



Fillmore County Board Minutes



June 26, 2018

The Fillmore County Board of Supervisors convened in open and public session at 9:09 a.m., June 26, 2018, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Neiman presiding. Members present were Noel, Sluka, Risseeuw, Mueller, Cerny, and Johnson. The County Clerk was present to record the minutes of the meeting. Ralph Graham was present for the entire meeting. Bill Burgess and Patt Lentfer were present for a portion of the meeting.

Notice of the meeting was given by publication. A copy of the publication is on file in the County Clerk's office. All proceedings hereinafter shown were taken while the convened meeting was open to the public. Agenda was approved as presented. The Chairman noted that the public meeting guidelines are posted as required by law and available for public distribution if requested. The meeting adjourned at 1:39 p.m.

MINUTES APPROVED

Chairman of the Board, Neiman declared the minutes from the June 12, 2018 meeting approved as presented.

BONDS FOR NEW COUNTY SHOP/OFFICE & COURTHOUSE REPAIRS

Noel moved and Johnson seconded the introduction of the following resolution:

RESOLUTION 2018 – 16

A RESOLUTION OF THE BOARD OF SUPERVISORS (THE "BOARD") OF FILLMORE COUNTY, NEBRASKA (THE "COUNTY") AUTHORIZING THE ISSUANCE BY THE COUNTY OF ITS LIMITED TAX OBLIGATION COUNTY BUILDING BONDS, SERIES 2018, IN ONE OR MORE SERIES AND IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000) TO FINANCE IMPROVEMENTS TO THE COUNTY COURTHOUSE AND THE ACQUISITION, EQUIPPING AND FURNISHING OF A MAINTENANCE BUILDING FOR USE BY THE COUNTY; PRESCRIBING THE FORM OF SAID BONDS; AUTHORIZING THE CHAIR OF THE BOARD OR THE COUNTY CLERK TO DETERMINE THE AGGREGATE PRINCIPAL AMOUNT, THE MATURITIES AND THEIR RESPECTIVE MATURITY DATES, THE INTEREST RATES, THE REDEMPTION PROVISIONS AND OTHER TERMS RELATING TO SAID BONDS AND TO ENTER INTO A CONTRACT ON BEHALF OF THE COUNTY FOR THE SALE OF SAID BONDS, ALL AS PROVIDED AND SUBJECT TO THE TERMS HEREIN; PROVIDING FOR A SPECIAL LEVY AND COLLECTION OF TAXES TO PAY THE PRINCIPAL OF AND THE INTEREST ON SAID BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER THEREOF; DESIGNATING THE BONDS AS QUALIFIED TAX-EXEMPT OBLIGATIONS; ADOPTING CERTAIN POST-ISSUANCE TAX COMPLIANCE AND CONTINUING DISCLOSURE POLICIES AND PROCEDURES RELATING TO SUCH BONDS; AND AUTHORIZING CERTAIN ACTIONS AND DOCUMENTS AND PRESCRIBING OTHER MATTERS RELATING THERETO.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF FILLMORE COUNTY, NEBRASKA:

Section 1. The Board of Supervisors (the "**Board**") of Fillmore County, Nebraska (the "**County**"), hereby finds and determines that:

- (a) The County is a duly organized county and political subdivision under Section 22-127, Reissue Revised Statutes of Nebraska, as amended, and Chapter 23, Reissue Revised Statutes of Nebraska, as amended.
- (b) Section 23-120, Reissue Revised Statutes of Nebraska, as amended (the "**Act**"), authorizes the County to borrow money and issue the bonds of the County to acquire, purchase, construct, renovate, remodel, furnish, equip, add to, improve, or provide a suitable courthouse and other county buildings and site or sites therefor.
- (c) The Act further authorizes the Board to levy a tax not to exceed 5.2 cents on each one hundred dollars upon the taxable value of all the taxable property of the County to pay the costs of the proposed project, including any bonds issued for such purpose.
- (d) following careful and diligent examination of the matter, the board has determined that an urgent present need exists to make improvements to the county courthouse and to acquire, equip, and furnish a maintenance building for use by the county (the "**Project**"), and that the Board must borrow money by issuing the bonds of the County to pay for the proposed Project.



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(e) To pay the costs of acquiring, equipping and furnishing the Project, the Board hereby finds it necessary and advisable that the County issue its limited tax obligation county building bonds which will be payable from the tax authorized under the Act, subject to the limitations of the Act.

(f) All conditions, acts, and things required by law to exist or to be done precedent to the undertaking of the Project and the issuance of the bonds described herein pursuant to the Act do exist and have been done as required by law.

Section 2. (a) To provide funds to pay the costs of acquiring, equipping and furnishing the Project, there shall be and there is hereby authorized to be issued interest bearing limited tax obligation bonds of the County to be known as "Limited Tax Obligation County Building Bonds, Series 2018" (the "**Series 2018 Bonds**") in an aggregate principal amount of not to exceed Two Million Five Hundred Thousand Dollars (\$2,500,000). The Series 2018 Bonds shall be issued only as fully registered bonds, without coupons, on the books of the Registrar and Paying Agent designated in Section 4 hereof (the "**Registrar**") in denominations of \$5,000 or whole multiples thereof not exceeding the principal amount due on a given date of maturity, and shall be numbered consecutively from one upward in order of issuance.

(b) The Chairperson of the Board, the Vice Chair of the Board, the County Treasurer or the County Clerk (including any person authorized to act on their behalf, an "**Authorized Officer**"), or each individually, is authorized and directed, in the exercise of his independent judgment and absolute discretion, to hereafter, from time to time, specify, set, designate, determine, establish and appoint, as the case may be, and in each case in accordance with and subject to the provisions of this Resolution with respect to each series of Series 2018 Bonds herein authorized, (i) the dated date and delivery date, (ii) the aggregate principal amount to be issued, not exceeding the aggregate principal amount set forth in this Section 2, (iii) the dates on which a principal maturity shall occur and the principal amount to mature on such dates, (iv) the date of final maturity, which shall in no event be later than December 15, 2038, (v) the date or dates upon which the Series 2018 Bonds shall be sold, (vi) the rate or rates of interest to be carried by each maturity, such that the true interest cost of the Series 2018 Bonds shall not exceed 4.50%, (vii) the method by which such rate or rates of interest shall be calculated and the dates on which interest shall be paid, (viii) the redemption dates and prices and all terms relating thereto, including the amount and maturity date of any "term bonds" and the amount of each sinking fund installment therefor, and all terms relating thereto, if any; provided that the Series 2018 Bonds shall be subject to redemption not later than the fifth anniversary of their date of original issuance and delivery (ix) the method by which the Series 2018 Bonds shall be sold, whether by private placement or public sale, (x) if the Series 2018 Bonds are to be sold by public sale, the form, content, terms and provisions of any bond purchase agreement entered into by the County with the Purchaser set forth in Section 7 hereof, (xi) the discount of the Purchaser or any placement agent, which shall not be more than 1.50% of the aggregate principal amount of the Series 2018 Bonds; (xii) the purchase price, which shall not be less than 97.00% of the aggregate principal amount of the Series 2018 Bonds (inclusive of the discount of the Purchaser or any placement agent and any original issue discount), (xiii) the form and contents of any preliminary and final official statement or other offering materials of the County utilized in connection with any offering or sale of the Series 2018 Bonds, (xiv) the form, content, terms, and provisions of any closing and other documentation executed and delivered by the County in connection with the authorization, issuance, sale and delivery of the Series 2018 Bonds, (xv) the identity of the Registrar, and (xvi) all of the other terms not otherwise determined or fixed by the provisions of this Resolution.

Unless otherwise determined by an Authorized Officer, the Series 2018 Bonds shall mature and bear interest calculated on the basis of a 360-day year consisting of twelve 30-day months.

(c) (i) Unless otherwise determined by an Authorized Officer, the Series 2018 Bonds maturing on or after on the date five years from their Date of Original Issue shall be subject to redemption at the option of the County on the date five years from their Date of Original Issue and any date thereafter, as a whole or in part, from time to time in such principal amounts and from such maturity or maturities as the County, in its sole and absolute discretion, shall determine, at a redemption price equal to the principal amount thereof, together with the interest accrued thereon to the date fixed for redemption, with no premium. If less than all of the Series 2018 Bonds of any maturity are to be called for redemption, the particular Series 2018 Bonds of such maturity to be redeemed shall be selected by lot in whole multiples of \$5,000 within a maturity.

