

BOARD OF COUNTY COMMISSIONERS
SARPY COUNTY, NEBRASKA

RESOLUTION APPROVING THE ISSUANCE OF FLOOD CONTROL AND WATER
QUALITY ENHANCEMENT BONDS BY THE PAPIO-MISSOURI RIVER NATURAL
RESOURCES DISTRICT

WHEREAS, pursuant to Neb. Rev. Stat. §23-104(6) (Reissue 2007), the County has the power to do all acts in relation to the concerns of the county necessary to the exercise of its corporate powers; and,

WHEREAS, pursuant to Neb. Rev. Stat. §23-103 (Reissue 2007), the powers of the County as a body are exercised by the County Board; and,

WHEREAS, the Board of Directors of the Papio-Missouri River Natural Resources District ("NRD") approved the issuance of Flood Control and Water Quality Enhancement Bonds at its February 11, 2010; and,

WHEREAS, pursuant to Neb. Rev. Stat. §2-3226.11(3) the County Board has 90 days from February 11, 2009 to disapprove the construction of a reservoir or water quality basin project greater than 20 surface acres within its jurisdiction if said project is to be funded by the proceeds of bonds issued pursuant to Neb. Rev. Stat. §2-3226.10; and,

WHEREAS, the notice required by Neb. Rev. Stat. §2-3226.11(3) , said notice dated February 16, 2010, has been received by the Sarpy County Board of Commissioners, and a public hearing has been held as required by Neb. Rev. Stat. §2-3226.11(3).

NOW, THEREFORE, BE IT RESOLVED by the Sarpy County Board of Commissioners that said Board hereby approves the issuance of bonds as described in the February 16, 2010 notice from the NRD, and has made a final decision not to take action disapproving the Project or bond issuance described in said notice.

DATED this _____ day of February, 2010.

Moved by _____, seconded by _____, that the above Resolution be adopted. Carried.

YEAS:

NAYS:

ABSENT:

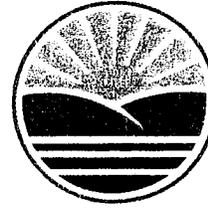
ABSTAIN:

Approved as to form:

County Clerk

Deputy County Attorney

**PAPIO-MISSOURI RIVER
NATURAL
RESOURCES
DISTRICT**



8901 S. 154th Street
Omaha, NE 68138-3621
402-444-6222
www.papionrd.org

February 16, 2010

Sarpy County Commissioners
1210 Golden Gate Drive
Papillion, NE 68046-2894

**Finding Solutions Today
For a Secure Tomorrow**

Re: Notice of the Issuance of Flood Control and Water Quality Enhancement Bonds

Dear Commissioners:

The purpose of this correspondence is to serve as official notification on behalf of the Board of Directors of the Papio- Missouri River Natural Resources District (the "NRD") that the NRD officially adopted a resolution approving the issuance of Flood Control and Water Quality Enhancement Bonds at its February 11, 2010, meeting, and that the NRD intends to issue bonds to pay for a project within the exclusive zoning jurisdiction of the County as described below. According to Nebraska Revised Statutes, specifically Section 2-3226.11(3) Neb.Rev.Stat, a county must be notified of the bond issuance if a reservoir or water quality basin project or projects greater than twenty surface acres within its exclusive zoning jurisdiction will be funded from such bond issue and such affected county may pass a resolution in opposition to the construction of such project. That statute provides in relevant part as follows:

"(3)(a) Prior to the issuing of bonds pursuant to section 2-3226.10 or expending funds of a natural resources district encompassing a city of the metropolitan class to pay costs of a reservoir or water quality basin project or projects greater than twenty surface acres, a county board of the affected county may pass a resolution stating that it does not approve of the construction of such reservoir or water quality basin project or projects within its exclusive zoning jurisdiction. The county board shall hold a public hearing and shall vote on the resolution within ninety days after notice from the board of directors of the natural resources district of its intent to issue bonds.

(b) No proceeds from bonds issued pursuant to section 2-3226.10 or funds of a natural resources district encompassing a city of the metropolitan class may be used to pay costs of a reservoir or water quality basin project or projects greater than twenty surface acres if the county board of the affected county passes such a resolution."

Proceeds of the Flood Control and Water Quality enhancement bonds are to be used to fund a portion of the WP-5 Project (the "Project"). Because the County has 90 days to pass a resolution stating that it does not approve of the construction of the Project within its exclusive zoning jurisdiction (a "Disapproving Resolution"), we have been informed by bond counsel that

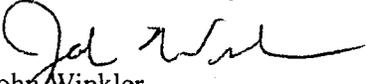
Papio-Missouri River Natural Resources District Board of Directors

Larry Bradley Fred Conley John Conley Tim Fowler Scott Japp David Klug Rick Kolowski
Dorothy Lanphier John Schwoppe Richard Tesar Jim Thompson
John Winkler, General Manager

the NRD will as a practical matter have difficulty moving forward with its bond issue prior to the expiration of 90 days after this notice. However, we have also been informed by bond counsel that the NRD would be able to move forward with the issuance of bonds if the County adopts a resolution acknowledging its receipt of this notice, indicating that the County Board has made a final determination not to adopt any Disapproving Resolution and affirmatively approving of the Papio-Missouri River NRD's issuance of bonds to pay the cost of the Project.

