. The 2022 Adopted Budget includes approximately \$35,652 for estimated premium increases, so in the worst case, we are trying to account for an additional \$100,000. It is likely this savings could be realized through 2021 Actual Expenses for personnel, and almost guaranteed to be covered by personnel savings in the 2022 Budget.

Staff and Lockton have requested alternative plan designs on the chance that there can be some savings achieved over the proposed increase. Staff hopes to have more complete information about those options at the October 6 Committee meeting or certainly by the October 20 City Council meeting. The final decision on the 2022 medical benefits needs to be made no later than October 30 in order to allow adequate time for open enrollment and distribution of new plan ID cards for employees and their dependents. Staff will discuss the decision schedule in more detail during the Finance & Administration Committee meeting.

Preliminarily, staff recommends Council consider an approval of the medical benefit in an amount not to exceed a 19.1% increase over 2021 premiums. In 2021, the City offered three plans, Blue Select, Preferred Care Blue and Spira Care. Employee plan costs in 2021 ranged from \$120.12 to \$443.77 per month based on the plan type.

The City has traditionally offered health insurance at an 80% / 20% cost share with employees, with the City paying 80% and employees paying 20%. It is recommended that this continue for 2022.

Recommendation: Continue health insurance coverage for with Blue Cross / Blue Shield of Kansas City with the specific plan types to be determined for City employees, but at a cost

not to exceed to a 19.1% increase in premiums for 2022. It is also recommended the City continue with the 80% / 20% cost share between the City and employee. Updated estimated costs will be provided following the receipt of updated negotiations by the Lockton team, but the maximum estimated cost is projected at \$848,517.

Dental Benefit

The City offers its employees dental coverage through Delta Dental of Kansas. Delta Dental has a wide network of dental care providers across the Kansas City region, on both sides of the state line, and are generally considered to be the leader in dental insurance.

The City's dental insurance plan provides an annual deductible of \$50 for an individual and \$150 for a family with an annual maximum of \$1,500, regardless of whether care is in or out of network. The plan also provides for 100% of preventive services and 80% of basic services within network. The program includes unlimited cleanings and the Right Start4Kids program which covers all services except orthodontics at 100% for dependents under the age of 13.

As with the medical benefit, the City currently pays 80% of the premium rates and the employee pays 20%. Delta Dental is proposing no increase in premiums for 2022. The following table represents the employer and employee contributions for the benefit.

Table 2. 2022 Dental Premium Structure 80% / 20%

	Total Monthly Premium	Employer Contribution	Employee Contribution	Per Payroll Premium	2020/2022 Per Payroll Difference
Employee Only (22 employees participating)	\$ 31.20	\$ 24.96	\$ 6.24	\$ 3.12	\$ 0.00
Employee + Family (37 employees participating)	\$ 91.25	\$ 73.00	\$ 18.25	\$ 9.13	\$ 0.00

Recommendation: Renew the dental insurance benefit plan with Delta Dental of Kansas effective January 1, 2022 with no increase in premium rates; and maintain the current premium structure of 80% City and 20% employees. Estimated impact to the City's 2022 budget for the recommended dental benefits is \$39,001.

Vision Benefit

The City provides vision insurance to its employees through EyeMed. Vision benefit premiums are paid 100% by the City. EyeMed issued a 4-year rate hold in 2020 in consideration of COVID-19 and deferral of care in 2020. Current rates will hold through January 1, 2025.

Recommendation: Renew vision benefits with EyeMed, effective January 1, 2022 with no

increase in premiums. Maintain 100% of the premium paid by the City with an estimated impact to the City's 2020 budget of \$7,864.

Wellness Benefit

The employee wellness program encourages employees to earn points throughout the year by engaging in wellness activities such as doctor and dental visits, COVID-19 and flu shots, membership in a workout facility, or attending wellness seminars at work. A secondary benefit to the program, apart from improved health outcomes, is the program encourages employee engagement and participation. The wellness activities offered throughout the year help to build relationships between employees across departments. Employees who earn the minimum number of points earn \$300 at the end of the year. Thirty employees have participated in at least one of the tracked activities to date in 2021 and it is expected that a number slightly lower than that will complete the entire program in 2021.

Recommendation: Maintain the wellness benefit in 2022 at \$300 for each participant that completes the annual wellness program, and fund biometric screenings and miscellaneous expenses for a budgeted wellness and employee engagement program in the amount of \$10,000.

125 Flexible Spending Account Benefit

The City offers a Flexible Spending Account (FSA) program (unreimbursed medical and dependent care expenses) through BASIC. The plan allows employees to set aside pre-tax dollars for qualified expenses eligible for reimbursement throughout the plan year.

There are currently 26 employees participating in the FSA with annual contributions totaling approximately \$50,013. Annual plan administration fees are approximately \$1,655. Participation in the plan saves both the employees and the City approximately \$3,826 in FICA taxes on health insurance.

Recommendation: Continue to provide a Section 125 Flexible Spending Account through Basic with an estimated impact on the 2022 budget of \$1,655.

Basic Life / AD&D Insurance Benefit

The City provides a basic group-term life/AD&D policy through The Standard for all benefit eligible employees, paid 100% by the City. In 2019, the City doubled the coverage for 2020 to \$50,000 for department directors, and \$40,000 for all other employees (unless reduced as a result of age). There is a 9% increase (\$324 annually) for basic life coverage in 2022. This is the first increase since the City elected to increase coverage amounts in 2021. The coverage, paid 100% by the City, is estimated to \$4,895.

Recommendation: Provide basic Group-Term Life/AD&D benefits through The Standard for 2022 with an estimated impact to the City's 2022 budget of \$4,895.

Voluntary Life Insurance Benefit

The City offers employees the option to purchase additional life insurance through The Standard. The plan allows employees to purchase insurance in increments of \$10,000 up to a max of five times their annual salary. The pricing is age rated and employees may purchase coverage for a spouse and dependents as well. The premiums are paid 100% by the employee. The voluntary life insurance benefit will renew at no rate increase. Premium may increase only if an employee crosses an age-band or they make specific application for an increase in coverage amounts.

Recommendation: Maintain access to voluntary life insurance benefits through The Standard with all premiums paid 100% by participating employees. No impact to the 2022 budget.

Voluntary Supplemental Insurance Benefit

Employees are provided the option to participate in a supplemental insurance benefit through AFLAC. Though AFLAC provides primarily short-term disability insurance, they also offer several other insurance options that employees can select to participate in given their needs. This benefit is paid 100% by the employees that choose to participate.

Recommendation: Maintain access to voluntary supplemental insurance benefits through AFLAC with all premiums paid 100% by participating employees. No impact to the 2022 budget.

Retirement Plan Benefit

The City participates in the Kansas Public Employee Retirement System and the Kansas Police and Firefighters retirement system (KPERS/KP&F) for all eligible employees. Contributions to these two systems are mandatory for both the City, as the employer, and the employees. Contribution rates are dictated annually by the plan and are as follows for 2022:

KPERS:	Employer	8.90% of Covered Payroll (Increase of .03% from last year)
	Employee	6.00% of earnings
KP&F:	Employer	22.99% of Covered Payroll (Increase of 0.19% from last year)
	Employee	7.15% of earnings

The estimated employer (the City's) contribution to KPERS/KP&F is approximately \$755,550 for 2022.

Recommendation: Fund the KPERS and KP&F retirement plans in accordance with state mandated rates for an estimated cost of \$755,550 for 2022.

Supplemental Retirement Benefit

Since 1980, the City has provided a supplemental retirement program for all non-public safety employees working more than 1,000 hours per year. This plan, through Principal, was put in place based on a desire by the City to help equalize the gap in the employer funded

contributions between KPERS and KP&F. It has no impact on the KPERS benefits available to employees upon their retirement.

Recommendation: Maintain the contribution of 2% of total earnings in the Principal plan for non-KP&F employees, with no optional matching benefit. The estimated cost for 2022 is \$54,600.

Employee Assistance Program

Since 2016, the City has partnered with New Directions Behavioral Health (NDBH) to provide Employee Assistance Program services. The 2021-2022 contract renewal had a significant increase with equal services or a moderate increase with a decrease in services. For this reason, staff requested that Lockton go to market for an alternative. Staff reviewed presentations and demonstrations from the two most responsive firms, CuraLinc and Lifeworks. CuraLinc's pricing was competitive, however their product offerings were very similar to NDBH. LifeWorks uses a flexible session model for their pricing, which made it the most sensible pricing option. In addition, both the online web presence and mobile app. technology feel much more modern and the company will be integrating a dashboard with Microsoft Teams in 2022.

Recommendation: Terminate existing contract with New Directions Behavioral Health and contract for EAP services with LifeWorks with the plan year starting January 1, 2022. The estimated cost for 2022 \$2,002.

Summary and Recommendation for Health & Welfare Benefits

The following is the recommended 2022 Employee Benefit Package.

- Renew with Blue Cross / Blue Shield of Kansas City either with current plan options, Preferred Care Blue, Blue Select and Spira Care or plan alternatives to be determined with premiums to increase at a rate not to exceed 19.1%.
- Continue with the current health insurance premium structure, 80% of the premium being paid by the City and 20% being paid by the employee.
- Fund a wellness program for City employees in the amount of \$10,000.
- Renew the dental insurance benefit plan with Delta Dental of Kansas with no increase in premium rates and expanded coverage / enhanced benefits.
- Maintain the current dental insurance premium structure of 80% paid by the City and 20% paid by the employees.
- Maintain the vision insurance benefit plan with EyeMed from 2021 with 100% of the premium paid by the City. The plan is on a rate hold through January 1, 2025.
- Continue to provide a Section 125 Flexible Spending Account through BASIC.
- Maintain basic Group-Term Life/AD&D benefits through The Standard paid 100% by the City.
- Maintain access to voluntary life insurance benefits through The Standard with all premiums paid 100% by participating employees.
- Maintain access to voluntary supplemental insurance benefits through AFLAC with all premiums paid 100% by participating employees.

- Fund the KPERS and KP&F retirement plans in accordance with state mandated rates.
- Maintain the quarterly contribution of 2% of total earnings in the Principal Plan for non-KP&F employees, with no optional matching benefit.
- Terminate EAP services with New Directions Behavioral Health and contract with LifeWorks for EAP services with a start date of January 1, 2022.

A historical review of the changes in net costs for the City's health and welfare benefit programs will be updated and provided once final recommendations on the medical plan benefits are available.

City of Mission	Item Number:	7.
ACTION ITEM SUMMARY	Date:	October 6, 2021
ADMINISTRATION	From:	Laura Smith

Action items require a vote to recommend the item to full City Council for further action.

RE: LGR Legislative and Advocacy Services 2022

RECOMMENDATION: Approve the 2022 agreement renewal for legislative services, with Little Government Relations, LLC., in an amount not to exceed \$10,000.

DETAILS: In 2020, Mission, along with other cities in northeast Johnson County contracted with Stuart Little of Little Government Relations, LLC based on an interest in participating in a voluntary coalition of cities for government affairs and advocacy services.

Little Government Relations (LGR) had represented the City of Merriam for several years and believed that an organized coalition of Northeast Johnson County cities could strengthen Mission's ability to meet the legislative needs of the Council, staff, and the larger community. While ultimately the formal coalition was not formed, Mission contracted directly with LGR in both 2020 and 2021 for legislative affairs and advocacy services.

The weekly updates during the session (monthly outside of the session), assistance with crafting testimony and the overall education and information provided about relevant legislative issues and the legislative climate have added value, helping to support and inform staff and Council on a timely basis.

Staff recommends renewing the agreement for 2022 to help support and inform both the staff and Council of important or relevant legislation on a timely basis. Additionally, LGR has been available to participate in ongoing conferences, education and information sessions related to COVID-19 as well as pass through funding via the CARES Act and the American Rescue Plan (ARPA) Act.

Annual fees are recommended to remain unchanged for 2022, and the \$10,000 annual contract would be paid in four quarterly installments.

CFAA CONSIDERATIONS/IMPACTS: N/A

Related Statute/City Ordinance:	N/A
Line Item Code/Description:	N/A
Available Budget:	\$10,000

Memorandum of Agreement

1. Parties to Agreement

This agreement for government relations and lobbying services is entered into between “LGR Government Relations, LLC” hereinafter referred to as “LGR” and the “City of Mission” hereinafter referred to as “Mission.”