(ii) An Authorized Officer may designate in a certificate certain Series 2018 Bonds as "**Term Bonds**", portions of which are to be redeemed on the dates (each such date being herein referred to as a "**Sinking Fund Payment Date**") and in the amounts (hereinafter referred to as a "**Mandatory Sinking Fund Payment**") set forth in such certificate. The Registrar shall select and call for redemption, in accordance with this subsection (c), from the Term Bonds the amounts specified by the Chair in the certificate, and the Term Bonds selected by the Registrar shall become due and payable on such date. If Term Bonds are redeemed at the option of the County pursuant to Section 2(c)(i), the Term Bonds so optionally redeemed may, at the option of the County, be applied



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as a credit against any subsequent Mandatory Sinking Fund Payment with respect to Term Bonds otherwise to be redeemed thereby, such credit to be equal to the principal amount of such Term Bonds redeemed pursuant to Section 2(c)(i), provided that the County shall have delivered to the Registrar not less than 45 days prior to such Sinking Fund Payment Date a certificate stating its election to apply such Term Bonds as such a credit. In such case, the Registrar shall reduce the amount of Term Bonds to be redeemed on the Sinking Fund Payment Date specified in such certificate by the principal amount of Term Bonds so redeemed pursuant to Section 2(c)(i). Any credit given to Mandatory Sinking Fund Payments pursuant to Section 2(c)(i) shall not affect any subsequent Mandatory Sinking Fund Payments, which shall remain payable as otherwise provided in this subsection, unless and until another credit is given in accordance with the provisions hereof.

(iii) Series 2018 Bonds subject to redemption shall be redeemed in whole multiples of \$5,000. If any Series 2018 Bond is in a denomination in excess of \$5,000, portions of the principal amount thereof in installments of \$5,000 or any whole multiple thereof may be redeemed, and if less than all of the principal amount thereof is to be redeemed, in such case upon the surrender of such Series 2018 Bonds there shall be issued to the registered owner thereof without charge therefor, for the then unredeemed balance of the principal amount thereof, Series 2018 Bonds of like series, maturity and interest rates in any of the authorized denominations provided by this Resolution. If less than all Bonds of any maturity are to be called for redemption, the particular Bonds of such maturity to be redeemed shall be selected by lot.

(iv) Notice of redemption of Series 2018 Bonds stating their designation, date, maturity, principal amounts and the redemption date shall be given by the Registrar by mailing such notice by first-class mail, postage prepaid, not less than 30 days prior to the date fixed for redemption (or such shorter period as may be acceptable to the then registered owner of the Series 2018 Bonds) to the registered owners at their most recent addresses appearing upon the books of the Registrar. Failure to give notice to any particular registered owner or any defect in the notice given to such owner shall not affect the validity of the proceedings calling the Series 2018 Bonds or the redemption of any Series 2018 Bonds for which proper notice has been given. Notice of redemption need not be given to the holder of any Series 2018 Bonds, whether registered or not, who has waived notice of redemption. Notice of redemption having been given as provided above or notice of redemption having been waived by the owners of Bonds called for redemption who have not been given such notice as provided above, the Series 2018 Bonds so called for redemption shall become due and payable on the designated redemption date. The County shall give written notice to the Registrar of its election to redeem Bonds at least 45 days prior to the said redemption date, or such shorter period as shall be acceptable to the Registrar. If on or before the said redemption date funds sufficient to pay the Series 2018 Bonds so called for redemption at the applicable redemption price and accrued interest to said date have been deposited or caused to have been deposited by the County with the Registrar for the purposes of such payment and notice of redemption thereof has been given or waived as hereinbefore provided, then from and after the date fixed for redemption interest on such Series 2018 Bonds so called shall cease to accrue and become payable. If such funds shall not have been so deposited with the Registrar as aforesaid no later than the date fixed for redemption, such call for redemption shall be revoked and the Series 2018 Bonds so called for redemption shall continue to be outstanding the same as though they had not been so called; such Series 2018 Bonds shall continue to bear interest until paid at such rate as they would have borne had they not been called for redemption and shall continue to be protected by this resolution and entitled to the benefits and security hereof.

(d) Interest on the Series 2018 Bonds at the respective rates per annum for each maturity is payable semiannually on the dates determined as set forth in Section 2(b) hereof (each of said dates an "**Interest Payment Date**"), from the Date of Original Issue or the most recent Interest Payment Date, whichever is later, until maturity or earlier redemption by check or draft mailed by the Registrar or its successor on such Interest Payment Date to the registered owner of each Series 2018 Bond at such registered owner's address as it appears on the Bond Register maintained by the Registrar or its successor at the close of business on the 15th day (whether or not a business day) preceding each Interest Payment Date (the "**Record Date**") subject to the provisions of the following paragraph. The principal of the Series 2018 Bonds and the interest due at maturity or upon redemption prior to maturity is payable in lawful money of the United States of America to the registered owners thereof upon presentation and surrender of such Series 2018 Bonds to the Registrar at its principal trust office.

If any payments of interest due on the Series 2018 Bonds on an Interest Payment Date are not timely made, such interest shall cease to be payable to the registered owners as of the Record Date for such Interest Payment Date and shall be payable to the registered owners of the Series 2018 Bonds as of a special date of record for payment of such defaulted interest as shall be designated by the Registrar whenever monies for the purpose of paying such defaulted interest becomes available.



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If the date for payment of the principal of or the interest on the Series 2018 Bonds shall be a Saturday, Sunday, legal holiday or day on which banking institutions in the city in which the principal corporate trust office of the Registrar is located are authorized by law or executive order to close, the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or day on which such banking institutions are authorized to close, and payment on such day shall have the same force and effect as if made on the nominal payment date.

(e) The Series 2018 Bonds shall be executed on behalf of the County by the manual or facsimile signatures of the Chairperson of the Board and the County Clerk or such other persons authorized to sign on their behalf. In case any officer whose signature or a facsimile of whose signature shall appear on the Series 2018 Bonds shall cease to be such officer before the delivery of any Series 2018 Bonds, such signature or facsimile shall nevertheless be valid and sufficient for all purposes, the same as if he had remained in office until delivery. Notwithstanding such execution, no Series 2018 Bond shall be valid or obligatory for any purpose or entitled to any security or benefit under this Resolution unless and until a certificate of authentication on such Series 2018 Bond has been duly executed by the manual signature of an authorized representative of the Registrar. Certificates of authentication on different Series 2018 Bonds need not be signed by the same representative. The executed certificate of authentication on each Series 2018 Bond shall be conclusive evidence that it has been authenticated and delivered under this Resolution.

(f) If any Series 2018 Bond is mutilated, lost, stolen or destroyed, the County shall execute a new Series 2018 Bond of like date, maturity and denomination to that mutilated, lost, stolen, or destroyed, provided that, in the case of any mutilated Series 2018 Bond, such mutilated Series 2018 Bond shall first be surrendered to the Registrar and, in the case of any lost, stolen, or destroyed Series 2018 Bonds, there first shall be furnished to the Registrar evidence of such loss, theft, or destruction satisfactory to the Registrar, together with an indemnity satisfactory to it. If such Series 2018 Bond shall have matured, instead of issuing a duplicate Series 2018 Bond, the County may pay the same without surrender thereof upon the performance of such requirements as it deems fit for its protection, including a lost instrument bond. The County and the Registrar may charge the owner of such Series 2018 Bond with their reasonable fees and expenses for such service.

Section 3. The Series 2018 Bonds shall be issued initially as “book-entry-only” bonds under the services of The Depository Trust Company (the “**Depository**”), with one typewritten bond per maturity being issued to the Depository. In such connection the officers of the County are authorized to execute and deliver a Letter of Representations (the “**Letter of Representations**”) in the form required by the Depository, for and on behalf of the County, which shall thereafter govern matters with respect to registration, transfer, payment and redemption of the Series 2018 Bonds. If the Series 2018 Bonds are issued as “book-entry-only” bonds, the following provisions shall apply:

(a) The County and the Registrar shall have no responsibility or obligation to any broker-dealer, bank or other financial institution for which the Depository holds Bonds as securities depository (each, a “**Bond Participant**”) or to any person who is an actual purchaser of a Bond from a Bond Participant while the Series 2018 Bonds are in book-entry form (each, a “**Beneficial Owner**”) with respect to the following:

(i) the accuracy of the records of the Depository, any nominees of the Depository or any Bond Participant with respect to any ownership interest in the Series 2018 Bonds,

(ii) the delivery to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any notice with respect to the Series 2018 Bonds, including any notice of redemption, if any, or

(iii) the payment to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any amount with respect to the Series 2018 Bonds. The Registrar shall make payments with respect to the Series 2018 Bonds only to or upon the order of the Depository or its nominee, and all such payments shall be valid and effective fully to satisfy and discharge the obligations with respect to such Series 2018 Bonds to the extent of the sum or sums so paid. No person other than the Depository shall receive an authenticated Bond, except as provided in (v) below.

