

BE IT RESOLVED that the budget as set forth on the proposed budget on file with the Clerk is hereby amended as follows:

2010-2011 Proposed Budget of Disbursements & Transfers to \$251,920.82 from \$201,92.82;

2010-2011 Necessary Cash Reserve to \$97,807.02 from \$120,483.49;

2010-2011 Total Resources Available to \$349,727.84 from \$322,404.31;

Total 2010-2011 Personal & Real Property Tax Requirement to \$212,000.00 from \$184,130.00;

Unused Budget Authority Created for Next Year to \$57,592.11 from \$85,462.11;

Breakdown of Property Tax:

Personal and Real Property Tax Required for Bonds \$162,000.00;

Personal and Real Property Tax Required for All Other Purposes to \$50,000.00 from \$22,130.00.

BE IT FURTHER RESOLVED that the Clerk of the District is hereby authorized to cause a notice of adopted budget changes to be published in the *Papillion Times* on September 23, 2010.

On roll call on the foregoing motion, the following Trustees voted aye: Stephanie Adams, Linda J. Paesl and Ann Rasmussen. Voting nay thereon were the following Trustees: None. The Chairman then declared said resolution to be duly carried and adopted.

After full and careful discussion, the following resolution was then duly moved and seconded, to wit:

WHEREAS, Nebraska Revised Statute §77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the Board of Trustees of SID No. 92 of Sarpy County passes by a majority vote a resolution setting the tax request at a different amount; and

WHEREAS, it is in the best interests of SID No. 92 that the property tax request for the current year be for the same amount as the property tax request for the prior year.

BE IT RESOLVED that the attached Budget is hereby adopted: that an additional 1% increase above the 2.5% Base Limitation Percent Increase in the Total

Restricted Funds Authority from the Total Restricted Funds Authority in the budget for the last fiscal year is hereby approved; that the 2010/11 dollar requirement totaling \$212,000.00 is hereby established based upon a rate of \$.72378 per \$100.00 of taxable valuation; \$50,000.00 to be credited to the District's general fund based upon a rate of \$.17070 per \$100.00 of taxable valuation; and, \$162,000.00 to be credited to the District's construction or bond sinking fund based upon a rate of \$.55308 per \$100.00 of taxable valuation.

BE IT FURTHER RESOLVED that the Board of Trustees for the District hereby adopts a property tax request for the same amount as the property tax request for the prior year.

BE IT FURTHER RESOLVED that Steven J. Olson, Attorney for the District, be and hereby is directed on behalf of the Board of Trustees to forward a certified copy of this resolution to the County Clerk of this County prior to October 13, 2010.

BE IT FURTHER RESOLVED that Steven J. Olson, Attorney for the District, be and hereby is directed on behalf of the Board of Trustees to certify said budget and dollar requirement to the County Board and County Clerk of this county, and is further directed to file or cause the same to be filed with the State Auditor of Public Accounts on or before September 20, 2010.

On roll call on the foregoing motion, the following Trustees voted aye: Stephanie Adams, Linda J. Paesl and Ann Rasmussen. Voting nay thereon were the following Trustees: None. The Chairman then declared said resolution to be duly carried and adopted.

The Chairman advised that the District had recently received notice that its garbage collector, Apple Recycling and Trash had been purchased by Waste Management of Nebraska, Inc. and that Waste Management will assume the service.

A general discussion then ensued regarding the upkeep of property within the District. The attorney for the District advised that a sanitary and improvement district does not have legal authority to enforce covenants and that any applicable covenants for property in the district will expire in 2011 and 2012. The attorney further advised that affected property owners could bring legal actions against other property owners for private nuisance or violation of the Sarpy County Zoning regulations against other property owners but the sanitary and improvement district lacks legal authority to bring such actions.

The Chairman advised that the volleyball net in the District's park was recently destroyed by vandals. The Board requested that the attorney for the District contact the Sarpy County Highway Department about the feasibility of left turn signals for Giles Road at the intersection of Highway 50. The Board also requested that review of mulch for the playground area in the park be on the agenda at the next meeting.

The Chairman advised that general fund warrant no. 2138 was issued in order to pay then

current expenses of the District. The Chairman also presented the hereinafter described bills, statements and invoices.

After full and careful discussion, the following resolutions were duly moved and seconded, to wit:

BE IT RESOLVED by the Board of Trustees of Sanitary and Improvement District No. 92 of Sarpy County, Nebraska, that the action of the Chairman and Clerk in executing and delivering warrant no. 2138 on August 1, 2010 to the following payee and in the following amount, said warrant drawn on the general fund of the District and to draw interest at the rate of 7% per annum and to be redeemed no later than the date noted below is hereby ratified and confirmed, to wit:

GENERAL FUND ACCOUNT
(Due August 1, 2013)

(a) Warrant No. 2138, dated August 1, 2010, in the sum of \$935.62, payable to Omaha Public Power District, in payment of 4504100020;