2. Services to be Provided

A. LGR shall provide pro-active lobbying, monitoring, and reporting services for Mission before Kansas legislative and administrative branches of government on matters related to city government. Little shall analyze and report on legislative bills and policy issues of interest and communicate such analysis to Mission on a regular and timely basis.

B. Little shall communicate and meet with the Governing Body, administration, and staff to discuss policy, budget, legislative activity, and administrative issues related to State public policy and budget activities, and LGR shall provide weekly reports during the legislative session, at least monthly during the interim period, and be available for meetings as requested.

D. LGR shall testify before legislative committees as directed by Mission and shall provide assistance to Mission in the production and presentation of legislative testimony.

E. LGR will be available to represent Mission before relevant policy organizations; League of Kansas Municipalities’ meetings and activities; collective Northeast Johnson County cities events, local and regional chambers, and city activities related to shared public policy issues.

F. LGR will facilitate meetings with the legislators and key stakeholders upon request.

G. LGR may perform other government affairs services for Mission as requested. Extraordinary expansion of duties may be subject to additional or other terms as agreed by the parties.

H. LGR shall provide advice and consultation with appropriate Mission elected officials and staff as requested.

3. Coalition.

Mission and other cities in Northeast Johnson County may join together in a voluntary coalition to accomplish shared public policy goals and objectives. The coalition may collectively and collaboratively receive the services articulated in Sec. 1. The coalition will be governed by the following terms and conditions.

- A. Each coalition city will designate one representative to represent and articulate city position, serve as primary point of contact, and serve as the voting member on any non-consensus decisions in the event of required vote.
- B. Coalition will communicate at least on a weekly basis during the legislative session and more often as necessary, including but not exclusively in written reports and conference calls or in person.
- C. LGR will be available to represent the coalition before relevant policy organizations; League of Kansas Municipalities' meetings and activities; collective Northeast Johnson County cities events, local and regional chambers, and city activities related to shared public policy issues.
- D. LGR will be available for city governing board meetings and city staff upon request.
- E. During non-session period, LGR will provide monthly written reports, represent the members at relevant meetings, and be available for governing body meetings upon request.
- F. Participation in the coalition of Northeast Johnson County cities does not supersede or preclude the right of a coalition member to express or advocate individually and independently for a position different from the coalition position. Coalition city members are not obligated to support a majority coalition position and may oppose, without prejudice.

3. Independent Contractor

It is understood by both parties that LGR is an independent contractor and its services are not exclusive to Mission. LGR is specifically allowed to represent other cities by mutual consent in a coalition of Northeast Johnson County cities and additional clients in non-competing areas.

4. Compliance with Applicable Statutes and Rules and Regulations

It is understood by both parties that LGR will register with the office of the Kansas Secretary of State as a lobbyist for Mission. Furthermore, LGR will comply with both the spirit and the intent of all reporting requirements as well as all statutes and rules and regulations pertaining to lobbying. Copies of any reports filed by or on behalf of LGR with various reporting agencies will be available for review by Mission upon request.

5. Terms of Agreement

This contract shall be in effect for the period beginning January 1, 2022 and ending December 31, 2022.

6. Compensation

LGR shall receive the sum of ten thousand dollars (\$10,000.00) for services provided under this agreement, payable in four quarterly payments in the amount of two thousand five hundred dollars (\$2,500.00), due after January 1, April 1, July 1 and October 1 upon receipt of an invoice from LGR. LGR may be reimbursed for documented expenses approved by the administrator or chief elected member in advance.

7. Liability Insurance

LGR shall possess professional liability and workers compensation insurance and shall make documentation of coverage available upon request.

8. Termination.

Either party may terminate this agreement upon thirty (30) days written notice.

This contract encompasses all written and oral agreements of the parties and is entered into this _____ day of October 2021.

Stuart J. Little, Ph.D.

Little Government Relations, LLC
800 SW Jackson, Suite 1000
Topeka, Kansas 66612-2205

Laura Smith

City of Mission
6090 Woodson St.
Mission, Kansas 66202

City of Mission	Item Number:	8.
ACTION ITEM SUMMARY	Date:	October 6, 2021
Administration	From:	Brian Scott

Action items require a vote to recommend the item to the full City Council for further action.

RE: Janitorial Services Contract Award

RECOMMENDATION: Award a one-year contract for janitorial services for City Hall, the Police Department and the Public Works facility to City Wide Facility Solutions in an amount not to exceed \$34,020.

DETAILS: The City of Mission has three facilities that require routine cleaning – City Hall, the Police Department, and the Public Works facility. Cleaning priorities are established on a daily, weekly, monthly and quarterly schedule. This routine cleaning not only ensures that facilities are a safe and comfortable environment for employees to work, but also presents a clean and professional image to those that may visit these facilities.

The City solicited bids five years ago for janitorial services, and selected Town & Country. The annual cost for these services is approximately \$21,000.

The City solicited bids for janitorial services this summer, and received four bids. Source One was the low bid at \$33,536. City Wide Facility Solutions was the second lowest bid at \$34,020 (approximately a 1.5% difference). Source One is based out of Oklahoma and the nearest reference in the Kansas City area that they were able to provide is the University of Kansas. City Wide is based out of Lenexa, Kansas and currently services several municipalities in Johnson County. Staff contacted references for City Wide (the municipalities they service) and all references provided positive feedback about City Wide's services.

Firm	Total Bid
Source One	\$ 33,536.00
City Wide	\$ 34,020.00
Town & Country	\$ 42,000.00
ATS Facility Services	\$100,358.40

Based on the references provided and the local access, Staff recommends that the Council award a one-year contract to City Wide in an amount not to exceed \$34,020 for the first year with an option to renew for two (2) additional years.

CFAA CONSIDERATIONS/IMPACTS: N/A

Related Statute/City Ordinance:	
Line Item Code/Description:	01-07-210-02 / 01-20-210-02 / 01-30-210-02
Available Budget:	\$24,000



Aug 23rd, 2021

City of Mission, Kansas
Attention: Brian Scott
6090 Woodson Street
Mission, KS 66202

Re: Proposal for Janitorial Services

Dear Brian:

City Wide's focus is providing you with superior solutions for all your facility needs. We understand how time-consuming and frustrating it is to constantly deal with multiple – and in some cases underperforming – vendors while keeping up with all your other responsibilities. Our goal is to become a trusted part of your facility management team by providing you TWO of the highest trained, most responsive people available to assist you regarding any of your facility needs.

We are here to serve you! Most service companies represent their own work, while City Wide represents you. If you are unhappy, you won't hear excuses, you'll see improved results. Your assigned managers will make sure the crews in your building consistently perform to your expectations. Our commitment is to make you look good every chance we get so you become a very satisfied client.

Our clients see a difference in the quality of services managed by City Wide. That's why we boast a client retention rate more than 90 percent.

I want to personally thank you for considering City Wide Facility Solutions. We look forward to working with you.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Dale Krumm', is written over a circular blue ink scribble.

Dale Krumm
Sales Executive
City Wide Facility Solutions

City Wide Facility Solutions

15230 W. 105th Ter. Lenexa, Kansas 66219
C 913.209.4338 | O 913.888.5700 x273 | F 913.888.5151 | GoCityWide.com





We Want to Be Your First Choice.

Why continue to hire one janitorial company after another – resulting in the same problems – when you can hire a company that is committed to reducing your stress level and saving you time?

City Wide Facility Solutions wants to be your First Choice. With City Wide on your short list, you're not choosing between two maintenance companies; you're choosing between the same thing you have always done and a management company that can help you with more than 20 solutions for your facility.

Why Choose City Wide Facility Solutions?

For one service or many, City Wide will provide unparalleled assistance in the form of:

- ▶ One point of contact
- ▶ Simplified invoicing
- ▶ 24-hour client care
- ▶ Competitive pricing
- ▶ Facility Solutions Manager and Night Manager
- ▶ Proactive evaluation of your building

Our clients see a difference in the quality of service delivered by City Wide. That's why we boast a retention rate above 90%.

Our Mission

To create a *ripple effect* by positively impacting the people and communities we serve.

We Live Our Values Every Day

Community

Accountability

Professionalism

Our values serve as the foundation upon which we will work with each other, our clients, and our suppliers toward mutual success. Everyone associated with our organization is constantly challenged to live these values.

City Wide's Unique Value Proposition

We represent the client by providing a part-time facility manager who saves you time and solve problems in your commercial facility.



The Solutions We Manage

By providing just one point of contact for everything from carpet cleaning to janitorial supplies to window washing, your Facility Solutions Manager (FSM) reduces the stress and time spent dealing with vendors who are a constant source of problems. Your FSM will proactively help you keep your building in top shape and work with you to maximize your budget to get the most out of your facility. Here is a short list of some of the other services we manage:

Disinfecting Services

- ▶ High-touch areas
- ▶ Electrostatic spraying

Janitorial Supplies

- ▶ Toilet paper
- ▶ Soap and dispensers
- ▶ Paper towels
- ▶ Break room supplies

Detail Cleaners

- ▶ Edge vacuum carpets
- ▶ Dust blinds
- ▶ Dust air vents
- ▶ Wash walls in rest rooms

Floor Care Specialists

- ▶ Strip/refinish all resilient tile and hard surface floors
- ▶ Scrub restroom floors

Carpet Care Specialists

- ▶ Clean carpets using appropriate method; extraction, bonnet, or dry foam and more

Window Washers

- ▶ Wash interior and/or exterior windows, ground level to high-rise

Construction Cleans

- ▶ Prepare a site for use after construction

Pressure Washing

- ▶ Eliminate build-up from the exterior of your facility

Lighting Services

- ▶ Replace difficult to reach and high voltage lighting

Parking Lots

- ▶ Striping
- ▶ Pothole repair
- ▶ Resurfacing
- ▶ Sweeping

City Wide Business Model

City Wide Facility Solutions is a management company in the building maintenance industry. By uniquely representing the client, our professional management team serves as one point of contact for 20+ facility solutions for commercial properties, leveraging our network of independent contractors.



New Account Implementation Process

With 30 days' notice we will implement the following to ensure a smooth transition:

1. Immediately after our agreement has been signed, we will schedule a building walk-through with your Facility Solutions Manager. This is to view the facility, review the scope of work, and discuss items of importance.
2. During the pre-start walk-through we request building keys, alarm codes, and emergency procedures to provide to your City Wide team.
3. We will select the most qualified independent contractor(s) and Night Manager to perform the scope of work as agreed. Our goal is to ensure a smooth transition.
4. Your assigned Facility Solutions Manager and Night Manager will be at your facility for the first nights of the start-up to support the crews and to ensure we achieve the City Wide level of service.
5. Your dedicated Facility Solutions Manager will visit the facility and complete an inspection the morning following the first clean to ensure the expectations are being met and the building is being serviced properly.
6. Ongoing inspections will be made thereafter during the day by the Facility Solutions Manager on a regularly agreed upon day and time.

In Conclusion

Regardless of the size and scope of your operation and the range of your immediate needs, City Wide can manage the job. We have developed a proprietary business model and are dedicated to a vision that does not simply try to do better than the competition, but ensures 100% client satisfaction.

We have a superior track record in client retention for a reason and welcome the opportunity to show you why firsthand. City Wide appreciates that selecting the right vendor means taking into account all the information you've received. What's important to remember is you are not being given the choice between two maintenance companies, as we are not a maintenance company.

This is not an "apples to apples" comparison; it's truly "apples to oranges." You're being given the choice between yet another janitorial company OR a management company that will become an extension of your team.

Service Referrals

City Wide Facility Solutions is the largest management company in the building maintenance industry, managing janitorial and more than 20 additional commercial services for every client. We pride ourselves in the quality of our work and our professionalism. Please refer to the following clients as examples of how City Wide has been able to solve problems and save time.

City of Shawnee

Location: 18690 Johnson Drive Shawnee, KS
Business Contact: Brian Dailey
Phone: (913) 621-5100
Email: bdailey@cityofshawnee.org

City of Merriam

Location: 9001 W 62nd St. Merriam, KS 66203
Business Contact: Caleb Hunt
Phone: (913) 322-5505
Email: Chunt@merriam.org

City of Lenexa

Location: 1701 W. 87th St. Lenexa, KS 66219
Business Contact: Johnny Mays
Phone: (913) 477-7782
Email: jmays@lenexa.com

City of Overland Park

Location: 8500 Santa Fe Overland Park, KS 66212
Business Contact: Russ Dent
Phone: (913) 895-6276
Email: russ.dent@opkansas.org

City of Prairie Village

Location: 7700 Mission Rd Prairie Village, KS 66208
Business Contact: James Carney
Phone: (913) 385-4644
Email: jcarney@pvkansas.com

BID

FACILITY CUSTODIAL SERVICES (ANNUAL)

TO: CITY OF MISSION,
JOHNSON COUNTY, KANSAS

The City shall not be responsible for the accuracy, completeness, or sufficiency of any bid documents obtained from any source other than the City's website or the office of the City Clerk. Obtaining copies of contract documents from any other source(s) may result in obtaining incomplete and inaccurate information. Obtaining these documents from any source other than directly from the source listed may also result in failure to receive any addenda, corrections, or other revisions to these documents that may be issued.