If you have any questions or require additional information please do not hesitate to contact me at your convenience.

Highest Personal Regards,


John Winkler
General Manager

8310 JW:pb DOCS/958652.1

Sarpy County Board of Commissioners

1210 GOLDEN GATE DRIVE
PAPILLION, NE 68046-2895
593-4155
www.sarpy.com

ADMINISTRATOR
Mark Wayne

DEPUTY ADMINISTRATOR
Scott Bovick

FISCAL ADMIN./PURCHASING AGT.
Brian Hanson



COMMISSIONERS

Rusty Hike

District 1

Joni Jones

District 2

Tom Richards

District 3

Pat Thomas

District 4

Rich Jansen

District 5

MEMO

February 23, 2010

TO: Sarpy County Board of Commissioners

FROM: Scott Bovick, Deputy County Administrator

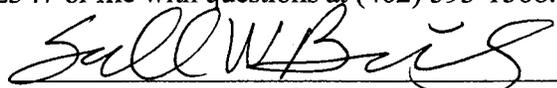
RE: Public Hearing and Resolution to Approve the Papio-Missouri Natural Resource Districts' issuance of bonds to construct West Papillion Regional Basin Project 5

On February 23, 2010 the County Board will be asked to hold a public hearing and consider a Resolution approving the Papio-Missouri Natural Resource District's issuance of bonds for the West Papillion Regional Basin Project 5. For reference, this is to fund the construction of the basin directly west of the Sarpy County Stadium site.

Per state law, the NRD has an obligation to notify the County Board, so that the County Board is given an opportunity to oppose the NRD issuing bonds to construct a regional basin. In an effort to move forward in a timely manner, the NRD is asking the County Board to pass a Resolution acknowledging receipt of notice, stating the Board has made a final determination not to oppose the issuance of bonds, and expressing approval of the issuance of bonds for the project.

Mr. Winkler will be present at the meeting to provide further information or answer any questions you may have. Please see the letter from Papio-Missouri NRD General Manager John Winkler providing further explanation of the state law and the NRD's request.

Please feel free to contact Mark Wayne at (402) 593-2347 or me with questions at (402) 593-1568.


Scott Bovick, Deputy County Administrator

Cc: Deb Houghtaling
Mark Wayne
Mike Smith
Brian Hanson

Kendra Koehler

From: Mark Wayne
Sent: Tuesday, February 23, 2010 8:12 AM
To: Debra J. Houghtaling; Kendra Koehler
Cc: Joni Jones
Subject: FW: County Resolutions

FYI.

-----Original Message-----

*From: Winkler, John [mailto:jwinkler@papionrd.org]
Sent: Monday, February 22, 2010 6:17 PM
To: Scott Bovick; Mark Wayne
Cc: 'mrogers@bairdholm.com'
Subject: RE: County Resolutions*

Hi Scott:

I would respectfully request that you remove the resolution pertaining to WP-5 and the Papio NRD. After further analysis we feel that the intial notification of bonding and the 90 day period will suffice in meeting the District's timeline on this project. Therefore, the county can act to disapprove of the project within the 90 day period or can chose not to act at all and the Papio NRD will move forward with the issuing of the bonds.

Thank you and if you have any questions please fee free to contact me.

Best Regards,

John Winkler
General Manager

*From: Scott Bovick [sbovick@sarpy.com]
Sent: Monday, February 22, 2010 10:16 AM
To: Winkler, John; Mark Wayne
Cc: 'mrogers@bairdholm.com'; Mark Wayne
Subject: RE: County Resolutions*

Thanks John.

Mike Smith form the County Attorney's Office already prepared a Resolution that will capture everything that Mike Rogers had in his, so we should be good to go. See you tomorrow.

Scott W. Bovick
Deputy County Administrator
Sarpy County, Nebraska
1210 Golden Gate Drive
Papillion, NE 68046
sbovick@sarpy.com
402-593-1568

*From: Winkler, John [mailto:jwinkler@pacionrd.org]
Sent: Monday, February 22, 2010 8:34 AM
To: Mark Wayne; Scott Bovick
Subject: FW: County Resolutions*

Dear Scott:

Attached is a proposed resolution for the Sarpy County Commissioners to consider at their Tuesday Board meeting. If you or the county attorney have any questions please coordinate with Mike Rogers at Baird Holm. His contact information is below.

Thanks,

*John Winkler
General Manager*

*From: Mike Rogers [mailto:mrogers@bairdholm.com]
Sent: Monday, February 22, 2010 7:31 AM
To: Winkler, John
Cc: paul.peters@mindspring.com; 'Dan Smith'; Christine Benson
Subject: County Resolutions*

John,

As discussed, attached please find proposed proceedings for Dakota and Sarpy Counties. The resolution contained in each would have the county acknowledge receipt of the NRD's notice of intent to issue bonds, make a final determination that the county will not adopt a resolution objecting to the project specified or the issuance of bonds to finance the same and specifically approve of the project specified.

Please call or email with any questions or comments.

*Best regards,
Mike*

*Michael G. Rogers
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