(b) Upon receipt by the Registrar of written notice from the Depository to the effect that the Depository is unable or unwilling to discharge its responsibilities, the Registrar shall issue, transfer and exchange Bonds requested by the Depository in appropriate amounts. Whenever the Depository requests the Registrar to do so, the Registrar will cooperate with the Depository in taking appropriate action after reasonable notice (A) to arrange, with the prior written consent of the County, for a substitute depository willing and able upon reasonable and customary terms to maintain custody of the Series 2018 Bonds or (B) to make available Bonds registered in whatever name or names as the Beneficial Owners transferring or exchanging such Series 2018 Bonds shall designate.



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(c) If the County determines that it is desirable that certificates representing the Series 2018 Bonds be delivered to the ultimate beneficial owners of the Series 2018 Bonds and so notifies the Registrar in writing, the Registrar shall so notify the Depository, whereupon the Depository will notify the Bond Participants of the availability through the Depository of bond certificates representing the Series 2018 Bonds. In such event, the Registrar shall issue, transfer and exchange bond certificates representing the Series 2018 Bonds as requested by the Depository in appropriate amounts and in authorized denominations.

(d) Notwithstanding any other provision of this Resolution to the contrary, so long as any Bond is registered in the name of the Depository or any nominee thereof, all payments with respect to such Series 2018 Bond and all notices with respect to such Series 2018 Bond shall be made and given, respectively, to the Depository as provided in the Letter of Representations.

(e) Registered ownership of the Series 2018 Bonds may be transferred on the books of registration maintained by the Registrar, and the Series 2018 Bonds may be delivered in physical form to the following:

(i) any successor securities depository or its nominee;

(ii) any person, upon (1) the resignation of the Depository from its functions as depository or (2) termination of the use of the Depository pursuant to this Section and the terms of the Bond Registrar and Paying Agent's Agreement.

(f) In the event of any partial redemption of a Bond unless and until such partially redeemed Bond has been replaced in accordance with the provisions of this Resolution, the books and records of the Registrar shall govern and establish the principal amount of such Series 2018 Bonds as is then outstanding and all of the Series 2018 Bonds issued to the Depository or its nominee shall contain a legend to such effect.

If for any reason the Depository resigns and is not replaced, the County shall immediately provide a supply of printed bond certificates, duly executed by manual or facsimile signatures of the Chair of the Board and the County Clerk, for issuance upon the transfers from the Depository and subsequent transfers or in the event of partial redemption. If such supply of certificates shall be insufficient to meet the requirements of the Registrar for issuance of replacement certificates upon transfer or partial redemption, the County agrees to order printed an additional supply of such certificates and to direct their execution by manual or facsimile signatures of its then duly qualified and acting Chair of the Board and County Clerk.

Section 4. (a) The Registrar determined in accordance with Section 2 hereof shall serve in such capacities under the terms of this Resolution and an agreement entitled "**Registrar and Paying Agent Agreement**" between the County and the Registrar, the form of which is hereby approved. The Authorized Officers, or each individually, is hereby authorized to execute said agreement in substantially the form presented but with such changes as he or she shall deem appropriate or necessary.

(b) The County reserves the right to remove the Registrar upon 30 days' notice and upon the appointment of a successor Registrar, in which event the predecessor Registrar shall deliver all cash and Bonds in its possession to the successor Registrar and shall deliver the bond register to the successor Registrar. Any Authorized Officer is authorized to remove the Registrar as provided herein if he or she determines such removal is in the best interest of the County. Such officer is further authorized to appoint a successor Registrar which he or she deems a suitable successor, and such officer is authorized to execute an agreement in substantially the form of the Registrar and Paying Agent Agreement but with such changes as he or she shall deem appropriate or necessary, in which event the predecessor Registrar shall deliver all cash and Bonds in its possession to the successor Registrar and shall deliver the bond register to the successor Registrar.

(c) The Registrar shall keep and maintain for the County books for the registration and transfer of the Series 2018 Bonds at its designated corporate trust office. The names and registered addresses of the registered owner or owners of the Series 2018 Bonds shall at all times be recorded in such books. Any Series 2018 Bond may be transferred pursuant to its provisions at the office of the Registrar by surrender of such Series 2018 Bond for cancellation, accompanied by a written instrument of transfer, in form satisfactory to the Registrar, duly executed by the registered owner in person or by such owner's duly authorized agent, and thereupon the Registrar on behalf of the County will deliver at such office (or send by registered mail to the transferee owner or owners thereof at such transferee owner's or owners' risk and expense), registered in the name of the transferee owner or owners, a new Series 2018 Bond of the same interest rate, aggregate principal amount and maturity, bearing numbers not contemporaneously then outstanding. To the extent of the denominations authorized for the Series 2018 Bonds by this Resolution, one Series 2018 Bond may be transferred for several such Series 2018 Bonds of the same interest rate and maturity and for a like aggregate principal amount, and several such Series 2018 Bonds may be transferred for one or several such Series 2018 Bonds,



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respectively, of the same interest rate and maturity and for a like aggregate principal amount. In every case of transfer of a Series 2018 Bond, the surrendered Series 2018 Bond shall be canceled and destroyed. The Registrar may impose a charge sufficient to defray all costs and expenses incident to registrations of transfer and exchanges. In each case the Registrar shall require the payment by the owner requesting exchange or transfer of any tax or other governmental charge required to be paid with respect to such exchange or transfer. Series 2018 Bonds issued upon transfer or exchange of Series 2018 Bonds shall be dated as of the date six months preceding the Interest Payment Date next following the date of registration thereof in the office of the Registrar, unless such date of registration shall be an Interest Payment Date, in which case they shall be dated as of such date of registration; provided, however, that if, as shown by the records of the Registrar, interest on the Series 2018 Bonds shall be in default, the Series 2018 Bonds issued in lieu of Series 2018 Bonds surrendered for transfer or exchange may be dated as of the date to which interest has been paid in full on the Series 2018 Bonds surrendered; and provided further, that if the date of registration shall be prior to the first Interest Payment Date, the Series 2018 Bonds shall be dated as of their Date of Original Issue. All Series 2018 Bonds issued upon transfer of the Series 2018 Bonds so surrendered shall be valid obligations of the County evidencing the same obligations as the Series 2018 Bonds surrendered and shall be entitled to all the benefits and protection of this Resolution to the same extent as the Series 2018 Bonds upon transfer of which they were delivered. The County and the Registrar shall not be required to transfer any Bond during any period from any Record Date until its immediately following interest Payment Date or to transfer any Series 2018 Bond called for redemption for a period of 30 days next preceding the date fixed for redemption.

(d) The Registrar shall also be responsible for making the payments of principal and interest as the same fall due upon the Series 2018 Bonds from funds provided by the County for such purposes. Payments of interest due upon the Series 2018 Bonds prior to maturity or redemption shall be made by the Registrar by mailing a check in the amount due for such interest on each interest payment date to the registered owner of each Series 2018 Bond to such owner's registered address as shown on the books of registration as required to be maintained under this Section 4. On or before each principal or interest due date, without further order of the Board, the Treasurer shall transmit or cause to be transmitted money sufficient for payment of all principal and interest then due. Payments of principal due at maturity or at any date fixed for redemption prior to maturity, together with any accrued interest then due, shall be made by the Registrar upon presentation and surrender of such Series 2018 Bond. The County and the Registrar may treat the registered owner of any Series 2018 Bonds as the absolute owner of such Series 2018 Bond for purposes of making payments thereon and for all other purposes. All payments on account of interest or principal made to the registered owner of any Bond shall be valid and effectual and shall be a discharge of the County and the Registrar in respect of the liability upon the Series 2018 Bonds or claims for interest to the extent of the amount or amounts so paid.