The undersigned bidder hereby proposes to mobilize and furnish all materials, supplies, transportation, tools, equipment and plant, perform all necessary labor and construct, install and complete all work stipulated in, required by, and in conformity with the proposed contract documents (including all documents referred to therein) and any and all addenda thereto, for and in consideration of prices as follows:

ITEM NO.	ITEM DESCRIPTION	COST \$
1	Scheduled Custodial Services, <u>Annual Rate</u> , Mission City Hall, 6090 Woodson	\$10,080
2	Scheduled Custodial Services, <u>Annual Rate</u> , Mission Police Department, 6090 Woodson	\$17,640
3	Scheduled Custodial Services, <u>Annual Rate</u> , Mission Public Works, 4775 Lamar	\$6300
4	<u>Hourly Rate</u> for Special Custodial Services	\$19.50

TOTAL ANNUAL BID \$ 34,020

ATTACH THE FOLLOWING:

- A list of no fewer than three (3) references for Facility Custodial Services. The list shall include organization name, year work performed, contact name, phone number, and e-mail for each reference so listed.
- You may, but are not required to, enclose other materials describing your firm, personnel, and services.

FAILURE TO INCLUDE THESE MATERIALS CONSTITUTES AN INCOMPLETE BID SUBJECT TO REJECTION.



1. The Contractor shall commence work upon September 1, 2021 and provide Facility Custodial Services for the City through August 31, 2022. The agreement and the Contractor's duty to continue work shall renew for two (2) additional one (1) year (September 1 – August 31) periods automatically, with the maximum three-year term ending August 31, 2024. Either the City or the Contractor may terminate this agreement by giving sixty (60) days prior written notice to the other party.

It is the intent of the parties that the provisions of this Agreement are not intended to violate the Kansas Cash Basis Law (K.S.A. 10-1101 et seq.) (the "Cash Basis Law") or the Kansas Budget Law (K.S.A. 79-2925) (the "Budget Law"). Therefore, notwithstanding anything to the contrary herein contained, the City's obligations under this Agreement are to be construed in a manner that assures that the City is at all times not in violation of the Cash Basis Law or the Budget Law. Accordingly, the City's obligations hereunder will be subject to sufficiency of annual appropriations.

The Contractor may elect to adjust the bid prices on a percentage basis effective at the start of each renewal term (September 1 – August 31). The percentage of the adjustment shall not exceed the previous year's Consumer Price Index for All Urban Consumers for the Kansas City, Mo.-Kan., metropolitan area (Kansas City CPI-U) as published by the U.S. Bureau of Labor Statistics. The Contractor shall notify the City of the adjustment in writing prior to the start of the renewal term.

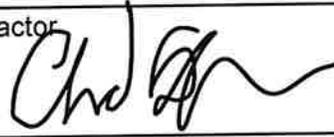
2. In submitting this bid, the undersigned declares that it is of lawful age and executed the accompanying bid on behalf of the bidder therein named, and that it had lawful authority so to do. The undersigned further declares that it has not directly or indirectly entered into any agreement, expressed or implied, with any bidder or bidders, having for its subject the controlling of the price or amount of such bid or any bids, the limiting of the bid or bidders, the parceling or farming out to any bidder or bidders, or other persons, of any part of the contract or any part of the subject matter of the bid or bids or of the profits thereof.
3. The undersigned further declares that it has carefully examined the Notice to Bidders, Instructions to Bidders and other contract documents, and that it has inspected the actual location of the work, together with the local sources of supply, and has satisfied itself as to all conditions and quantities, and understands that in signing this Bid it waives all right to plead any misunderstanding regarding the same.
4. The undersigned hereby agrees to furnish the required insurance certificates and execute an agreement within ten (10) calendar days from and after notice of the award of the contract, and failure of the bidder to do so shall constitute a default, and the City may thereafter take such steps to protect its legal rights as it deems in its best interest.
6. Undersigned acknowledges receipt of the Bidding Documents for the project including the addenda issued (please list) _____

Bidder's Initials: DK

DATED in AUGUST this 24 day of _____, 2021.

(SEAL)

Contractor



Signature

CHAD SHAFER

Printed Name

SALES MANAGER

Title

15236 W 105 TER

Street Address or P.O. Box

LENEXA KS 66219

City, State, Zip

913-888-5700 X273

Telephone Number

913-888-5151

Fax Number

CITY OF MISSION, KANSAS

AGREEMENT BETWEEN CITY
OF MISSION, KANSAS AND
CONTRACTOR

FACILITY CUSTODIAL SERVICES (ANNUAL)

THIS AGREEMENT is made and entered into this _____ day of _____, 20____,
by and between the City of Mission, Kansas, hereinafter the "City", and _____
hereinafter the "Contractor".

WITNESSETH:

WHEREAS, the City has caused to be prepared, in accordance with the law, Contract Documents, as defined in the General Conditions, for the work herein described, and has approved and adopted these said Contract Documents and has caused to be published, in the manner and for the time required by law, an advertisement inviting Proposals for furnishing such labor, tools, equipment, materials, and transportation necessary for, and in connection with, the completion of the work specified in accordance with the terms of this Agreement; and

WHEREAS, the Contractor, in response to the advertisement, has submitted to the City, in the manner and at the time specified, a Bid in accordance with the terms of this Agreement; and

WHEREAS, the City, in the manner prescribed by law, has publicly opened, examined and canvassed the Bid submitted, and as a result of this canvass has, in accordance with the law, determined and declared the Contractor to be the best responsible bidder for the work proposed, and has duly awarded to the Contractor a contract therefor upon the terms and conditions set forth in this Agreement and for the sum or sums named in the Bid attached to and made a part of this Agreement.

NOW, THEREFORE, in consideration of the compensation to be paid the Contractor, and of the mutual agreements herein contained, the parties hereto have agreed, and hereby agree, the City for itself and its successors, and the Contractor for itself, himself/herself or themselves, its, his/her or their successors and assigns, or its, his/her or their executors and administrators, as follows:

ARTICLE I. The Contractor will furnish at its own cost and expense all labor, tools, equipment, materials and transportation required to complete the work as designated, described and required by the Contract Documents, to wit: **FACILITY CUSTODIAL SERVICES (ANNUAL)** all in accordance with the Contract Documents as defined in paragraph GC-1 of the General Conditions of the Contract, on file with the City Clerk of Mission, Kansas, all of which Contract Documents form the Contract, and are as fully a part hereof as if repeated verbatim herein; all work to be done in a good, substantial and workmanlike manner to the entire satisfaction of the City, and in accordance with the laws of the City, the State of Kansas and the United States of America. All terms used herein shall have the meanings ascribed to them in the General Conditions unless otherwise specified.

ARTICLE II. The City shall pay to the Contractor for the performance of the work embraced in this Contract, and the Contractor will accept in full compensation therefor, the sum of _____

DOLLARS (\$ _____) for the initial contract term of annual services (subject to

adjustment as provided by the Contract Documents) for all work covered by and included in the Contract award and designated in the foregoing Article I, payment thereof to be made in cash or its equivalent and in the manner provided in the Contract Documents.

ARTICLE III. The Contractor shall commence work upon September 1, 2021 and provide Facility Custodial Services for the City through August 31, 2022. The agreement and the Contractor's duty to continue work shall renew for two (2) additional one (1) year (September 1 – August 31) periods automatically, with the maximum three-year term ending August 31, 2024. Either the City or the Contractor may terminate this agreement by giving sixty (60) days prior written notice to the other party.

It is the intent of the parties that the provisions of this Agreement are not intended to violate the Kansas Cash Basis Law (K.S.A. 10-1101 et seq.) (the "Cash Basis Law") or the Kansas Budget Law (K.S.A. 79-2925) (the "Budget Law"). Therefore, notwithstanding anything to the contrary herein contained, the City's obligations under this Agreement are to be construed in a manner that assures that the City is at all times not in violation of the Cash Basis Law or the Budget Law. Accordingly, the City's obligations hereunder will be subject to sufficiency of annual appropriations.

The Contractor may elect to adjust the bid prices on a percentage basis effective at the start of each renewal term (September 1 – August 31). The percentage of the adjustment shall not exceed the previous year's Consumer Price Index for All Urban Consumers for the Kansas City, Mo.-Kan., metropolitan area (Kansas City CPI-U) as published by the U.S. Bureau of Labor Statistics. The Contractor shall notify the City of the adjustment in writing prior to the start of the renewal term.

ARTICLE IV. The Contractor shall not subcontract, sell, transfer, assign or otherwise dispose of the Contract or any portion thereof without previous written consent of the City. In case such consent is given, the Contractor shall be permitted to subcontract a portion thereof, but shall self-perform not less than forty percent (40%) of the total Contract Price based upon the unit prices within the Bid submitted to the City by the Contractor. No subcontracts, or other transfer of Contract, shall release the Contractor of its liability under the Contract and Bonds applicable thereto.

ARTICLE V. Contractor specifically acknowledges and confirms that: (1) it has visited the site, made all inspections it deems appropriate and has read and fully understands the Contract Documents, including all obligations and responsibilities undertaken by it as specified herein and in the other Contract Documents and knowingly accepts same; (2) it has furnished copies of all Contract Documents to its insurance carrier(s) and its surety(ies); and (3) its insurance carrier(s) and surety(ies) agree to be bound as specified herein, in the Contract Documents and in the insurance policy(ies) and bonds as to liability and surety coverage.

ARTICLE VI. It is specifically agreed between the parties executing this Agreement that the Contract Documents are not intended to create any third party beneficiary relationship nor to authorize anyone not a party to this Agreement to maintain a suit for personal injuries or property damage pursuant to the terms or provisions of this Agreement. The duties, obligations and responsibilities of the parties to this Agreement with respect to third parties shall remain as imposed by law.

ARTICLE VII. This Agreement, together with the other Contract Documents, constitutes the entire agreement between the parties and supersedes all prior agreements, whether oral or written, covering the same subject matter. This Agreement may not be modified or amended except as provided herein or in the other Contract Documents.

ARTICLE VIII. This Agreement is entered into, under and pursuant to, and is to be construed and enforceable in accordance with, the laws of the State of Kansas.

ARTICLE IX. Should any provision of this Agreement or the other Contract Documents be determined to be void, invalid, unenforceable or illegal for whatever reason, such provision(s) shall be null and void; provided, however, that the remaining provisions of this Agreement and/or the other Contract Documents shall be unaffected thereby and shall continue to be valid and enforceable.

IN WITNESS WHEREOF, the City of Mission, Kansas, has caused this Agreement to be executed on its behalf, thereunto duly authorized, and the said Contractor has executed three (3) counterparts of this Contract in the prescribed form and manner, the day and year first above written.

CITY OF MISSION, KANSAS

ATTEST:

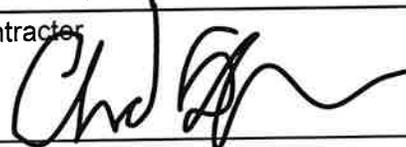
By _____
Ron Appletoft
Mayor

Audrey McClanahan
City Clerk

APPROVED AS TO FORM:

David Martin
City Attorney

(SEAL)

CITY WIDE FACILITY SOLUTIONS
Contractor _____
By  _____
Title SALES MANAGER

(If the Contract is not executed by the president of the corporation or general partner of the partnership, please provide documentation which authorizes the signatory to bind the corporation or partnership. If a

City of Mission	Item Number:	9.
ACTION ITEM SUMMARY	Date:	October 6, 2021
Administration	From:	Brian Scott

Action items require a vote to recommend the item to full City Council for further action.

RE: Selection of BT & Co. P.A. (Formerly Berberich, Trahan & Co., P.A.), to perform the annual audit of the City’s financial statements

RECOMMENDATION: Approve the selection of BT & Co., P.A. to perform the annual audit of the City’s financial statements for the fiscal year ending December 31, 2021, in an amount not to exceed \$29,000 for 2021 with an option to renew for up to three (3) subsequent fiscal years.