BE IT FURTHER RESOLVED by the Board of Trustees of Sanitary and Improvement District No. 92 of Sarpy County, Nebraska, that the Chairman and Clerk be, and hereby are authorized and directed to execute and deliver warrant nos. 2139 through 2143 dated the date of this meeting to following payees and in the following amounts, said warrants drawn on the general fund account of the District and to draw interest at the rate of 7% per annum and to be redeemed no later than the date noted below, to wit:

GENERAL FUND ACCOUNT
(Due September 14, 2013)

(a) Warrant No. 2139 in the sum of \$1,160.00, payable to Sun Daze, in payment of mowing services rendered;

(b) Warrant No. 2140 in the sum of \$2,200.00, payable to Martin D. Hocevar, PC, in payment of 2010 audit and 2011 budget;

(c) Warrant No. 2141 in the sum of \$970.20, payable to Omaha Public Power District, in payment of 7/29-8/30/10, 4504100020;

(d) Warrant No. 2142 in the sum of \$2,192.40, payable to Olmsted & Perry Consulting Engineers, Inc., in payment of engineering services rendered;

(e) Warrant No. 2143 in the sum of \$4,820.89, payable to Steven J. Olson, in payment of legal services rendered;

BE IT FURTHER RESOLVED by the Board of Trustees of Sanitary and Improvement District No. 92 of Sarpy County, Nebraska, that both they and the District hereby find and determine and covenant, warrant and agree as follows: the improvements and/or facilities being financed or refinanced by the above Warrants are for essential governmental functions and are designed to serve members of the general public on an equal basis; all said improvements have from the time of their first acquisition and construction been owned, are owned and are to be owned by the District or another political subdivision; to the extent special assessments have been or are to be levied for any of said improvements, such special assessments have been or are to be levied upon Nebraska law as a matter of general application to all property specially benefited by said improvements in the District; the development of the land in the District is for residential or commercial use and the development of the land in the District for sale and occupation by the general public has proceeded and is proceeding with reasonable speed; other than any incidental use of said improvements by a developer during the initial period of development of said improvements, there have been, are and will be no persons with rights to use such improvements other than as members of the general public; none of the proceeds of said Bonds or any refinanced indebtedness have been or will be loaned to any private person or entity; the District hereby authorizes and directs the Chairperson or Clerk to file or cause to be filed, when due, an information reporting form pursuant to Section 149(e) of the Internal Revenue Code of 1986, as amended, pertaining to the above Warrants; and the District does not reasonably expect to sell or otherwise dispose of said improvements and/or facilities, in whole or in part, prior to the last maturity of the above Warrants.

BE IT FURTHER RESOLVED by the Board of Trustees of Sanitary and Improvement District No. 92 of Sarpy County, Nebraska, that the District hereby covenants, warrants and agrees as follows: (a) to take all actions necessary under current law to maintain the tax exempt status (as to taxpayers generally) of interest on the above Warrants; and (b) to the extent that it may lawfully do so, the District hereby designates the above Warrants as its "qualified tax exempt obligation" under Section 265(b)(3)(B)(ii) of the Internal Revenue Code of 1986, as amended, and covenants and warrants that the District does not reasonably expect to issue warrants or bonds or other obligations aggregating in the principal amount of more than \$5,000,000 during the calendar year in which the above Warrants are to be issued.

BE IT FURTHER RESOLVED by the Board of Trustees of Sanitary and Improvement District No. 92 of Sarpy County, Nebraska that this and the preceding Resolutions are hereby adopted as the Certificate with Respect to Arbitrage of the District pertaining to the above Warrants and the District and the Chairman and Clerk of the District hereby further certify, as of the date of the registration of the above Warrants with the County Treasurer of Sarpy County, Nebraska, as follows:

1. No separate reserve or replacement fund has been or will be established with respect to the above Warrants. The District reasonably anticipates that monies in its Bond Fund reasonably attributable to the above Warrants in excess of the less of: (a) 10% of the net principal proceeds of the above Warrants, (b) the maximum annual debt service due on the above Warrants, or (c) 125% of average annual debt service due on the above Warrants will be expended for payment of principal of and interest on the above Warrants within 13 months after receipt of such monies. That amount which is currently held in the District's Bond Fund which exceeds the amount which is to be expended for payment of principal and interest on the above Warrants within 13 months after receipt of such monies, plus that amount arrived at pursuant to the immediately preceding sentence, will not be invested in any securities or any other investment obligations which bear a yield, as computed in accordance with the actuarial method, in excess of the yield on the above Warrants.

2. To the best of their knowledge, information and belief, the above expectations are reasonable.

3. The District has not been notified of any listing of it by the Internal Revenue Service as an issuer that may not certify its bonds.

4. This Certificate is being passed, executed and delivered pursuant to Section 1.148(b)(2) of the Income Tax Regulations of the Internal Revenue Code of 1986, as amended.

On roll call on the foregoing motion, the following Trustees voted aye: Stephanie Adams, Linda J. Paesl and Ann Rasmussen. Voting nay thereon were the following Trustees: None. The Chairman then declared said resolution to be duly carried and adopted.

Thereupon the meeting adjourned.

Stephanie Adams, Chairperson & Trustee

Linda Paesl, Clerk & Trustee

Ann Rasmussen, Trustee