Section 5. The Series 2018 Bonds shall be in substantially the following form:

**UNITED STATES OF AMERICA
STATE OF NEBRASKA
COUNTY OF FILLMORE**

**LIMITED TAX OBLIGATION COUNTY BUILDING BONDS
SERIES 2018**

No. R- _____ \$ _____

Interest Rate	<u>Maturity Date</u>	<u>Date of Original Issue</u>	<u>CUSIP</u>
%	_____	_____, 2018	

REGISTERED OWNER: Cede & Co.

PRINCIPAL AMOUNT: _____ THOUSAND DOLLARS

THE COUNTY OF FILLMORE NEBRASKA (the "County") promises to pay the Principal Amount of this Bond to the order of the Registered Owner, or its registered assigns, upon presentation and surrender of this Bond on the Date of Maturity to _____, as Bond Registrar and Paying Agent (the "Registrar"), at its corporate trust office in _____, Nebraska or such other office as may be designated by the Registrar.

The County also promises to pay interest on said Principal Amount on _____ and _____ of each year (each of such dates an "Interest Payment Date"), commencing _____, 20__, at the Interest Rate per annum indicated above from the Date of Original Issue or most recent Interest Payment Date, whichever is later, and continuing until said



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Principal Amount is paid. Interest shall be calculated on the basis of a 360-day year consisting of twelve 30-day months. Interest on this Bond prior to maturity shall be paid by check or draft mailed on such Interest Payment Date to the Registered Owner at such Registered Owner's address as it appears on the registration books of the Registrar at the close of business on the 15th day (whether or a not a business day) preceding each Interest Payment Date (the "Record Date"). Any interest not so timely paid shall cease to be payable to the person entitled thereto as of the Record Date such interest was payable, and shall be payable to the person who is the Registered Owner of this Bond (or of one or more predecessor Bonds hereto) on such special record date for payment of such defaulted interest as shall be fixed by the Registrar whenever money for such purpose become available.

This Bond is one of a series of fully registered bonds in the total principal amount of \$_____ of even date and like tenor (except as to number, denomination, date of maturity and rate of interest), which have been issued by the County for the purpose of financing the cost of making improvements to the county courthouse and acquiring, equipping, and furnishing a maintenance building for use by the county. The County has issued the Bonds pursuant to and in compliance with Section 23-120, Reissue Revised Statutes of Nebraska, as amended, and proceedings duly had and a resolution (the "Resolution") duly adopted by the Board of Supervisors of the County.

The Bonds are issued as fully registered bonds, without coupons, in denominations of \$5,000 or whole multiples thereof. Subject to the limitations and upon payment of the charges provided in the Resolution adopted by the County pursuant to which the Bonds have been issued, this Bond is transferable by the Registered Owner hereof or his attorney duly authorized in writing, at the office of the Registrar, but only in the manner, subject to the limitations and upon payment of the charges as set forth in the Resolution, upon surrender and cancellation of this Bond. Upon such transfer, a new registered Bond or Bonds of the same maturity and of authorized denomination or denominations for the same aggregate principal amount will be issued to the transferee in exchange therefor. The County and the Registrar may deem and treat the Registered Owner hereof as the absolute owner hereof (whether or not this Bond shall be overdue) for the purpose of receiving payment of or on account of principal hereof and premium, if any, and interest due hereon and for all other purposes, and neither the County nor the Registrar shall be affected by any notice to the contrary.

[Bonds of this issue are subject to call for redemption through application of mandatory sinking fund payments, with said Bonds to be called by lot in the amount and on the dates as set out below at par plus accrued interest to the date of such call, as follows:

\$ _____	Principal Amount Maturing _____,	20__
\$ _____	to be Called _____,	20__
\$ _____	to be Called _____,	20__
\$ _____	Payable _____,	20__
\$ _____	Principal Amount Maturing _____,	20__
\$ _____	to be Called _____,	20__
\$ _____	to be Called _____,	20__
\$ _____	Payable _____,	20__

In addition to such mandatory sinking fund redemption, any or all of the bonds of said issue maturing on or after _____, 20__, are subject to redemption at the option of the County at any time on or after _____, 20__ as a whole or in part in such principal amounts and from such maturity or maturities as the County, in its sole discretion may determine, at the redemption price of the principal amount so redeemed, together with the interest accrued on such principal amount to the date fixed for redemption. If less than all of the Bonds of a maturity are to be called for redemption, the particular Bonds of such maturity to be redeemed shall be selected by lot.

Bonds shall be redeemed in whole multiples of \$5,000, and if any Bond be in a denomination in excess of \$5,000, portions of the principal amount thereof in installments of \$5,000 or any whole multiples thereof may be redeemed, and if less than all of the principal amount thereof is to be redeemed, in such case upon the surrender of such Bond there shall be issued to the registered owner thereof without charge therefor, for the then unredeemed balance of the principal amount thereof, registered Bonds of like series, maturity and interest rates in any of the authorized denominations provided by the Resolution.

Notice of redemption of this Bond shall be given to the Registered Owner hereof by first-class mail, postage prepaid, not less than thirty (30) days prior to the date fixed for redemption (or such shorter period as may be acceptable to the then registered owner of the Bonds), all as more particularly set forth in the Resolution; provided, however, that failure to give such notice by mailing, or any defect therein, shall not affect the validity of any proceeding for the redemption of any Bond



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with respect to which no such failure has occurred. Notice of redemption having been given as provided in the Resolution, or notice of redemption having been waived, and funds for the payment thereof having been deposited with the Registrar, this Bond shall cease to bear interest from and after the date fixed for redemption.

The County has covenanted in the Resolution that it shall cause to be made annually, in accordance with the Act and in addition to all other taxes, a special levy of taxes against all of the taxable property in the County to pay the principal of, premium, if any and interest on this Bond as and when such principal and interest, respectively, become due, together with any other bonds or obligations validly issued by the County pursuant to the Act, subject to the limitations set forth therein and in the Nebraska Constitution. The County has pledged such tax levy and all receipts therefrom to the payment of the Bonds pursuant to the Resolution.

The County has, in the Resolution, designated the Bonds as "qualified tax-exempt obligations" as described in Section 265(b) of the Internal Revenue Code of 1986, as amended.

AS PROVIDED IN THE RESOLUTION REFERRED TO HEREIN, UNTIL THE TERMINATION OF THE SYSTEM OF BOOK-ENTRY-ONLY TRANSFERS THROUGH THE DEPOSITORY TRUST COMPANY, NEW YORK, NEW YORK (TOGETHER WITH ANY SUCCESSOR SECURITIES DEPOSITORY APPOINTED PURSUANT TO THE RESOLUTION, "DTC"), AND NOTWITHSTANDING ANY OTHER PROVISIONS OF THE RESOLUTION TO THE CONTRARY, A PORTION OF THE PRINCIPAL AMOUNT OF THIS BOND MAY BE PAID OR REDEEMED WITHOUT SURRENDER HEREOF TO THE PAYING AGENT AND REGISTRAR. DTC OR A NOMINEE, TRANSFEREE OR ASSIGNEE OF DTC OF THIS BOND MAY NOT RELY UPON THE PRINCIPAL AMOUNT INDICATED HEREON AS THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID. THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID SHALL FOR ALL PURPOSES BE THE AMOUNT DETERMINED IN THE MANNER PROVIDED IN THE RESOLUTION.

UNLESS THIS BOND IS PRESENTED BY AN AUTHORIZED OFFICER OF DTC (A) TO THE PAYING AGENT AND REGISTRAR FOR REGISTRATION OF TRANSFER OR EXCHANGE OR (B) TO THE PAYING AGENT AND REGISTRAR FOR PAYMENT OF PRINCIPAL, AND ANY BOND ISSUED IN REPLACEMENT HEREOF OR SUBSTITUTION HEREFOR IS REGISTERED IN THE NAME OF DTC AND ANY PAYMENT IS MADE TO DTC OR ITS NOMINEE, ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSONS IS WRONGFUL BECAUSE ONLY THE REGISTERED OWNER HEREOF, DTC OR ITS NOMINEE, HAS AN INTEREST HEREIN.

IT IS HEREBY CERTIFIED AND WARRANTED that all conditions, acts and things required by law to exist or to be done precedent to and in the issuance of this Bond did exist, did happen, and were done and performed in regular and due form and time as required by law, and that the indebtedness of the County, including this Bond, does not exceed any limitation imposed by law.