DETAILS: Kansas statutes require an annual audit of the City’s financial statements. The audit is conducted in accordance with generally accepted accounting standards (GAAP) in the United States, the Governmental Accounting Standards Board (GASB), the “Kansas Municipal Audit Guide,” and standards applicable to financial audits as provided for in *Government Auditing Standards* (the Yellow Book), issued by the Comptroller General of the United States.

The audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements, assessing the accounting principles used and significant estimates made by management, as well as an evaluation of the overall basic financial statement presentation.

The City’s annual audit is presented as a comprehensive annual financial report, which is submitted each year to the Government Finance Officers Association of the United States and Canada (GFOA) for consideration of a Certificate of Achievement for Excellence in Financial Reporting. The City has received this award for 27 consecutive years. The CAFR is important in that it presents an accurate and reliable picture of the City’s finances upon which third-parties can rely upon when considering financial matters involving the City such as the issuance of debt.

One of the fundamental principles in conducting the annual audit is that it be conducted by an impartial, independent third-party. The City has used a competitive selection process for the auditors, and have typically recommended an annual contract with the option to renew for up to three additional years. In 2017 the City issued a request for qualifications and selected BT & Co. to conduct the annual audit. Mission continued to engage them for an additional three years and been pleased with their services.

With this engagement, staff requested that a different engagement manager be utilized to ensure that a “fresh a set of eyes” is conducting the audit and there is no opportunity for complacency. The City will be undergoing a transition to a new financial management software in the coming year, so some consistency with an auditor that is

Related Statute/City Ordinance:	N/A
Line Item Code/Description:	01-07-207-02 - Annual Audit
Available Budget:	\$30,000

City of Mission	Item Number:	9.
ACTION ITEM SUMMARY	Date:	October 6, 2021
Administration	From:	Brian Scott

Action items require a vote to recommend the item to full City Council for further action.

familiar with the City's finances, processes and procedures will be beneficial.

The City issued a Request for Qualifications (RFQ) this past summer. The RFQ was sent to six firms as well as advertised in the *Legal Record*, and four firms responded. Responses were evaluated, references checked, and each firm was interviewed by the Deputy City Administrator and Accounting Manager. A composite score was developed based on the firm's experience and capabilities; quality and experience of assigned professionals; audit approach and estimated hours, understanding of the requested scope and quality of proposal, and fee. The table below shows the scores and the complete composite scoring sheet has also been included in the packet.

Firm	Total Score	Proposed Hours	Proposed Cost
BT & Co., P.A.	94	300	\$29,000
Cochran, Head, Vick & Co., P.A.	85	210	\$27,980
AGH	92	226	\$35,000
Gordon CPA	69.5	350	\$23,100

BT & Co. P.A. offers an impressive base of experience and credentials. They have audited a number of Kansas municipalities similar in size and operations to Mission including Prairie Village, Atchison, Derby, Leavenworth, and De Soto, as well as the City of Gladstone, Missouri.

Though their annual cost is higher than some of the other firms' proposals, it is in line with what the City has been paying and is appropriate for the services they offer.

Staff recommends that the City enter into an agreement with BT & Co., P.A. engaging them in auditing the City's financial statements for the fiscal year ending December 31, 2021 for an amount not to exceed \$29,000. In addition, the City would have the option to utilize them for three subsequent fiscal years.

CFAA CONSIDERATIONS/IMPACTS: N/A

Related Statute/City Ordinance:	N/A
Line Item Code/Description:	01-07-207-02 - Annual Audit
Available Budget:	\$30,000



Certified Public Accountants

PROPOSAL FOR PROFESSIONAL AUDITING SERVICES FOR THE CITY OF MISSION, KANSAS

July 28, 2021

STACEY A. HAMMOND
BT&CO., P.A.
4301 SW HUNTOON STREET
TOPEKA, KS 66604
785-234-3427 800-530-5526
www.btandcocpa.com
shammond@btandcocpa.com



Certified Public Accountants

July 28, 2021

Audit Selection Committee
City of Mission
6090 Woodson Street
Mission, Kansas 66202

Dear Committee Members:

BT&Co., P.A. (BT&Co.) is pleased to have the opportunity to submit this proposal to provide professional auditing services to the City of Mission, Kansas (the City) for the year ended December 31, 2021, with options for three additional one-year periods.

We are currently the auditors of the City and wish to continue what has been a professionally rewarding association. Our top-quality, cost-effective service is the best evidence of our ability to service the City's needs. The following proposal describes more fully why and how we can perform more effectively than any other firm. It describes our:

1. **Professional Reputation and Proven Experience** - As illustrated by the client list provided and years served, BT&Co. is well established in providing services to governmental clients. While many of our peers have decided to de-emphasize the governmental industry, we have continued to invest in them. We know that governmental entities are being held to ever-higher levels of scrutiny, public accountability, and demands for efficiencies and performance, and we are committed to helping you meet those expectations. Therefore, we have invested in the technology, training and human resources to stay one step ahead of these challenges faced by our clients.
2. **Service Record** - The references provided will indicate our impeccable service record with clients. We believe that our current involvement with other cities has demonstrated our ability to perform to your specifications both from quality and timeliness viewpoints, including the availability of client-service team individuals, which enables us to respond to day-to-day inquiries promptly. We are committed to performing the work within the time frame prescribed in your request for qualifications.
3. **Staffing** - We have committed to assign experienced government auditors to the engagement team. This would include Stacey Hammond, Karen Linn, and Emily Sheldon. Because of the significant amount of governmental auditing that we perform, all of our audit team members meet the GAO continuing professional education requirements. Our staffing will provide for an effective and timely audit and will result in minimum disruption to the operations of the City.

An Independently Owned Member, RSM US Alliance

RSM US Alliance member firms are separate and independent businesses and legal entities that are responsible for their own acts and omissions, and each are separate and independent from RSM US LLP. RSM US LLP is the U.S. member firm of RSM International, a global network of independent audit, tax, and consulting firms. Members of RSM US Alliance have access to RSM International resources through RSM US LLP but are not member firms of RSM International.



Audit Selection Committee
City of Mission, Kansas
July 28, 2021
Page 2

4. **Competitive Professional Fees** - We believe that the audit fee we are proposing is fair considering your state and federal reporting requirements and is commensurate with the work to be performed.

5. **Research Abilities** - We are formally associated with the world's fifth-largest accounting firm, RSM US LLP. As a member of the RSM US Alliance, we have access to the most up-to-date, industry-specific information available and some of the most sophisticated practitioners in the accounting profession. BT&Co.'s experience and expertise, combined with RSM US LLP's resources, will maximize the value of your audit.

We believe the attached proposal meets the requirements of your request for qualifications. This proposal is a firm and irrevocable offer for 60 days. If you have any questions or require additional information, please contact the undersigned.

Very truly yours,

BT&CO., P.A.

A handwritten signature in black ink that reads "Stacey Hammond". The signature is written in a cursive, flowing style.

Stacey A. Hammond
Director

SAH:tls

CITY OF MISSION, KANSAS

TABLE OF CONTENTS

	<u>Page</u>
Independence and License:	
Statement of Independence	1
License to Practice in Kansas	1
Profile of BT&Co., P.A.:	
The Firm	2
Single Audit Experience	2
Quality Control/Peer Review	2-3
Membership in Professional Organizations	3
Research Abilities	3
GASB Experience and Consulting	4
Additional Professional Services	4
Team Qualifications:	
Personnel/Continuity	5
Brief Resumes of Audit Team	5-7
Similar Governmental Engagements:	
Major Governmental Engagements	8-9
Other Governmental Audit Experience	10
Audit Approach:	
Scope and Objectives	11
Audit Performance	12
Planning	12-13
Systems Evaluation	13
Testing	13
Use of Software	14
Proposed Segmentation	14
Identification of Anticipated Potential Audit Problems	14
Reporting	14
Management Letter	14
Timing	15
Materiality	15
Other	15
Sample Reports	15
Attachments:	
Appendix A – Respondent Guarantees	
Appendix B – Respondent Warranties	
Appendix C – Schedule of Hours for the Audit of the 2021 Financial Statements	
Appendix D – Continuing Professional Education	
Peer Review Report	

INDEPENDENCE AND LICENSE

Statement of Independence

In accordance with auditing standards generally accepted in the United States of America and *Government Auditing Standards*, BT&Co. affirms independence of the City. BT&Co. will maintain an independence of mental attitude in all matters related to this engagement and, further, in accordance with the professional ethics established by the American Institute of Certified Public Accountants, BT&Co. affirms that no member of the firm has had any direct or indirect business or investment relationship or other professional relationship with the City for the past five years, and that no member of the firm has any family relationships with elected officials or department heads of the City. If engaged to perform the audit, BT&Co. will give the City written notice of any professional relationships entered into during the period of this agreement which may result in a conflict of interest.

License to Practice in Kansas

Both the firm and all assigned key professional staff are properly licensed to practice in the State of Kansas.

PROFILE OF BT&CO., P.A.

The Firm

BT&Co. has been serving clients from our Topeka, Kansas office since 1913. Our personnel numbers 56 with 44 professional staff, including 25 certified public accountants and 12 governmental audit staff. We provide auditing, accounting, tax and management consulting services to a diverse group of clients. We are a member of the American Institute of Certified Public Accountants and participate in quality control programs. The firm is a member of the AICPA Government Audit Quality Center. It is anticipated that this audit will be staffed with Director Stacey Hammond, Manager Emily Sheldon and two staff members. In addition, Managing Director Karen Linn will be responsible for the independent quality review.

BT&Co. believes that every client, regardless of its size, is clearly entitled to expect the following:

- Frequent contact with, and ready access to, the engagement team. It goes without saying that this contact can be expected throughout the year and not just when audit activities make it necessary.
- Timely service from a competent team that fully understands the client's business and industry. Our concern for the client's operating efficiency is as great as the concern for strict compliance with governing standards and regulations.

Our client list numbers in excess of 200 audit clients and includes a broad spectrum of state and local governmental agencies. We have served cities, counties, school districts, state agencies, water districts, drainage districts, federal agencies, grant programs, and HUD projects. Our reputation for retention of clients is excellent.

Single Audit Experience

BT&Co. has extensive experience auditing government and nonprofit organizations. These audits, for many of our government and nonprofit clients, include a single audit in accordance with Uniform Grant Guidance. All of our audit team members are well versed in the requirements and process required to perform a single audit. All of our team members receive training to satisfy both the 80-hour and 24-hour rules under the Yellow Book.

Quality Control/Peer Review

All governmental audits are reviewed by the audit director and independent quality reviewer assigned to the engagement. This includes a detailed review of every work paper, and a review of the financial statements and related opinions. These reviews will be performed by Stacey Hammond, as director, and Karen Linn, as independent quality reviewer. BT&Co. quality control procedures include extensive policies and procedures relating to independence, assignment of personnel, supervision, hiring, professional development and inspection. The inspection includes intraoffice professional practice review as well as a peer review. During October 2020, BT&Co. completed a quality control review performed by external certified public accountants in accordance with the requirements of the American Institute of Certified Public Accountants. This quality review, which included governmental engagements, resulted in a "PASS" Rating, which is the highest possible rating. A copy of this report is included at the end of this document.

In addition, BT&Co. has not been subject to any desk or field reviews of our audits during the past four years, and there has been no disciplinary action taken or pending against the firm during the past four years with state regulatory bodies or professional organizations.

Membership in Professional Organizations

BT&Co. personnel are active in numerous professional organizations. The organizations in which the principals and team participate include the following:

1. American Institute of Certified Public Accountants
2. American Institute of Certified Public Accountants Government Audit Quality Center
3. Association of Government Accountants
4. Government Finance Officers Association (GFOA)
5. Kansas Society of Certified Public Accountants
6. Northeast Chapter of the Kansas Society of Certified Public Accountants

Research Abilities

BT&Co., P.A. has been a proud member of RSM US Alliance since 1998. RSM US Alliance is a premier affiliation of independent accounting and consulting firms in the United States, with more than 75 members in over 38 states, the Cayman Islands and Puerto Rico. This affiliation gives us access to a full range of national and international capabilities.

