CASS COUNTY BOARD OF SUPERVISORS RESOLUTION #2022-035

CASS COUNTY ENVIRONMENTAL CONTROL AGENCY
Not to Exceed \$194,082 Solid Waste Facilities Revenue Capital Loan Note

REVENUE CAPITAL LOAN NOT ENVIRONMENTAL CONTROL A CONSTRUCTION, RECONSTRUCTION, ALL OR PART OF THE CASS COUWASTE FACILITIES SYSTEM UNITED AND RELAT BOARD Member Mark, O' Brin	ED MATTERS", and moved that the same he adopted
Board Member Mark O' Brein and the vote was,	seconded the motion to adopt. The roll was called

AYES: Steve Baix, Bernard Tettinger,
Steve Green, John Wortkopf, Mark O'Brian
VAYS: None

Whereupon, the Chairperson declared the Resolution duly adopted as follows:

RESOLUTION CONSENTING TO THE ISSUANCE OF SOLID WASTE FACILITIES REVENUE CAPITAL LOAN NOTES BY THE BOARD OF THE CASS COUNTY ENVIRONMENT AL CONTROL AGENCY FOR THE PURPOSE OF ACQUISITION, CONSTRUCTION, RECONSTRUCTION, REPAIR, EXTENSION OR IMPROVEMENT OF ALL OR PART OF THE CASS COUNTY ENVIRONMENT AL CONTROL AGENCY SOLID WASTE FACILITIES SYSTEM UNDER THE TERMS OF THE 28E AGREEMENT, AND RELATED MATTERS

WHEREAS, the City of Anita, Iowa, the City of Atlantic, Iowa, the City of Cumberland, Iowa, the City of Griswold, Iowa, the City of Lewis, Iowa, the City of Marne, Iowa, the City of Massena, Iowa, the City of Wiota, Iowa, and the County of Cass, Iowa (collectively, the "Members") are parties to an 28E Agreement creating the Cass County Environmental Control Agency on file with the Iowa Secretary of State, including any amendments or supplements thereto (together, the "28E Agreement"); and



- Section 2. <u>Not General Obligations.</u> The principal of and interest on all Notes issued under the 28E Agreement shall be payable solely from and secured by the net revenues of the Cass County Environmental Control Agency Solid Waste Facilities System and from other funds of the Agency lawfully available therefore as provided in Section 28F.5 of the Code, or other applicable provisions of law, and the Solid Waste Facilities Revenue Capital Loan Notes shall not in any respect be general obligations of the County.
- Section 3. <u>Allocations of Debt Service</u>. Following the issuance of the Notes and for so long as any of the Notes remain outstanding, the debt service thereon shall be allocated to the Members in accordance with the terms of the 28E Agreement, and the County agrees to pay its allocated share of such debt service to the Agency under the terms and at the times set forth in the 28E Agreement or as determined by the Agency, through the budget process or otherwise.
- Section 4. <u>Restriction on Withdrawal.</u> The County further agrees that it may not withdraw or in any way terminate, amend, or modify in any way its obligations under the 28EAgreement to the detriment of the holders of the Notes while any of the Notes are outstandingand unpaid, and the provisions of Section 28F.3 of the Code with respect thereto are hereby approved and accepted.

Section 5. <u>Certification</u>. A certified copy of this resolution shall be promptly provided to the Director of the Cass County Environmental Control Agency.

PASSED AND APPROVED this 12 day of July, 2022.

Chairperson

ATTEST:

County Auditor

CERTIFICATE

STATE OF IOWA)
) SS
COUNTY OF CASS)

I, the undersigned County Auditor of the Cass County, State of Iowa, do hereby certify that attached is a true and complete copy of the portion of the records of the Agency showing proceedings of the Board, and the same is a true and complete copy of the action taken by the Board with respect to the matter at the meeting held on the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way; that meeting and all action thereat was duly and publicly held in accordance with a notice of meeting and tentative agenda, a copy of which was timely served on each member of the Board and posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the Board pursuant to the local rules of the Board and the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four hours prior to the commencement of the meeting as required by law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective offices as indicated therein, that no Board vacancy existed except as may be stated in the proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the Agency or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and the seal of the Board of Supervisors hereto affixed this day of July, 2022.

County Auditor, Cass County, State of Iowa

(SEAL)

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ITEMS TO INCLUDE ON AGENDA

CASS COUNTY, IOWA

Cass County Environmental Control Agency - Not to Exceed \$194,082 Solid Waste Facilities Revenue Capital Loan Notes.

Resolution consenting to the issuance of Solid Waste Facilities Revenue Capital Loan Notes by the Board of the Cass County Environmental Control Agency for the purpose of acquisition, construction, reconstruction, repair, extension or improvement of all or part of the Cass County Environmental Control Agency Solid Waste Facilities System under the terms of the 28E Agreement, and related matters.

NOTICE MUST BE GIVEN PURSUANT TO IOWA CODE CHAPTER 21 AND THE LOCAL RULES OF THE COUNTY.

July 12, 2022

The Board of Supervisor of Cass County, State of Iowa, met in session, in the Cass County Courthouse, 5 West 7th Street, Atlantic, IA 50022, at 9:15 o'clock A.M., on the above date. There were present Chairperson 5.3 cer, in the chair, and the following named Board Members:

S. Green, J. Hartkopf,

M. O'Brien, B. Pettinger

Absent: NONE

CASS COUNTY AUDITOR

Dale Sunderman
Cass County Auditor

Courthouse 5 W 7th Street

Atlantic, IA 50022-1492

Almers & Coney, P.C. 100 Coret Art, Site 600 Des Moines, IA 50509-2231