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

IN WITNESS WHEREOF, the Board of Supervisors of Fillmore County, Nebraska, have caused this Bond to be executed on behalf of the County with the manual or facsimile signatures of the Chair of the Board of Supervisors and the County Clerk and by causing the official seal of the County to be impressed or imprinted hereon, all as of the date of original issue specified above.

THE COUNTY OF FILLMORE, NEBRASKA

ATTEST:

(Facsimile Signature)
Chair, Board of Supervisors

(Facsimile Signature)
County Clerk

**BOND REGISTRAR AND PAYING AGENT'S
CERTIFICATE OF AUTHENTICATION**

This Bond is one of the Series 2018 Bonds of the series designated therein and issued under the provisions of the within-mentioned Resolution.



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_____, as Registrar and Paying Agent

By: _____
Authorized Signature

(FORM OF ASSIGNMENT)

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto _____ (Please print or typewrite name, address and tax identification or social security number of Transferee)

the within Bond and rights thereunder, and hereby irrevocably constitutes and appoints _____, attorney, to transfer the within Bond on the registration books of the Registrar, with full power of substitution in the premise.

Dated: _____, 20__.

Signature of Registered Owner

NOTICE: The signature(s) on this assignment MUST CORRESPOND with the name(s) as written on the face of the within bond in every particular, without alteration, enlargement or any change whatsoever, and must be guaranteed by a commercial bank or a trust company or by a firm having membership on the New York, Midwest or other stock exchange.

Section 6. After being executed by the Chair of the Board and the County Clerk, or such other persons authorized to sign on their behalf, said Series 2018 Bonds shall be delivered to the Registrar for registration and authentication. The County Clerk shall be responsible for the delivery of the Series 2018 Bonds and for all other ministerial acts relating to the Series 2018 Bonds. Any Authorized Officer is hereby authorized to take all actions necessary to effect the delivery of the Series 2018 Bonds to the Purchaser thereof, inclusive of the power and authority to execute such orders, certificates, receipts and other documents as may be necessary or desirable to effect such delivery and to receive the purchase price for the Series 2018 Bonds. The County Clerk is directed to make and certify a transcript of the proceedings of the County precedent to the issuance of the Series 2018 Bonds, which transcript shall be delivered to the purchaser of said Series 2018 Bonds.

Section 7. In accordance with the provisions of Section 2(b) hereof, any Authorized Officer is hereby authorized to sell the Series 2018 Bonds through a negotiated sale with Ameritas Investment Corp., as original purchaser of the Series 2018 Bonds (the "Purchaser"), with the price of the Series 2018 Bonds and the underwriting discount for such Series 2018 Bonds to be determined in accordance with Section 2 hereof, and enter into a Bond Purchase Agreement between the County and the Purchaser in form and substance acceptable to bond counsel and such Authorized Officer, who is hereby authorized to execute the Bond Purchase Agreement and related documents for and on behalf of the County, such officer's signature thereon being conclusive evidence of his or her approval thereof, under which the County agrees to sell the Series 2018 Bonds to the Purchaser, upon the terms and conditions set forth therein.

The Purchaser or other purchasers shall have the right to direct the registration of the Series 2018 Bonds and the denominations thereof within each maturity, subject to the restrictions of this Resolution. Such Purchaser and its agents, representatives and counsel (including bond counsel) are hereby authorized to take such actions on behalf of the County as are necessary to effectuate the closing of the issuance and sale of the Series 2018 Bonds, including, without limitation, authorizing the release of the Series 2018 Bonds by the Depository at closing.

Section 8. The County hereby establishes the following funds and accounts in connection with the Series 2018 Bonds: (a) the 2018 Bond Fund (the "Bond Fund") and (b) the 2018 Project Fund (the "Project Fund"). The foregoing funds and accounts shall be maintained by the County in accordance with the provisions of this Resolution. The County Treasurer is hereby authorized to create additional sub-accounts within the foregoing fund and accounts as are necessary and appropriate to carry out the provisions of this Resolution.



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Section 9. The proceeds from the sale of the Series 2018 Bonds, including the interest, if any, accrued on the Series 2018 Bonds from their Date of Original Issue to the date of delivery and payment thereof, shall be received by the County Treasurer. Any Authorized Officer shall apply such proceeds as follows: (a) any accrued interest shall be deposited in the Bond Fund to pay interest due on the first Interest Payment Date and (b) all remaining proceeds shall be deposited in the Project Fund to pay (i) the costs of acquiring, equipping and furnishing the Project and (ii) the costs of issuing the Series 2018 Bonds. Costs of issuance may also be paid from other available moneys of the County.

Section 10. (a) All revenues and receipts of the tax levy authorized by the Act shall be deposited in the Bond Fund as and when received. So long as the Series 2018 Bonds are outstanding, all amounts paid and credited to the Bond Fund shall be expended and used by the County for the sole purpose of paying (i) the principal of, premium, if any, and interest on the Series 2018 Bonds as and when the same become due and (ii) the usual and customary fees and expenses of the Registrar.

(b) The County Treasurer is authorized and directed to withdraw from the Bond Fund and forward to the Registrar sums sufficient to pay both principal of and premium, if any, and interest on the Series 2018 Bonds as and when the same become due, and also to pay the charges made by the Registrar for acting in such capacity in the payment of principal and interest on the Series 2018 Bonds, and the charges shall be forwarded to the Registrar over and above the amount of the principal of, premium, if any, and interest on the Series 2018 Bonds. If, through the lapse of time, or otherwise, the Owners of Bonds shall no longer be entitled to enforce payment of their obligations, it shall be the duty of the Registrar to return the funds to the County. All moneys deposited with the Registrar shall be deemed to be deposited in accordance with and subject to all of the provisions contained in the Resolution.

(c) Any moneys or investments remaining in the Bond Fund after the retirement of the indebtedness for which the Series 2018 Bonds were issued shall be transferred to the general fund of the County.

Section 11. For the prompt payment of the Series 2018 Bonds, both principal and interest as the same fall due, the Board, acting for and on behalf of the County, hereby represents, warrants, covenants and agrees that it shall cause to be levied and collected annually, in addition to all other taxes, such portion of the tax levy specified in paragraph (3)(b) of the Act against all taxable property in the County as shall be necessary for the purpose of paying and sufficient to pay the principal of and interest on the Series 2018 Bonds as and when such principal and interest, respectively, become due according to the terms thereof; provided, however, that such levy shall never exceed the limitations provided for in said paragraph (3)(b) of the Act or in the Nebraska Constitution. In connection, therewith, the Board does hereby designate the period of years for which such tax will be levied as being twenty (20) years with respect to the Project. All revenues and receipts of the tax levy authorized by the Act shall be deposited in the Bond Fund as and when received.

Section 12. The County's obligations under this Resolution and the liens, pledges, covenants, and agreements of the County herein made or provided for, shall be fully discharged and satisfied as to the Series 2018 Bonds, and any such bonds shall no longer be deemed outstanding hereunder if such bonds shall have been purchased and canceled by the County, or when payment of the principal of and interest thereon to the respective date of maturity or redemption (a) shall have been made or caused to be made in accordance with the terms thereof; or (b) shall have been provided for by depositing with the Registrar or with a national or state bank having trust powers, or trust company, in trust solely for such payment (a) sufficient money to make such payment and/or (b) direct general obligations (including obligations issued or held in book entry form on the books of the Department of Treasury of the United States of America) of or obligations the principal and interest of which are unconditionally guaranteed by the United States of America (herein referred to as "**U.S. Government Obligations**") in such amount and bearing interest payable and maturing or redeemable at stated fixed prices at the option of the holder as to principal, at such time or times, as will ensure the availability of sufficient money to make such payment; provided, however, that with respect to any Series 2018 Bond to be paid prior to maturity, the County shall have duly called such bond for redemption and given notice of such redemption as provided by law or made irrevocable provision for the giving of such notice. Any money so deposited with such bank or trust company or with the Registrar may be invested or reinvested in U.S. Government Obligations at the direction of the County, and all interest and income from U.S. Government Obligations in the hands of such bank or trust company or Registrar in excess of the amount required to pay principal of and interest on the Series 2018 Bonds for which such monies or U.S. Government Obligations were deposited shall be paid over to the County as and when collected.