As a member of RSM US Alliance, BT&Co., P.A. has access to resources and services RSM US LLP provides its own clients. RSM US LLP is the leading provider of audit, tax and consulting services focused on the middle market, with more than 9,000 people in 86 offices nationwide. RSM US LLP is a licensed CPA firm and the U.S. member of RSM International, a global network of independent audit, tax and consulting firms with more than 38,000 people in over 120 countries.

We accepted an invitation to become a member of RSM US Alliance because it is a natural fit with our commitment to our clients and our determination to stay at the forefront of developments affecting accounting and consulting firms today. Visit rsmus.com/alliance to learn more about our membership.

RSM US Alliance member firms are separate and independent businesses and legal entities that are responsible for their own acts and omissions, and each are separate and independent from RSM US LLP. RSM US LLP is the U.S. member firm of RSM International, a global network of independent audit, tax and consulting firms. Members of RSM US Alliance have access to RSM International resources through RSM US LLP but are not member firms of RSM US LLP and RSM International. RSM, the RSM logo and RSM US ALLIANCE are trademarks of RSM International Association or RSM US. The services and products provided by RSM US Alliance are proprietary to RSM US LLP.

GASB Experience and Consulting

New GASB statements are having a significant impact on the financial statements of governmental entities. BT&Co. has been instrumental in providing training to governments and the facilitation of discussions between entities to assist finance directors and CFOs in learning and implementing the changes that these statements bring. The assigned team has led numerous training sessions on GASB standards and governmental accounting over the past several years.

The entire audit team of BT&Co. has also attended training sessions to ensure that the firm is at the forefront of the implementation of these issues, thus giving our team the expertise to assist the City in the implementation of these standards.

Additional Professional Services

BT&Co. also provides a broad range of management consulting services to governmental clients including financial planning and control, operations management and control, program and performance evaluation, indirect cost studies, and general management. Our consultants understand the specific management needs of governmental administrators at all levels and are knowledgeable about many factors, such as constitutional, legislative and administrative requirements or constraints, which are important to success in governmental consulting engagements.

We are prepared to provide the City with our full range of consulting services. Prior to commencing consulting services, we will evaluate such services to ensure that their performance will not impair our independence. The related estimated fees will be approved by the administration prior to commencing the work.

TEAM QUALIFICATIONS

Personnel/Continuity

We propose assigning the following individuals to the 2021 and subsequent engagements:

Director	Stacey Hammond
Independent Quality Reviewer	Karen Linn
Manager	Emily Sheldon

In addition, the audit will be staffed with two other auditors on a full-time basis. It is our philosophy to staff the audits with the same core team members from one year to the next to provide the most efficiency to the City.

As a result of the firm's commitment to the governmental industry, our team members are trained in the concepts of governmental audits thus assuring the quality of our staff. These individuals have extensive governmental experience and have previously participated in audits of many cities. As mentioned previously, all of our audit team members have met the GAO continuing professional education requirements. Thus, our staffing will bring a combination of experience and expertise to the audit engagement, resulting in an efficient and effective audit with little disruption to the City's daily operations.

Brief Resumes of Audit Team

Engagement Director - Stacey Hammond, CPA, CGFM

Stacey is a director in our office and is a certified public accountant and a certified government financial manager who has over 20 years of experience, with extensive experience auditing governmental entities. She has assisted many clients with report presentation, statistical information and review of technical financial statements for submission to the GFOA Certificate of Achievement Program. Stacey is a graduate of Kansas State University and the University of Kansas. She is a member of the American Institute of Certified Public Accountants, the Kansas Society of Certified Public Accountants, and the Government Finance Officers Association. Stacey is licensed to practice as a certified public accountant in Kansas and has met the Yellow Book requirement of continuing education hours in each of the past three years. She has attended AICPA, GFOA and RSM continuing education conferences and seminars on accounting, auditing and reporting for governmental entities over the past three years.

Stacey is the engagement director on the following City audits:

City of Atchison, Kansas	City of Owasso, Oklahoma
City of Derby, Kansas	City of Pittsburg, Kansas
City of Gladstone, Missouri	City of Ponca City, Oklahoma
City of Manhattan, Kansas	City of Prairie Village, Kansas
City of Mission, Kansas	City of Stillwater, Oklahoma
City of Newton, Kansas	

Stacey's role during the audit will be to participate in the planning of the audit and to perform the director review of the planning documentation, audit workpapers, and financial statements.

Independent Quality Reviewer - Karen Linn, CPA

Karen is the managing director in our office and is our Government Services Coordinator. She is a certified public accountant with over 30 years of diversified experience in the public accounting field. Karen has extensive municipal and governmental experience. In addition, she has performed and managed audits of cities, counties, the State of Kansas, school districts, and universities, including single audit experience. Karen has been instrumental in assisting clients in understanding Governmental Accounting Standards Board Statements through training sessions and roundtable discussions. She has assisted many clients with report presentation, statistical information and review of technical financial statements for submission to the GFOA Certificate of Achievement Program. Karen also has experience reviewing official statements for long-term debt financing.

Karen is a graduate of Bethel College. She is a member of the American Institute of Certified Public Accountants, the Kansas Society of Certified Public Accountants and the Northeast Chapter of the Kansas Society of Certified Public Accountants. Karen is licensed to practice as a certified public accountant in Kansas and has met the Yellow Book requirement for governmental continuing education hours in each of the past three years. Karen has attended numerous AICPA, GFOA and RSM continuing education conferences and seminars on accounting and auditing for governmental entities over the past 3 years. Karen is the firm's designated Audit Director for firm-wide responsibility for the quality of the firm's governmental audit practice (Governmental Audit Quality Center requirement).

Karen is the engagement director on the following City audits:

City of De Soto, Kansas
City of Tonganoxie, Kansas

City of Hiawatha, Kansas

Karen's role during the audit will be to perform the independent review of the financial statements.

Manager - Emily Sheldon, CPA

Emily is a manager in our office. She is a certified public accountant with nearly 10 years of experience, with experience auditing government and nonprofit organizations. Emily is a graduate of the University of Kansas. She is a member of the AICPA, the KSCPA, and the GFOA. Emily is a graduate of the KSCPA's 20 up to 40 Leadership Program and is an active KSCPA Alumni Ambassador. She presented continuing professional education relating to single audits at the 2017 KSCPA Governmental Nonprofit Accounting & Auditing Conference and has attended AICPA, GFOA, and RSM US LLP continuing education conferences and seminars on accounting, auditing, and reporting for governments and nonprofit entities. Emily is licensed to practice as a certified public accountant in Kansas.

Emily is the engagement manager on the following City audits:

City of De Soto, Kansas
City of Derby, Kansas
City of Gladstone, Missouri
City of Hiawatha, Kansas
City of Manhattan, Kansas

City of Mission, Kansas
City of Owasso, Oklahoma
City of Ponca City, Oklahoma
City of Prairie Village, Kansas
City of Stillwater, Oklahoma

Emily's role during the audit will be to participate in the planning of the audit, to provide supervision over the audit fieldwork, and to perform a detailed review of the audit planning documentation, audit workpapers, and financial statements.

Please see Appendix D for schedules of continuing education courses taken for each of these team members.

SIMILAR GOVERNMENTAL ENGAGEMENTS

Major Governmental Engagements

The following five clients represent the most significant audits performed in the last five years that are similar to the City.

City of Derby, Kansas:

Scope of work: Audit of the financial statements in accordance with auditing standards generally accepted in the United States of America, *Government Auditing Standards* issued by the Comptroller General of the United States, the provisions of the Single Audit Act, Uniform Guidance and OMB's Compliance Supplement and the Kansas Municipal Audit and Accounting Guide. The City prepares an Annual Comprehensive Financial Report that receives the Certificate of Achievement for Excellence in Financial Reporting.

Total Hours: 500

Audit Dates: 2007 to present

Principal Client Contact: Jean Epperson, Director of Finance, (316) 788-1519 ext. 1261

Engagement Director: Stacey Hammond

Engagement Manager: Emily Sheldon

Link to ACFR: www.derbyweb.com

City of Newton, Kansas:

Scope of work: Audit of the financial statements in accordance with auditing standards generally accepted in the United States of America, *Government Auditing Standards* issued by the Comptroller General of the United States, the provisions of the Single Audit Act, Uniform Guidance and OMB's Compliance Supplement and the Kansas Municipal Audit and Accounting Guide. The City prepares an Annual Comprehensive Financial Report that receives the Certificate of Achievement for Excellence in Financial Reporting.

Total Hours: 500

Audit Dates: 2015 to present

Principal Client Contact: Donna Pickman, Finance Director, (316) 284-6019

Engagement Director: Stacey Hammond

Engagement Manager: Dusty Wagoner

Link to ACFR: www.newtonkansas.com

City of Gladstone, Missouri:

Scope of work: Audit of the financial statements in accordance with auditing standards generally accepted in the United States of America, *Government Auditing Standards* issued by the Comptroller General of the United States, the provisions of the Single Audit Act, and Uniform Guidance and OMB's Compliance Supplement. The City prepares an Annual Comprehensive Financial Report that receives the Certificate of Achievement for Excellence in Financial Reporting.

Total Hours: 450
Audit Dates: 2013 to present
Principal Client Contact: Dominic Accurso, Director of Finance, (816) 423-4121
Engagement Director: Stacey Hammond
Engagement Manager: Emily Sheldon
Link to ACFR: www.gladstone.mo.us

City of Atchison, Kansas:

Scope of work: Audit of the financial statements in accordance with auditing standards generally accepted in the United States of America, *Government Auditing Standards* issued by the Comptroller General of the United States, the provisions of the Single Audit Act, Uniform Guidance and OMB's Compliance Supplement and the Kansas Municipal Audit and Accounting Guide. The City prepares an Annual Comprehensive Financial Report that receives the Certificate of Achievement for Excellence in Financial Reporting.

Total Hours: 350
Audit Dates: 1992 to present
Principal Client Contact: Becky Berger, City Manager, (913) 367-5506
Engagement Director: Stacey Hammond
Engagement Manager: Dusty Wagoner
Link to ACFR: www.cityofatchison.com

City of Prairie Village, Kansas:

Scope of work: Audit of the financial statements in accordance with auditing standards generally accepted in the United States of America and the Kansas Municipal Audit and Accounting Guide. The City prepares an Annual Comprehensive Financial Report that receives the Certificate of Achievement for Excellence in Financial Reporting.

Total Hours: 350
Audit Dates: 2012 to present
Principal Client Contact: Nickie Lee, Finance Director, (913) 385-4661
Engagement Director: Stacey Hammond
Engagement Manager: Emily Sheldon
Link to ACFR: www.pvkansas.com

Other Governmental Audit Experience

The following is a listing of BT&Co.'s current governmental clients served.

Cities

City of Atchison, Kansas (1)(2)(3)	City of Newton, Kansas (1)(2)(3)
City of De Soto, Kansas	City of Owasso, Oklahoma (1)(2)(3)
City of Derby, Kansas (1)(2)(3)	City of Pittsburg, Kansas (1)(2)(3)
City of Gladstone, Missouri (1)(2)(3)	City of Ponca City, Oklahoma (1)(3)
City of Hiawatha, Kansas (1)	City of Prairie Village, Kansas (2)(3)
City of Manhattan, Kansas (1)(3)	City of Stillwater, Oklahoma (1)(2)
City of Mission, Kansas (2)(3)	City of Tonganoxie, Kansas

School Districts

Auburn-Washburn U.S.D. No. 437 (1)	Leavenworth U.S.D. No. 453 (1)
Easton U.S.D. 449	Santa Fe Trail U.S.D. No. 434 (1)
Fort Leavenworth U.S.D. No. 207 (1)	Seaman U.S.D. No. 345 (1)
Jefferson County North U.S.D. No. 339	Shawnee Heights U.S.D. No. 450 (1)
Jefferson West U.S.D. No. 340	Shawnee Mission U.S.D. No. 512 (1)(3)
Lawrence U.S.D. No. 497 (1)	Topeka Public Schools U.S.D. No. 501 (1)(3)

Other Governmental Entities

Blue Valley Recreation Commission
Chisholm Creek Utility Authority
Highland Community College (1)
Information Network of Kansas, Inc.
Metropolitan Topeka Airport Authority (1)
Missouri Department of Natural Resources Drinking and Clean Water State Revolving Funds
Sac and Fox Gaming Commission
Topeka and Shawnee County Public Library
Topeka Metropolitan Transit Authority (1)

Key

- (1) – Indicates a single audit requirement during at least one of our years of service to the client
- (2) – Indicates submission to GFOA and receipt of Certificate of Achievement for Excellence in Financial Reporting
- (3) – Indicates that BT&Co. assists the client with preparation of the Annual Comprehensive Financial Report

AUDIT APPROACH

Scope and Objectives

Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America and, accordingly, will include such tests of the accounting records and such other auditing procedures as we consider necessary in the circumstances to express an opinion on the financial statements of the City. Our audit will also be conducted in accordance with the following:

- *Government Auditing Standards* (current applicable revision), issued by the Comptroller General of the United States.
- The AICPA industry audit guide, *Audits of State and Local Governmental Units* (current applicable revision).
- Subpart F of Title 2 U.S. Code of Federal Regulations (CFR) Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance).
- *OMB Compliance Supplement*.
- The Single Audit Act of 1984, including amendments in 1996.
- *Kansas Municipal Audit and Accounting Guide* approved by the Division of Accounts and Reports.

We anticipate the issuance of the following reports:

- An opinion as to whether each opinion unit in the basic financial statements is presented fairly in accordance with accounting principles generally accepted in the United States of America and an opinion as to whether the Schedule of Expenditures of Federal Awards is presented fairly in all material respects in relation to the financial statements taken as a whole. It is anticipated that the scope of the opinion will be similar to the prior years.
- If applicable, a report on compliance with requirements applicable to each major program and internal control over compliance in accordance with Uniform Guidance.
- A report on internal control over financial reporting and on compliance and other matters based on an audit of the financial statements in accordance with *Government Auditing Standards*.
- If applicable, a schedule of findings and questioned costs or schedule of findings and responses, including the following three components:
 - A summary of the auditors' results, including components required by Uniform Guidance
 - Findings and questioned costs for the financial statements which are required to be reported in accordance with GAGAS.
 - Findings and questioned costs for Federal awards including significant deficiencies and material weaknesses, if any, related to major programs. Any items reportable as required under Uniform Guidance would be reported here.

Audit Performance

An audit of financial statements, like any scientific inquiry, requires the auditor to assemble raw information, analyze this material and report the results. In recent years, BT&Co. has used innovative audit techniques to match the increasing sophistication of management information systems and the growing need for an effective and reliable system of internal accounting controls.

This section describes how BT&Co. will conduct the examination of the City. While audits by different firms may appear to be identical, they can be differentiated if two characteristics are considered:

- The extent to which the auditing firm attempts to obtain an understanding of the client in advance of the examination and tailor the auditing procedures to the conditions and needs of the client; and
- The additional skills and processes the auditor can bring to the engagement which will translate into an effective and efficient examination.

We believe our approach has such characteristics. Our examination will include:

- Planning,
- Systems evaluation,
- Testing, and
- Reporting.

Planning

The planning phase establishes the proper foundation for the direction of the audit. It encompasses the following tasks:

- Obtain an understanding of the operating environment in accordance with auditing standards. This will begin with the necessary understanding and documentation of the environment in which the City operates. An understanding would be obtained through interviews with personnel, review of documents and observation of systems in place at the City.
- Review information technology operations including current status and anticipated changes.
- Conduct analytical reviews. One of the most inefficient ways to conduct an audit is to spend significant time examining transactions that have little or no importance to the financial statements as a whole, or which represent minimal risk. Typically, many such areas exist in organizations the size of the City. In analytical reviews, however, the auditor studies the budgets and financial statements and looks for unusual trends and results. At this time, interrelationships of other functional areas with the accounting system are identified. Extended audit procedures can then be focused on the areas of unusual results or potential audit risk. Our staff is trained in the concepts of analytical review, and we will utilize the technique in conducting the audit of the City's systems.

- Identify major areas of audit concern and define major audit objectives. This would include determining laws and regulations that will be subject to audit test work through review of City minutes, review of financial statements and interviews with City management personnel.
- Meet with the City's personnel to discuss planning, procedures, timing, etc.
- Finalize the audit plan.

Systems Evaluation

The work accomplished in the planning phase provides the framework for a review of the systems and procedures and the determination of the extent to which they can be relied on to produce reliable financial data. As a result of this review, we will determine that a clear and concise delineation of the flow and recording of accounting transactions is documented. This review and determination is called the systems evaluation phase. It includes three tasks:

- Review internal accounting control systems.
- Identify control strengths and weaknesses.
- Develop a tailored audit program.

Testing

Once the tailored audit program is developed, we will conduct both compliance tests and substantive tests.

- **Compliance Tests** - We will test compliance with established control procedures by ascertaining that the significant strengths within each system are functioning as described. Particular attention will be placed on controls over the processing of information related to the major areas of audit concern. We will also identify and test for compliance with applicable laws (including state statutes), regulations and governmental policies, including single audit test work, if applicable. Samples will be drawn as necessary to test controls using random sample techniques to the extent the population lends itself to such a process. In the event the sample does not lend itself to random sampling, a haphazard sample will be selected from the population.
- **Substantive Tests** - These tests are designed to provide reasonable assurance as to the validity of the information produced by the accounting system that appears on the financial statements. The extent of our detailed substantive work will be governed by the results of our compliance tests of accounting internal controls. These tests will include third party confirmation of your financial institution accounts and other investments, property, sales and franchise tax revenue, grant revenue and other financial statement accounts which lend themselves to confirmation. A detailed analytical review will be performed during this phase of the audit work to identify in detail the unusual trends or relationships which may indicate a need to test further. Corroborating evidence will be obtained to support changes that have occurred.

Use of Software

BT&Co. uses Caseware Working Papers software (specifically tailored for RSM), allowing us to perform our audits in a “paperless” environment, which increases efficiency and reduces waste. Our firm also uses a secure and encrypted file sharing system to transmit documents and information via email. We will provide the City with electronic and paper audit reports. We also retain our audit workpapers and reports electronically in a document management system.

Proposed Segmentation

Planning	30 hours	Director, Manager and Staff
Systems evaluation	30 hours	Manager and Staff
Testing	175 hours	Manager and Staff
Reporting	50 hours	Director, Manager and Staff
Supervision and review	50 hours	Director and Manager
Typing/Clerical/QC	<u>15</u> hours	Administrative Team
	<u>350</u> hours	

Overall supervision of all segments will be performed by Manager Emily Sheldon during the fieldwork.

Identification of Anticipated Potential Audit Problems

We have not identified any potential problems in performing the audit. If we do encounter a problem, we will immediately inform the proper level of management at the City and work with the City to resolve the issue in a timely manner.

Reporting

All governmental audits are reviewed by the audit director and by the independent quality reviewer assigned to the engagement. This includes a detailed review of every work paper, and a review of the financial statements and related opinions. Stacey Hammond, as director, and Karen Linn, as independent quality reviewer, will perform these reviews. At the conclusion of our audit of the financial statements, we will issue our reports in accordance with the scope of our examination previously discussed. Additionally, we will assist the City in submitting the report for the GFOA Certificate of Achievement for Excellence in Financial Reporting. We will review the audit report through the use of checklists used by the GFOA reviewers to ensure that the report is in compliance with the GFOA program.

Management Letter

We place great emphasis on preparing management letters which contain constructive, practical recommendations regarding internal control and operating improvement opportunities when significant deficiencies and/or material weaknesses, are present. The letter is reviewed initially with the appropriate City officials while the comments are in draft form.

Timing

We would begin our planning of the engagement as soon as the contract is awarded. Periodic progress meetings will be held with the Assistant City Administrator/Finance Director prior to, during and upon completion of the fieldwork. Emily Sheldon will be the person responsible for monitoring the progress through the use of time budgets, and the reporting of such to the City. Our audit team size is sufficient to complete the fieldwork in the time frame required to meet the deadlines. We are prepared to schedule the engagement to satisfy the deadline for delivery of the draft and final audit reports which includes interim audit fieldwork as is deemed necessary to meet the deadline. We also anticipate as part of the audit process a meeting with the City's Finance and Administration Committee and/or the City Council to discuss the scope of our work and findings.

Materiality

For governmental entities, our firm calculates materiality at the opinion unit level using a weighted percentage of assets and revenues of the opinion unit. In general terms and ignoring qualitative aspects, we consider all variances that are less than 5% of opinion unit materiality to be immaterial. In addition, variances that are 5 – 20% of opinion unit materiality are generally accumulated in a schedule of passed adjustments. Variances greater than 20% of opinion unit materiality are evaluated and may be considered audit adjustments or may be added to the schedule of passed adjustments depending on the amount of other identified variances.

Other

We will be responsible for communicating and interpreting significant changes in governmental reporting. This will include inquiries received from City staff during the year.

The Governmental Accounting Standards Board issues statements periodically that have a significant impact on governmental financial statements. BT&Co. assists our governmental clients with the implementation of these standards through training sessions and/or roundtable discussions or consultations as required, due to the complexity of the new standard.

Sample Reports

See the Similar Governmental Engagements section for links to Annual Comprehensive Financial Reports that show our formats for required reports.

APPENDIX A

RESPONDENT GUARANTEES

The proposer certifies it can and will provide and make available, as a minimum, all services set forth in Section II, Nature of Services Required.

Signature of Official: Stacey Hammond

Name (typed): Stacey A. Hammond

Title: Director

Firm: BT&Co., P.A.

Date: 7-28-21

APPENDIX B

RESPONDENT WARRANTIES

- A. Respondent warrants that it is willing and able to comply with State of Kansas laws with respect to foreign (non-state of Kansas) corporations.
- B. Respondent warrants that it is willing and able to provide a Certificate of Errors and Omissions Insurance providing \$1,000,000 per occurrence and as an annual aggregate professional liability coverage for willful or negligent acts or omissions of any officers, employees or agents thereof; \$1,000,000 combined single limit per occurrence comprehensive general liability; and statutory workers compensation; and \$100,000 each occurrence employer's liability. The successful respondent shall be required to maintain and carry such insurance in force for the duration of the contract with a certificate furnished prior to entering into a contract.

Prior to any material change or cancellation in the above insurance, the City of Mission, its officers, commissions, agents, and employees will be given thirty (30) days advanced written notice by certified mail to 6090 Woodson Street, Mission, Kansas 66202. In the event of an occurrence, it is further agreed that any insurance maintained by the City of Mission, Kansas, its officers, commissions, agents and employees shall apply in excess of and not contribute with insurance provided by policies named in this contract.

- C. Respondent warrants that it will not delegate, assign, transfer or subcontract its responsibilities under any resultant agreement without the prior written permission of the City.
- D. Respondent warrants that all information provided by it in connection with this proposal is true and accurate.
- E. Respondent warrants that it understands it is required to adhere to the Contract requirements set forth in this RFQ and all of the requirements of the RFQ which will be an attachment to the contract.

Signature of Official: Stacey Hammond

Name (typed): Stacey A. Hammond

Title: Director

Firm: BT&Co., P.A.