Section 13. (a) The County covenants and agrees that (i) it will comply with all applicable provisions of the Internal Revenue Code of 1986, as amended, including Sections 103 and 141 through 150 (the "**Code**"), necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Series 2018 Bonds and (ii) it will not use or permit the use of any proceeds of Series 2018 Bonds or any other funds of the County nor take or permit any other action, or fail to take any action, if any such action or failure to take action would adversely affect the exclusion from gross income of the interest on the Series 2018 Bonds. In addition, the County will adopt such other resolutions and take such other actions as may be necessary to comply with the Code and with all other applicable future laws, regulations,



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published rulings and judicial decisions, in order to ensure that the interest on the Series 2018 Bonds will remain excluded from federal gross income, to the extent any such actions can be taken by the County.

(b) The County covenants and agrees that (i) it will comply with all requirements of Section 148 of the Code to the extent applicable to the Series 2018 Bonds, (ii) it will use the proceeds of the Series 2018 Bonds as soon as practicable and with all reasonable dispatch for the purposes for which the Series 2018 Bonds are issued, and (iii) it will not invest or directly or indirectly use or permit the use of any proceeds of the Series 2018 Bonds or any other funds of the County in any manner, or take or omit to take any action, that would cause the Series 2018 Bonds to be “arbitrage bonds” within the meaning of Section 148(a) of the Code.

(c) The County covenants and agrees that it will pay or provide for the payment from time to time of all amounts required to be rebated to the United States pursuant to Section 148(f) of the Code and any Treasury Regulations applicable to the Series 2018 Bonds from time to time. This covenant shall survive payment in full or defeasance of the Series 2018 Bonds. The County specifically covenants to pay or cause to be paid to the United States the required amounts of rebatable arbitrage, at the times and in the amounts as determined by the Federal Tax Certificate, if any. Notwithstanding anything to the contrary contained herein, the Federal Tax Certificate may be amended or replaced if, in the opinion of counsel nationally recognized on the subject of municipal bonds, such amendment or replacement will not adversely affect the exclusion from gross income for federal income tax purposes of interest on the Series 2018 Bonds.

(d) The County covenants and agrees that (to the extent within its power or direction) it will not use any portion of the proceeds of the Series 2018 Bonds, including any investment income earned on such proceeds, directly or indirectly, in a manner that would cause any Series 2018 Bond to be a “private activity bond”.

(e) The County makes the following representations in connection with the exception for small governmental units from the arbitrage rebate requirements under Section 148(f)(4)(D) of the Code:

- (i) the County is a governmental unit under Nebraska law with general taxing powers;
- (ii) none of the Series 2018 Bonds is a private activity bond as defined in Section 141 of the Code;
- (iii) ninety-five percent or more of the net proceeds of the Series 2018 Bonds are to be used for local governmental activities of the County;
- (iv) the aggregate face amount of all tax-exempt bonds (other than private activity bonds and certain refunding bonds) to be issued by the County during the current calendar year is not reasonably expected to exceed \$5,000,000; and
- (v) the County (including all subordinate entities thereof) will not issue in excess of \$5,000,000 of tax-exempt bonds (including the Series 2018 Bonds but excluding private activity bonds and certain refunding bonds) during the current calendar year without first obtaining an opinion of nationally recognized counsel in the area of municipal finance that the excludability of the interest on the Series 2018 Bonds from gross income for federal tax purposes will not be adversely affected thereby.

(f) The County hereby designates the Series 2018 Bonds as “qualified tax-exempt obligations” as defined in Section 265(b)(3) of the Code. In addition, the County hereby represents that:

- (i) the aggregate face amount of all tax-exempt obligations (other than private activity bonds that are not “qualified 501(c)(3) bonds”) which will be issued by the County (and all subordinate entities thereof) during the current calendar year is not reasonably expected to exceed \$10,000,000; and
- (ii) the County (including all subordinate entities thereof) will not issue an aggregate principal amount of tax-exempt obligations (other than private activity bonds that are not “qualified 501(c)(3) bonds”) during the current calendar year, including the Series 2018 Bonds, in excess of \$10,000,000, without first obtaining an opinion of nationally recognized counsel in the area of municipal finance that the designation of the Series 2018 Bonds as “qualified tax-exempt obligations” will not be adversely affected.

Any Authorized Officer or any other officer of the Board or the County is hereby authorized to take such other action as may be necessary to make the effective designation in this subsection (f).

Section 14. (a) The Preliminary Official Statement prepared in connection with the Series 2018 Bonds, including any amendments or supplements thereto, is hereby ratified, approved and deemed “final” for purposes of Rule 15c2-12 promulgated under the Securities and Exchange Act of 1934, as amended (“**Rule 15c2-12**”), and the final Official Statement is hereby authorized and approved 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. Any Authorized Officer or other officer of the Board or the County is hereby authorized to timely deliver such final Official Statement to the Purchaser as required by Rule 15c2-12. The use and public distribution of the final Official Statement by



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the Purchaser in connection with the reoffering of the Series 2018 Bonds is hereby authorized and approved. The proper officials of the County are hereby authorized to execute and deliver a certificate pertaining to such Official Statement as prescribed therein, dated as of the date of payment for and delivery of the Series 2018 Bonds.

(b) The County (i) authorizes and directs any Authorized Officer or other officer of the Board or the County to execute and deliver, on the date of the issuance of the Series 2018 Bonds, a Continuing Disclosure Undertaking (the "**Undertaking**") in such form that satisfies the requirements of Rule 15c2-12 and is acceptable to the Purchaser and bond counsel and (ii) covenants that it will comply with and carry out all of the provisions of the Undertaking. Notwithstanding any other provisions of this Resolution, failure of the County to comply with the Undertaking will not be considered a default under this Resolution or the Series 2018 Bonds; however, any Bondholder or Beneficial Owner may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the County to comply with its obligations under this subparagraph and the Undertaking. For purposes of this subparagraph, "**Beneficial Owner**" means any person who (A) has the power, directly or indirectly, to vote or consent with respect to, or to dispose of ownership of, any Series 2018 Bonds (including persons holding Series 2018 Bonds through nominees, depositories or other intermediaries), or (B) is treated as the owner of any Series 2018 Bonds for federal income tax purposes.

Section 15. Without in any way limiting the power, authority, or discretion elsewhere herein granted or delegated, the Board hereby (a) authorizes and directs all of the officers, employees, and agents of the County to carry out, or cause to be carried out, and to perform such obligations of the County and such other actions as they, or any one of them shall consider necessary, advisable, desirable, or appropriate in connection with this Resolution, and the issuance, sale, and delivery of the Series 2018 Bonds, including, without limitation and whenever applicable, the execution and delivery thereof and of all other related documents, instruments, certificates, and opinions; and (b) delegates, authorizes, and directs each Authorized Officer or any other officer of the Board or the County the right, power, and authority to exercise her or his own independent judgment and absolute discretion in determining and finalizing the terms, provisions, form and contents of each of the foregoing. The execution and delivery by such officer of any such documents, instruments, certifications, and opinions, or the doing by them of any act in connection with any of the matters which are the subject of this Resolution, shall constitute conclusive evidence of both the County's and their approval of all changes, modifications, amendments, revisions, and alterations made therein, and shall conclusively establish their absolute, unconditional, and irrevocable authority with respect thereto from the County and the authorization, approval, and ratification by the County of the documents, instruments, certifications, and opinions so executed and the action so taken.

Section 16. The County reserves the right to issue refunding bonds and provide for the investment of the proceeds thereof for purposes of providing for the payment of principal and interest on the Series 2018 Bonds in such manner as may be prescribed by law from time to time but specifically including the provisions of Sections 10-142, Reissue Revised Statutes of Nebraska, as amended.

Section 17. If any one or more of the provisions of this Resolution should be determined by a court of competent jurisdiction to be contrary to law, then such provisions shall be deemed severable from the remaining provisions of this Resolution and the invalidity thereof shall in no way affect the validity of the other provisions of this Resolution or of the Series 2018 Bonds and the owners of the Series 2018 Bonds shall retain all the rights and benefits accorded to them under this Resolution and under any applicable provisions of law.

If any provision of this Resolution shall be held or deemed to be or shall, in fact, be inoperative or unenforceable or invalid in any particular case in any jurisdiction or jurisdictions, or in all cases because it conflicts with any constitution or statute or rule of public policy, or for any other reason, such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable or invalid in any other case or circumstance, or of rendering any other provision or provisions herein contained inoperative or unenforceable or invalid to any extent whatever.