Date: 7-28-21

APPENDIX C

SCHEDULE OF HOURS FOR THE AUDIT OF THE 2021 FINANCIAL STATEMENTS

Hours:	_____	
Partners:	_____	30
Managers:	_____	60
Supervisory staff:	_____	80
Staff:	_____	165
Other (specify): <u>Administrative</u>	_____	15
Totals:	_____	350

CONTINUING PROFESSIONAL EDUCATION
STACEY HAMMOND
2017 THROUGH 2020

DATE	COURSE	SPONSOR	HOURS
1/6/2017	Planning, Single Audit, PJE and Government Refresher	BerberichTrahan & Co.	5
2/8/2017	GASB 75 OPEB Implementation: Accounting & Auditing Considerations	AICPA	2
4/24/2017	EBP Regulatory Update - 2017	McGladrey Pullen	2
5/23/2017	Audits of Employee Benefit Plans Update - 2017	McGladrey Pullen	2
7/21/2017	Q2 Emerging Topics in Auditing - 2017	RSM	2
8/7/2017	AICPA Governmental A&A Update Conference Online	AICPA	16.5
9/20/2017	Ethics	KSCPA	2
10/19/2017	Q3 Emerging Topics in Auditing - 2017	RSM	2
10/23/2017	2017 RSM US Alliance Leadership Conference Open	RSM	2.5
10/25/2017	LC Step Up to Critical Conversations	RSM	2
10/25/2017	LC Step UP Creating a Culture of Everyday Innovation	RSM	2
10/25/2017	LC Innovation Challenge	RSM	2
10/26/2017	LC Audit Leader Roundtable	RSM	8
10/26/2017	LC Audit and Tax Cross-functional Roundtable	RSM	2
10/27/2017	2017 RMS US Alliance Leadership Conference Close	RSM	2
11/2/2017	Annual Governmental GAAP Update	GFOA	4
12/11/2017	Audit Year End Alert - 2017	RSM	2
1/5/2018	Planning, New Standardds, Single Audit, PJE & Gov't. Refresher	BTC	5
1/10/2018	Q4 Current Accounting Topics Quarterly Update - 2017	RSM	1.5
5/8/2018	Audits of Employee Benefit Plans Update - 2018	RSM	2
6/7/2018	2018 Compliance Supplement and Single Audit Update	AICPA	2
7/20/2018	Q2 Emerging Topics in Auditing - 2018	RSM	2
8/13/2018	AICPA Governmental A&A Update Conference Online	AICPA	18.5
10/23/2018	Leadership Experience Immersion	RSM	10
10/23/2018	Audit Leader Roundtable	RSM	11.5
11/1/2018	Annual Governmental GAAP Update	GFOA	4
11/10/2018	Professional Ethics: 2018 Update and Refresher	AICPA	2
12/11/2018	Audit Year End Alert - 2018	RSM	2
1/10/2019	Government and In-Charge Training	BTC	4
1/11/2019	Annual Internal Training (New Pronouncements, Planning, Single Audit)	BTC	7
1/15/2019	Q4 Current Accounting Topics Quarterly Update - 2018	RSM	1.5
5/20/2019	Audits of Employee Benefit Plans Update - 2019	RSM	3
6/28/2019	2019 State and Local Government Audit Planning Considerations	AICPA	2
8/1/2019	Accounting Under the FASB's New Lease Standards	RSM	2
8/12/2019	AICPA Governmental A&A Update Conference Online	AICPA	18
8/22/2019	2019 Compliance Supplement & Single Audit Tips	BTC	1
11/7/2019	Annual Governmental GAAP Update	GFOA	4
11/18/2019	IDEA and Construction Training	BTC	7
12/19/2019	Audit Year End Alert - 2019	RSM	2
1/9/2020	Governmental Training	BTC	2

1/10/2020	Annual Internal Training	BTC	7
1/24/2020	2020 Mandatory EBPAQC Designated Audit Quality Partner Audit Planning	AICPA	2
2/1/2020	AICPA Professional Ethics: 2019 Update and Refresher	AICPA	2
4/30/2020	Audits of Employee Benefit Plans Update - 2020	RSM	3
5/5/2020	2020 GAQC Annual Update Webcast	AICPA	2
8/17/2020	AICPA Gov. A&A Update Conference	AICPA	18
9/14/2020	Audit QC Items & Orb Internal Training	BTC	3.5
10/27/2020	*RSM Advisory Conference Opening Session	RSM	1.5
10/27/2020	Demystifying the data analytics hype through actionable solutions	RSM	1
10/28/2020	Bringing alive the audit of the future	RSM	1
10/28/2020	Employee engagement through a digital experience	RSM	1
10/28/2020	Report Processes	BTC	1
10/29/2020	A once-in-a-generation moment to reimagine the workplace	RSM	1
11/5/2020	Annual Governmental GAAP Update	GFOA	4
12/10/2020	Audit Year End Alert - 2020	RSM	2
12/18/2020	Implementing RSM Orb- A Refresher	RSM	2

CONTINUING PROFESSIONAL EDUCATION

KAREN LINN

2017 THROUGH 2020

DATE	COURSE	SPONSOR	HOURS
1/6/2017	Planning, Single Audit, PJE and Government Refresher	BerberichTrahan & Co.	5
4/24/2017	Mandatory EBPAQC Designated Partners 2017 Audit Planning	AICPA	2
5/2/2017	2017 GAQC Annual Update	AICPA	2
5/16/2017	RSM US Alliance Management Partner Roundtable	RSM	12
5/23/2017	Audits of Employee Benefit Plans Update - 2017	McGladrey Pullen	2
5/31/2017	Partner Agreement, Retirement and Succession Planning Survey	RSM	1
7/13/2017	Interpreting the New Revenue Recognition Standards	AICPA	4
8/2/2017	Financial Reporting for NFP Entities	AICPA	4
9/20/2017	Ethics	KSCPA	2
10/23/2017	2017 RSM US Alliance Leadership Conference Open	RSM	2.5
10/23/2017	LC Coaching that Sticks	RSM	2
10/23/2017	LC Creating a Culture of Everyday Innovation	RSM	2
10/23/2017	LC Innovation Challenge	RSM	2
10/23/2017	LC Managing Partner Roundtable	RSM	8
10/23/2017	LC MP and HR Cross-functional Roundtable	RSM	2
10/23/2017	2017 RSM US Alliance Leadership Conference Close	RSM	2
12/7/2017	Annual Governmental GAAP Update	GFOA	4
12/18/2017	Audit Year-End Alert - 2017	RSM	2
1/5/2018	Planning, New Standardds, Single Audit, PJE & Gov't. Refresher	BTC	7
1/26/2018	Mandatory EBPAQC Designated Partners 2018 Audit Planning	AICPA	2
3/15/2018	Focus, Understand, Act - Coaching at RSM	RSM	1
4/11/2018	NFP FASB Standards Updates on the Horizon: What You Need to Know	AICPA	2
4/18/2018	RSM US Alliance Compensation Study	RSM	1.5
4/25/2018	RSM US Alliance Financial Statistics Survey	RSM	1.5
5/8/2018	Converting Ideas into Innovations: The Design Thinking Process	RSM	1.5
5/8/2018	2018 GAQC Annual Update Webcast	AICPA	2
5/10/2018	RSM US Alliance Managing Partner Roundtable	RSM	12
5/30/2018	Audits of Employee Benefit Plans Update - 2018	RSM	2
7/5/2018	Governmental and NFP Annual Update	AICPA	6
7/11/2018	Accounting for Leases - Current Standards of ASC 840	RSM	2
8/22/2018	Not-for-Profit Accounting and Auditing Update	AICPA	4
9/12/2018	Managing Change	AICPA	2
9/30/2018	Fraud and Cash Receipts: Common Frauds and Internal Controls	AICPA	5
10/23/2018	Leadership Experience Immersion	RSM	10
10/24/2018	Managing Partner Roundtable	RSM	11
12/5/2018	Annual Governmental GAAP Update	GFOA	4
12/18/2018	Audit Year End Alert - 2018	RSM	2
12/22/2018	Professional Ethics: 2018 Update and Refersher	AICPA	2
1/11/2019	Annual Internal Training (New Pronouncements, Planning, Single Audit)	BTC	3
4/30/2019	2019 GAQC Annual Update Webcast	AICPA	2
5/16/2019	Managing Partner Roundtable - 2019	RSM	12
5/20/2019	Audits of Employee Benefit Plans Update - 2019	RSM	3
5/29/2019	Blockchain Implications for Audit and Assurance Services	AICPA	5.5

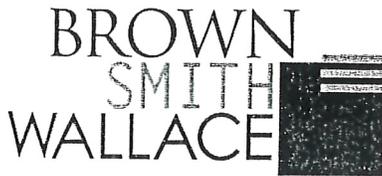
6/26/2019	2019 Legislative Update	KSCPA	1
7/23/2019	Accounting under the FASB's New Lease Standards	RSM	2
7/24/2019	Mandatory EBPAQC Designated Partners 2019 Audit Planning	AICPA	2
7/31/2019	Motivating the Right Way - Get the Most from Your Staff	CPA Crossings	2
8/22/2019	2019 Compliance Supplement & Single Audit Tips	BTC	1
9/18/2019	Ethics	KSCPA	2
10/23/2019	Leading the Advisory Evolution	RSM	4
10/23/2019	Deep Dive - Shift the Mindset	RSM	3.5
10/24/2019	Managing Partner Roundtable LC	RSM	10
10/24/2019	RSM Innovation Experience	RSM	1
12/5/2019	Annual Governmental GAAP Update	GFOA	4
12/18/2019	Cybersecurity Update	KSCPA	1
12/19/2019	Audit Year End Alert - 2019	RSM	2
1/10/2020	Annual Internal Training	BTC	3
3/20/2020	Coronavirus/COVID-19:Business Planning and Impacts	AICPA	1
3/30/2020	Pandemic Risk Mitigation and Practical Consideratons for CPA Firms	AICPA	1
4/2/2020	Coronavirus/COVID-19: Business Planning and Impacts	AICPA	1
4/3/2020	Tax Implications of the Coronavirus Aid Relief and Economic Security (CARES) Act	AICPA	1
4/9/2020	BKD COVID-19 Weekly Webinar Series - Cash Flow Projections & Business Planning	BKD	1
4/10/2020	The CARES Act and the Paycheck Protection Program	AICPA	2
4/30/2020	Town Hall Update: CARES Act and Paycheck Protection Program	AICPA	1
5/5/2020	RSM US Allianace Compensation Study	RSM	1.5
5/7/2020	Town Hall Update: CARES Act and Paycheck Protection Program	AICPA	1
5/14/2020	Town Hall Update: CARES Act and Paycheck Protection Program	AICPA	1
5/19/2020	Managing Partner Roundtable - Spring 2020	RSM	6
5/21/2020	Town Hall Update: CARES Act and Paycheck Protection Program	AICPA	1
5/27/2020	NFP Entities: 2020 Audit Risk Alert	AICPA	2
5/28/2020	Town Hall Update: CARES Act and Paycheck Protection Program	AICPA	1
6/2/2020	Governmental and NFP A&A Conference	KSCPA	16
6/4/2020	Audits of Employee Benefit Plans Update - 2020	RSM	3
6/22/2020	QuickBooks Training	BTC	1
6/26/2020	Annual Update: Top Gov'l and Not-for-Profit Accounting & Auditing Issues Facing CPAs	AICPA	9
9/3/2020	Town Hall Series - Specialized Knowledge	AICPA	1
9/9/2020	2020 Supplement and COVID-19 Single Audit Implications	AICPA	2
9/14/2020	Auidt QC Items & Orb Internal Training	BTC	3.5
10/22/2020	Town Hall Series - Specialized Knowledge	AICPA	1
10/27/2020	Technology in a pandemic-why does it matter to nonprofit? And where do we go from here	RSM	1
10/27/2020	Trusted Advisor Now more than ever-Advisory Conf	RSM	1
10/28/2020	Report Processes	BTC	1
10/28/2020	From Good to Great - Using thought leadership...	RSM	1
10/28/2020	Employee Engagement through Digital Exp	RSM	1
10/28/2020	Seven Mindset Shifts to Drive Diff & Growth....	RSM	1
10/29/2020	A Once in a Generation Moment to reimagine the workplace	RSM	1
11/19/2020	Town Hall Series - Specialized Knowledge	AICPA	1
12/3/2020	Managing Patner Roundtable - Spring 2020	RSM	6
12/10/2020	OMB Supp Addendum & Latest Covid-19 Single Audit Implications	AICPA	2
12/22/2020	Professional Ethics: 2020 Update and Refersher	AICPA	2

CONTINUING PROFESSIONAL EDUCATION
EMILY SHELDON
2017 THROUGH 2020

DATE	COURSE	SPONSOR	HOURS
1/4/2017	Unconconscious Bias: Removing Your Barriers to Client, Team & Perf. Succ.	McGladrey & Pullen	4
1/4/2017	Inspirint Trust	McGladrey & Pullen	4
1/5/2017	Cultivating Relationships for Growth	McGladrey & Pullen	4.5
1/5/2017	Foundations of Effective Management	McGladrey & Pullen	4
1/6/2017	New Manager: Closing Session	McGladrey & Pullen	3
1/12/2017	The Sch. Of Exp. Of Fed. Awards & Major Program Determination	AICPA	2
1/13/2017	Audit Year End Alert - 2016	McGladrey & Pullen	2.5
5/1/2017	KSCPA Presentation Preparation	KSCPA	2
5/16/2017	Gov. NP A&A Conference	KSCPA	1
5/17/2017	KSCPA Alumni Ambassador Event: w/Prof Issues Update	KSCPA	2
6/8/2017	2017 OMB Compliance Supplement and Single Audit Update	AICPA	2
6/15/2017	Auditing Head Start Under the New Program Perf Standards . . .	AICPA	2
7/19/2017	The CPA's Role in Trust and Estate Administration	KSCPA	
11/2/2017	Annual Governmental GAAP Update	GFOA	4
12/1/2017	CPAs in Trouble: Ethical Considerations	Thomson Reuters/Checkpoint Learning	2
12/1/2017	NFP Accounting & Financial Reporting: Split Interest Agreements & Endowments	AICPA	2
12/1/2017	Revenue Recognition: Mastering the New FASB Requirements: Current Guidance	AICPA	2.5
12/1/2017	Rev Recog: Mastering the New FASB Req: New Guidance & Imp. The New Stand.	AICPA	2.5
12/1/2017	Rev Recog: Mastering the New FASB Req: Discl Req under the New Stand	AICPA	0.5
12/5/2017	Rev Recog: Mastering the New FASB Req: Spec Issues Under the New Standard	AICPA	1
12/11/2017	Audit Year End Alert - 2017	RSM	2
12/22/2017	Leases: Mastering the New FASB Requirements	AICPA	10.5
1/5/2018	Planning, New Standardds, Single Audit, PJE & Gov't. Refresher	BTC	7
2/1/2018	In-Charge Training	BTC	1
6/5/2018	Governmental Nonprofit Accounting & Auditing Conference	KSCPA	2
6/7/2018	2018 Compliance Supplement and Single Audit Update	AICPA	2
8/21/2018	Rita Crundwell: Largest Municipal Theft in U.S. History	CPA Crossings	4
10/16/2018	Q3 Emergnig Topics in Accounting	RSM	2
10/24/2018	Professional Ethics: 2018 Update and Refresher	AICPA	2
10/31/2019	CCh Axxess Practice - End User	Wolters Kluwer	1
11/1/2018	Annual Governmental GAAP Update	GFOA	4
11/27/2018	Presentaon Skills for Accountants and Auditors	CPA Crossings	2
12/21/2018	Special Purpose Frameworks - Alternatives to GAAP	AICPA	4
1/10/2019	Government and In-Charge Training	BTC	4
1/11/2019	Annual Internal Training (New Pronouncements, Planning, Single Audit)	BTC	7
5/31/2019	2019 Budget Workshop	KS Dept of Administration	6
6/4/2019	Government Nonprofit Accounting & Auditing Conference	KSCPA	16
7/10/2019	How to Account for Capital Assets	GFOA	2
7/23/2019	Accounting Under the FASB's New Lease Standards	RSM	2
8/20/2019	State and Local Govts - Testing Expenditures	RSM	1

8/22/2019	2019 Compliance Supplement & Single Audit Tips	BTC	1
11/7/2019	Annual Governmental GAAP Update	GFOA	4
11/18/2019	IDEA and Construction Training	BTC	7
12/19/2019	Audit Year End Alert - 2019	RSM	2
1/9/2020	Governmental Training	BTC	2
1/10/2020	Annual Internal Training	BTC	6
6/2/2020	Videocast Governmental Nonprofit Accounting & Auditing Conference	KSCPA	16
6/12/2020	Ethics: CPAs' Recent Illegal and Discreditable Acts	KSCPA	4
7/21/2020	COVID-19 Audit Implications	AICPA	2
8/13/2020	Train the Trainer	RSM	7
8/27/2020	Implementing the CARES Act Coronavirus Relief Fund for State & Local Gov	GFOA	2
9/9/2020	2020 Supplement and COVID-19 Single Audit Implications	AICPA	2
9/14/2020	Audit QC Items & Orb Internal Training	BTC	8
10/27/2020	RSM Advisory Conference Opening Session - Adv. Conf.	RSM	1.5
10/27/2020	Trusted Advisor Now More Than Ever - Advisory Conf.	RSM	1
10/28/2020	Strengthening and Expanding Client Relationships Remotely - Adv. Conf.	RSM	1
10/28/2020	Bringing Alive the Audit of the Future - Adv. Conf.	RSM	1
10/28/2020	Report Processes	BTC	1
11/5/2020	Annual Governmental GAAP Update	GFOA	4
12/10/2020	OMB Supplement Addendum and COVID-19 Implications	AICPA	2
12/15/2020	Audit Year End Alert - 2020	RSM	2
12/16/2020	KSCPA NE Chapter Mtg - Ethics Webcast	KSCPA	2

207.5



THE FIRM FOR GROWTH.®

Report on the Firm's System of Quality Control

November 17, 2020

To the Directors of
BT&Co., P.A.
and the Peer Review Committee of the Kansas Society of Certified Public Accountants

We have reviewed the system of quality control for the accounting and auditing practice of BT&Co., P.A. (the firm) in effect for the year ended June 30, 2020. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants (Standards).

A summary of the nature, objectives, scope, limitations of, and the procedures performed in a System Review as described in the Standards may be found at www.aicpa.org/prsummary. The summary also includes an explanation of how engagements identified as not performed or reported in conformity with applicable professional standards, if any, are evaluated by a peer reviewer to determine a peer review rating.

Firm's Responsibility

The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. The firm is also responsible for evaluating actions to promptly remediate engagements deemed as not performed or reported in conformity with professional standards, when appropriate, and for remediating weaknesses in its system of quality control, if any.

Peer Reviewer's Responsibility

Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review.

Required Selections and Considerations

Engagements selected for review included an engagement performed under Government Auditing Standards, including compliance audits under the Single Audit Act, and audits of employee benefit plans.

As a part of our peer review, we considered reviews by regulatory entities as communicated by the firm, if applicable, in determining the nature and extent of our procedures.

Opinion

In our opinion, the system of quality control for the accounting and auditing practice of BT&Co., P.A. in effect for the year ended June 30, 2020, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. BT&Co., P.A. has received a peer review rating of *pass*.

Brown Smith Wallace, LLP

Brown Smith Wallace, LLP

City of Mission
Professional Auditing Services RFQ Evaluation Sheet – 2021

Evaluator: Brian Scott & Debbie Long (Composite Score)_____

		Maximum Points	BT & Co.	Cochran, Head, Vick	Gordon CPA	AGH
Firm's Experience Capabilities and References		15				
Firm's Experience	Understands our organization and sector through an appropriate level of experience in the audit of other similar organizations.	5	4.5	5	4.5	5
Capabilities	Does the firm have the capability of completing the audit? Are there any deficient desk/field reviews or disciplinary actions?	5	5	5	3	5
References and Independence	Did the firm provide references of three clients similar in size and requirements?	5	5	4.5	4	4
Quality and Experience of Assigned Professional		20				
Staff Qualifications	Does the proposed staff have the required professional education? Are the appropriate levels of staff proposed?	10	9	8	6	9.5
Staff Experience	Does the proposed staff have municipal audit experience?	10	9	7.5	7	9.5
Schedule, Estimation of Hours and Audit Approach		20				
Schedule and Estimation of Hours	Do the proposed number of hours appear reasonable based on knowledge of hours required during previous audits?	10	9.5	7	4	9
Audit Approach	Does the audit approach recommended within the proposal seem reasonable based on the proposed hours? Does the firm identify areas of risk?	10	9.5	7.5	6	9
Communication, Understanding of Scope and Quality of Proposal		20				
Understanding of Scope	Does the proposal demonstrate that the firm has an understanding of the scope of the audit?	10	9.5	8.5	5	9.5
Quality of Proposal	Does the proposals address all requirements in Section 5D, items 2-9.	10	10	8	5	9.5
Fee Proposal		25				
Fee Proposal	Lowest bid will receive 25 points. The other bids will receive a prorated share of 25 points. For example if the lowest bid is		\$29,000 23	\$27,980 24	\$23,100 25	\$35,000 22
Total		100	94	85	69.5	92

City of Mission	Item Number:	10.
DISCUSSION ITEM SUMMARY	Date:	October 6, 2021
Administration	From:	Emily Randel

Discussion items allow the committee the opportunity to freely discuss the issue at hand.

RE: Creating a Common Consumption Area in the Mission Business District

DETAILS: Kansas Statute K.S.A. 41-2659 allows for the creation of a common consumption area to permit the possession and consumption of alcoholic liquor, specifically during a civic or special event and for use on sidewalk cafes and patios. Staff seeks Council feedback on whether to pursue a Common Consumption Area Permit from the State of Kansas Alcohol Beverage Commission (ABC).

Mission has included alcohol sales at various special events in recent years including the Mission Market and food truck nights. Current regulations require the Governing Body to approve each time alcohol is to be sold, served, dispensed, and consumed in public parks, public parking lots and other City property. Temporary Extension of Premise permits are required for licensed establishments to extend their on-premise area for sale and consumption. A common consumption area would facilitate easier permitting and greater flexibility for these events.

There are four scenarios of that would be impacted by creating a Common Consumption Area (CCA):

1. Public events not adjacent to a licensed establishment (ie. Mission Market)
A licensed establishment located within the CCA may designate one non-contiguous location as a satellite location to participate in public events with less administrative burden.
2. Public events with street closure (ie. Citywide festival)
Customers may bring properly labeled alcohol from a licensed establishment located within the CCA into the CCA as stipulated by ordinance.
3. Public events adjacent to a licensed establishment (ie. Sidewalk cafes or patios)
Licensed establishments located within the CCA may serve alcohol to be consumed in an area outside their establishment that is demarcated as long as minimum access can be maintained. Participation and demarcation determined in advance.
4. Private events adjacent to a licensed establishment (ie. Sidewalk cafes or patios, parking lots, etc.)
Same as Scenario 3 above, but not as part of a public event. Special Event Permit is required for each event and is approved administratively.

Related Statute/City Ordinance:	NA
Line Item Code/Description:	NA
Available Budget:	NA

City of Mission	Item Number:	10.
DISCUSSION ITEM SUMMARY	Date:	October 6, 2021
Administration	From:	Emily Randel

Discussion items allow the committee the opportunity to freely discuss the issue at hand.

With Common Consumption Area	Current Requirements (Without CCA)
Application Process and Fees	
Licensee submits one-time, no-fee application to the State, instead of a fee to both State and City for each event	Currently, the licensee pays \$25.00 to the State and to the City for each event
Frequency of Participation	
There is no limit to the number of times a licensee may participate	A licensee is limited to four events per year
Application Process	
City approves each request locally, with a special event permit handled administratively	The Governing Body must approve each application for each event date and the licensee must apply to the State for each event
Purchase Requirements	
Licensee does not need to go through a wholesaler when using a non-contiguous site, as it is an extension of their business	Licensee must buy the liquor they plan to sell at the event through a wholesale distributor. In the case of Mission's breweries, they must sell their beer to a wholesaler, then buy it back from that wholesaler to sell at the special event.

If a licensed business that is located outside the common consumption area wishes to sell in another location, either within or without the common consumption area, they must obtain a temporary permit from the State.

In order to designate a common consumption area, the City must pass an ordinance or resolution creating the area and designating the boundaries. Any City-specific rules or guidelines applicable to the area must be included in the ordinance as well as conditions required by State statute. These include:

- Restricted common consumption between 9:00 a.m. and 11:00 p.m.;
- Boundaries must be clearly marked with a physical barrier or another apparent line of demarcation;
- Any public street, roadway or alleyway within the common consumption area must be blocked from motorized traffic during any hours in which alcohol is consumed;
- Off-premise sales are only permitted with a catering license, a separate temporary

Related Statute/City Ordinance:	NA
Line Item Code/Description:	NA
Available Budget:	NA

City of Mission	Item Number:	10.
DISCUSSION ITEM SUMMARY	Date:	October 6, 2021
Administration	From:	Emily Randel

Discussion items allow the committee the opportunity to freely discuss the issue at hand.

permit, or authorized approval in writing by the City to operate a non-contiguous service area;

- Use of public sidewalks is permitted within the business’s storefront boundaries as long as a minimum of five feet clearance is maintained;
- Alcohol must be served in non-glass containers that are clearly marked with the licensee’s trade name or logo or other unique identifying mark;
- Alcohol cannot be removed from the designated boundaries;
- Inappropriate conduct by patrons will not be permitted;
- Licensee’s will comply and enforce these restrictions.

Proposed Common Consumption Area



Following the approval of the ordinance, the City will apply for a Common Consumption Area Permit from the State of Kansas Alcohol Beverage Commission. There is a \$100 fee for the annual permit. Staff will then work with licensees interested in participating to help them apply for participation within the CCA.

CFAA IMPACTS/CONSIDERATIONS: Public events foster a shared sense of community and build connections between Mission residents and visitors. The Mission Business District is centrally located in Mission along bike and transit corridors and is within walking distance to any Mission residents. Hosting events in this space provides additional amenities accessible to people of all ages.

Related Statute/City Ordinance:	NA
Line Item Code/Description:	NA
Available Budget:	NA