Section 18. The County hereby adopts the Post-Issuance Tax Compliance Procedures attached to this Resolution as Exhibit A to ensure that all applicable post-issuance requirements of federal income tax law needed to preserve the tax-exempt status of the Series 2018 Bonds which are intended to be tax-exempt are met. The County reserves the right to use its discretion as necessary and appropriate to make exceptions or request additional provisions as it may determine. The County also reserves the right to change these policies and procedures from time to time, without notice.

Section 19. The County hereby adopts the Disclosure Policies and Procedures attached to this Resolution as Exhibit B to ensure that the County satisfies the requirements of Rule 15c2-12 and the Undertaking. The County reserves the right to use its discretion as necessary and appropriate to make exceptions or request additional provisions as it may determine. The County also reserves the right to change such policies and procedures from time to time without notice.

Section 20. This resolution shall be in force and take effect from and after its passage.



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Upon roll call, the vote was as follows:

Ayes: Cerny, Johnson, Mueller, Neiman, Noel, Risseeuw, and Sluka
Nays: None

The Chairman declared the resolution adopted.

SURPLUS GENERATOR

After discussion, Johnson moved and Sluka seconded the motion to surplus the generator from the County Road Department and to sell on Auction Time. Upon roll call, the vote was as follows:

Ayes: Cerny, Johnson, Mueller, Neiman, Noel, Risseeuw, and Sluka
Nays: None

The Chairman declared the motion carried.

SCHOENHOLZ SUBDIVISION

Planning and Zoning Administrator, Jennifer Slezak submitted the Schoenholz Subdivision located in the W ½ of the W ¼ of the NW ¼, Section 27-5-2, Belle Prairie Township.

After discussion, Mueller moved and Risseeuw seconded the motion to approve the Schoenholz Subdivision as presented with the following legal description: a parcel of land located in the west half of the west half of the northwest quarter of Section 27, Township 5 North, Range 2 West of the sixth P.M., Fillmore County, Nebraska, being described as follows: referring to the northwest corner of the northwest quarter of said Section 27; thence S89°44'32" E (assumed bearing) on the north line of the west half of the west half of the northwest quarter of said Section 27, a distance of 478.50 feet to the point of beginning; thence continuing S89°44'32" E on said north line, a distance of 50.00 feet; thence S00°25'07" W, parallel with and 50.00 feet distant from the east line of tracts of land conveyed to the Belle Prairie Cemetery Association by Warranty deeds filed in Book 9, Page 155 and Book 19, Page 41, in the office of the Register of Deeds for Fillmore County, Nebraska and its northerly and southerly extensions, a distance of 550.00 feet; thence S89°44'32" E, parallel with said north line, a distance of 40.00 feet; thence S00°25'07" W, a distance of 440.00 feet; thence N89°44'32" W, parallel with said north line, a distance of 162.07 feet; thence N14°08'12" W, a distance of 229.87 feet; thence N66°41'21" W, a distance of 238.30 feet; thence N61°03'43" E, a distance of 400.85 feet to the southeast corner of said tracts; thence N00°25'07" E on said east line, a distance of 445.50 feet to the northeast corner of said previously described tracts; thence continuing N00°25'07" E on the northerly extension of said east line, a distance of 33.00 feet to the point of beginning, containing 3.35 acres, more or less.

Upon roll call, the vote was as follows:

Ayes: Cerny, Johnson, Mueller, Neiman, Noel, Risseeuw, and Sluka
Nays: None

The Chairman declared the motion carried.

EMERGENCY PROTECTIVE CUSTODY SERVICES WITH REGION V SYSTEMS

After discussion, Johnson moved and Sluka seconded the motion to approve the contract with Region V Systems for Emergency Protective Custody Services beginning July 1, 2018 and ending June 30, 2019. Upon roll call, the vote was as follows:

Ayes: Cerny, Johnson, Mueller, Neiman, Noel, Risseeuw, and Sluka
Nays: None

The Chairman declared the motion carried.

BRYANT TOWNSHIP CLAIM



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Sluka moved and Mueller seconded the motion to approve the claim from Fillmore County Road Department in the amount of \$1,760.00 for Bryant Township and to direct the County Treasurer to pay the bill as presented. Upon roll call, the vote was as follows:

Ayes: Cerny, Johnson, Mueller, Neiman, Noel, Risseeuw, and Sluka
Nays: None

The Chairman declared the motion carried.

GENEVA TOWNSHIP CLAIM

Johnson moved and Risseeuw seconded the motion to approve the claim from Fillmore County Road Department in the amount of \$7,865.00 for Geneva Township and to direct the County Treasurer to pay the bill as presented. Upon roll call, the vote was as follows:

Ayes: Cerny, Johnson, Mueller, Neiman, Noel, Risseeuw, and Sluka
Nays: None

The Chairman declared the motion carried.

DISCUSSION REGARDING TREES AND LANDSCAPING AT THE EAST OFFICE BUILDING

Supervisor Cerny informed the Board that there were a couple trees that need to be removed and a couple that need to be trimmed and that we need to do some landscaping around the flag pole. After discussion, we will add the trees to the bid process with the Courthouse lawn and do some price checking on the landscaping around the flag pole.

COURT APPOINTED SPECIAL ADVOCATES ANNUAL REPORT AND BUDGET REQUEST

Frank Heinsch, Deb Mohlman, and Lynn Mussman were present for the Court Appointed Special Advocates (CASA) annual report and budget request of \$13,307.65 for fiscal year 2018/2019.

SERVICE CONTRACT WITH AGING PARTNERS FOR CARE MANAGEMENET

Brenda Motis, Director and Rhonda Stokebrand, Care Management Coordinator presented to the Board the hours they have spent on care management for fiscal year 2017/2018.

After discussion, Johnson moved and Risseeuw seconded the motion to approve and sign the Service Contract with the City of Lincoln / Aging Partners Care Management Unit for \$23,625.00, these funds are reimbursement for care management hours for fiscal year 2018/2019. Upon roll call, the vote was as follows:

Ayes: Cerny, Johnson, Mueller, Neiman, Noel, Risseeuw, and Sluka
Nays: None

The Chairman declared the motion carried.

AGING PARTNERS ANNUAL REPORT AND BUDGET REQUEST

Randy Jones, Director of Aging Partners and Brenda Motis gave an annual report and budget request of \$18,245.00 for fiscal year 2018/2019.

Denise Boyd, Nutritionist with Aging Partners, Rhonda Stokebrand, Linda Heinisch, State Advisory Board Vice President were present for the discussion and Tom Novak gave a personal example of assistance to the Board.

CREDIT CARD FOR PLANNING & ZONING ADMINISTRATOR

After discussion, the Board agreed that at this time there isn't a need for a credit card.

DEFICIT APPROPRIATION



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Cerny moved and Noel seconded the introduction of the following resolution:

RESOLUTION 2018 - 17

WHEREAS, all of the funds in the 2017-2018 budgets for the County Office Building East, Jail, and Surveyor have been expended due to unforeseen circumstances, and

WHEREAS, it is necessary to have county funds available in these budgets to meet all obligations for the 2017-2018 budget year,

NOW THEREFORE Be It Resolved by the Fillmore County Board of Supervisors that a need does exist for additional funds and that the sum of \$1,600.00 be appropriated to the County Office Building East budget from the unused funds in the Miscellaneous budget, \$400.00 be appropriated to the Jail budget from the unused funds in the Sheriff's budget, and \$15,500.00 be appropriated to the Surveyor budget from the unused funds in the Assessor budget all within the General Fund Budget for 2017-2018 of said county.

Upon roll call, the vote was as follows:

Ayes: Cerny, Johnson, Mueller, Neiman, Noel, Risseeuw, and Sluka

Nays: None

The Chairman declared the resolution adopted.

SOUTHEAST NEBRASKA ADULT DRUG COURT

Amanda Vanasperen gave an update to the Board and budget request of \$2,812.82 for fiscal year 2018/2019. Currently they have forty-eight (48) participants in adult drug court with a 75% success rate. They currently have four (4) graduations per year, which was increased from two (2) to assist with not reaching the maximum participants of fifty (50). Each participant must plead guilty to their charge in court, complete an application and have the County Attorney sign off before the drug court team will review the application. The process can take eighteen (18) to twenty-two (22) months to complete all the requirements. If all requirements are met then charges are dropped, if they do not complete the process they will be charged with the felony they plead guilty to. Counties included are Fillmore, Gage, Jefferson, Thayer, and Saline.

After discussion, Johnson moved and Sluka seconded the motion to approve and sign the Interlocal Agreement with Southeast Nebraska Adult Drug Court beginning July 1, 2018 and ending June 30, 2019 with Gage, Jefferson, Thayer, and Saline. Upon roll call, the vote was as follows:

Ayes: Cerny, Johnson, Mueller, Neiman, Noel, Risseeuw, and Sluka

Nays: None

The Chairman declared the motion carried.

DISCUSSION REGARDING RADIO EQUIPMENT FOR DISPATCH CENTER

Sheriff, Bill Burgess and Emergency Manager, Jim Dunker informed the Board that one of the radio consoles went out and beyond repairs. Platte Valley Communications informed them that the console can only have either Windows XP or Windows 7 with no other programs installed. After further discussion with Platte Valley Communications, a quote of \$11,061.00 was received to upgrade the equipment and software to Windows 10.

After discussion, Noel moved and Neiman seconded the motion to purchase new equipment and upgrade the software with Platte Valley Communications for \$11,061.00 for the dispatch center. Upon roll call, the vote was as follows:

Ayes: Cerny, Johnson, Mueller, Neiman, Noel, Risseeuw, and Sluka

Nays: None

The Chairman declared the motion carried.



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CLAIMS

The claims were presented for payment. The following abbreviations describe the expenditures: Equip – equipment, HDM’s – home delivered meals, Insur – insurance, Main – maintenance, Mtgs – meetings, Mile – mileage, Misc – miscellaneous, Post – postage, Pro – proceedings, Rep – repairs, Ret – retirement, Ser – service, SS – social security, Sup – supplies, Uti – utilities, Wksh – workshop expense.

GENERAL FUND:

A-1 Body & Glass	Rep	259.80
Bear Graphics	Sup	919.00
Bi-Versal Services, LLC	Ser	175.00
Lucille Capek	Mile	106.28
Carrier Corporation	Main, Rep	7,999.60
Centec Cast Metal Products	Sup	1,065.18
Comfort Inn	Lodging	314.85
Brenden Dohrt	Post	9.95
Dugan Printing & Promotions, LLC	Sup	510.00
Eakes Office Solutions	Sup	564.84
Larry Eichelberger	Sup	21.42
Alan Emshoff	Mile	104.64
Exeter Senior Center	USDA Reimbursement	79.10
Fairmont Aging Services	USDA Reimbursement	316.40
Fillmore County Development Corp.	Quarterly budget request	10,000.00
Fillmore County Sheriff	Fees	326.78
Fillmore County Treasurer	Transfer, Ser	556,133.72
First Concord Benefits Group, LLC	Insur, Ser	1,290.69
Galls, LLC	Equip	590.00
Geneva Home Center	Sup	2,840.71
Geneva Senior Center	USDA Reimbursement	979.30
Geneva Super Foods	Sup	1,272.89
Germer, Murray & Johnson	Ser	961.50
GIS Workshop	Ser	28,966.25
Heartland Bank	Ser, Ret	4,811.25
Frances Heinrichs	Mile, Meals	43.00
Deborah Hoarty	Mile	68.67
Jennifer L. Hoarty	Mile	8.72
JEO Consulting Group, Inc.	Ser	2,330.00
Kalkwarf & Smith Law Offices, LLC	Ser, Post, Uti	3,042.58
Pat Kamler	Mile	45.78
Kelch Plumbing, Heating & Refrigeration	Rep	210.00
Lincoln Marriott Cornhusker	Lodging	198.00
Madison National Life Insurance Co.	Insur	22.70
MailFinance	Ser	850.50
Mid-American Research Chemical	Sup	638.96
MIPS, Inc.	Ser	2,903.55
Kim Mussman	Mile	49.05
Nebraska Public Power District	Uti	1,517.57
NeoFunds by NeoPost	Post	1,700.00
Postmaster	Post	300.00
Retirement Plans Division of Ameritas	Ret	4,320.06
Alexis Schmidt	Mile	9.26
Paul Sheffield	Mile	52.32
Shell Fleet Plus	Fuel	3,241.37
State of Nebraska Dept. Correctional Svcs	Boarding prisoners	1,110.98
Rhonda Stokebrand	Mile	8.75
Sullivan Shoemaker, PC, LLO	Ser	411.38
SupplyWorks	Sup	361.49
Sutton Electric, Inc.	Rep	81.63
Svehla Law Offices, PC	Ser, Mile	1,353.00



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Thayer County Treasurer	Sup	217.48
United States Treasury	Misc	138.62
University of Nebraska – Lincoln	4-H salary	2,540.99
UNL – Printing & Copying Services	Sup	118.97
US Bank CPS	Meals, Mile, Post	61.51
Brandy VanDeWalle	Mile, Uti	36.99
Verizon Wireless	Uti	1,390.23
Richard Walter	Mile	81.75
Weaver Pharmacy	Sup	31.98
Windstream	Uti	1,037.42
Payroll	Salaries	67,999.93

ROAD/BRIDGE FUND:

Building Tech, Inc.	Equip	23,261.00
City of Geneva	Misc	35.00
Clay County News	Sup	738.03
Econo Lodge Inn & Suites	Lodging	158.00
Farmers Cooperative	Fuel	11,264.70
Geneva Home Center	Sup	216.07
Geneva Super Foods	Sup	6.99
GIS Workshop	Ser	3,023.00
Grafton Oil, Inc.	Fuel	1,204.28
Grant Built Logistics, LLC	Rock	12,273.30
Heartland Bank	Ret	2,170.69
Mid-Nebraska Aggregate, Inc.	Gravel	14,518.06
Nebr Iowa Industrial Fasteners Corp.	Sup	298.35
Nebraska Public Power District	Uti	408.95
Pavers Inc.	Ser	446,160.01
Perennial Public Power District	Uti	75.47
Retirement Plans Division of Ameritas	Ret	1,959.85
Donna Saltzman	Ser	55.00
Speece Lewis Engineers	Ser	3,123.52
US Bank CPS	Fuel	48.78
Verizon Wireless	Uti	107.92
Village of Exeter	Uti	18.75
Payroll	Salaries	29,327.47

HIGHWAY BRIDGE BUYBACK PROGRAM FUND:

Pavers, Inc	Ser	238,000.00
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ECONOMIC DEVELOPMENT – TOURISM FUND:

Fillmore County Development Corp.	Ser, Post, Sup	406.86
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INHERITANCE TAX FUND:

Fillmore County Treasurer	Transfer	130,000.00
RJ Joint Property Ventures, LLC	Rent	700.00

911 EMERGENCY MANAGEMENT FUND:

Fillmore County Treasurer	Transfer	8,975.42
Nebraska Public Power District	Uti	210.72
Sencommunications, Inc.	Equip	650.00

911 WIRELESS FUNDS:

Fillmore County Treasurer	Transfer	41,052.11
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COURTHOUSE BOND FUND:

Fillmore County Treasurer	Transfer	20,000.00
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ROAD BOND FUND:



Fillmore County Board Minutes



Fillmore County Treasurer

Transfer

June 26, 2018
29,000.00

CLAIMS APPROVED

Mueller moved and Cerny seconded the motion to approve the claims as presented. Upon roll call, the vote was as follows:

Ayes: Cerny, Johnson, Mueller, Neiman, Noel, Risseeuw, and Sluka
Nays: None

The Chairman declared the motion carried.

SALARY COMMITTEE RECOMMENDATION

Susan Johnson, Bob Mueller, and Dan Risseeuw members of the Salary committee informed the Board that the Salary committee is recommending a five (5%) percent per department annual salary increase at the discretion of the department head for hourly employees (except seasonal employees) based on merit and performance.

After discussion, Johnson moved and Mueller seconded the motion to approve a five (5%) percent per office current total hourly employee wages at the discretion of the department head for hourly employees (except seasonal employees) based on performance starting on July 1st. Upon roll call, the vote was as follows

Ayes: Cerny, Johnson, Mueller, Neiman, Noel, Risseeuw, and Sluka
Nays: None

The Chairman declared the motion carried.

ADJOURN

As there was no other business to come before the Board, Johnson moved and Sluka seconded the motion to adjourn until 9:00 a.m., on July 17, 2018. Upon roll call, the vote was as follows:

Ayes: Cerny, Johnson, Mueller, Neiman, Noel, Risseeuw, and Sluka
Nays: None

The Chairman declared the motion carried.

Attest

Chairman