

BOARD OF COUNTY COMMISSIONERS
SARPY COUNTY, NEBRASKA
RESOLUTION AUTHORIZING WAIVER OF QECB SUB-ALLOCATION

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, pursuant to the Tax Extenders and Alternative Minimum Tax Relief Act of 2008 (the "Act"), Sarpy County was eligible notified by the Nebraska Department of Energy of its eligibility of a sub-allocation that would allow Sarpy County to issue Qualified Energy Conservation Bonds for qualified conservation purposes; and,

WHEREAS, neither Sarpy County nor any of the municipalities within Sarpy County has an energy or energy efficiency project that qualifies under the Act; and,

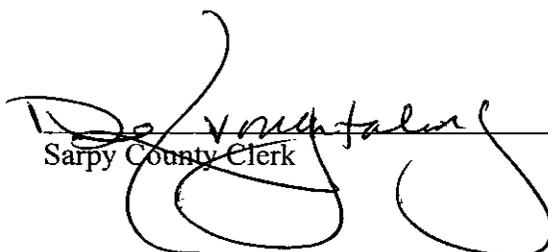
WHEREAS, by waiving the sub-allocation due Sarpy County under the Act, said sub-allocation may be made available to other projects within the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THIS BOARD OF COUNTY COMMISSIONERS that, for the reasons stated herein, that Sarpy County hereby waives the QECB sub allocation under the Act, and authorizes the Chair to sign such documents as necessary to make this waiver effective.

The above and foregoing Resolution was duly approved by a vote of the Sarpy County Board of Commissioners at a public meeting duly held in accordance with applicable law on this 16th day of October, 2012



 Chairman, Sarpy County Board



 Sarpy County Clerk



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
Jim Thompson District 2
Tom Richards District 3
Jim Nekuda District 4
Jim Warren District 5

MEMO

October 16, 2012

TO: Sarpy County Board of Commissioners

FROM: Scott Bovick, Deputy County Administrator

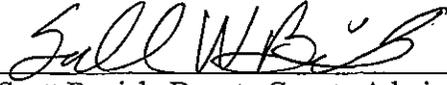
RE: Resolution to waive Sarpy County's sub-allocation of Qualified Energy Conservation Bonds (QECBs)

Through recent federal legislation, Sarpy County received a sub-allocation of \$1,522,502 to finance large scale renewable energy and energy efficiency projects in the form of QECBs. The QECBs reduce the effective interest rate on taxable bonds by 3%-4% through a direct rebate of federal funds (similar to the Build America Bonds program the County utilized as part of the Werner Park project). Unfortunately, the County does not have any qualifying large renewable energy or energy efficiency projects that would benefit from this program at this time.

I also contacted the five Sarpy County cities to determine if they were interested in using Sarpy County's allocation. None of the cities expressed interest.

The Nebraska Department of Energy requests that the County Board pass a Resolution to formally approve a "Waiver of Allocation" to return Sarpy County's allocation to the state. The state intends to offer their allocation to local governments too, so there still may be an opportunity to use the funds in the future should the County or cities develop qualifying projects.

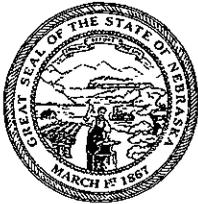
Please feel free to contact me if you have any questions. Thank you.



Scott Bovick, Deputy County Administrator

Cc: Deb Houghtaling
Mark Wayne
Brian Hanson

STATE OF NEBRASKA



Dave Heineman
Governor

August 24, 2012

NEBRASKA ENERGY OFFICE
Ginger Willson
Director
521 South 14th Street, Suite 300
P.O. Box 95085
Lincoln, Nebraska 68509-5085
Phone 402-471-2867
Fax 402-471-3064
energy@nebraska.gov
www.neo.ne.gov

Rusty Hike, Chairman
Sarpy County Board of Commissioners
Sarpy County Courthouse
1210 Golden Gate Drive
Papillion, NE 68046

Dear Mr. Hike:

You might be aware Qualified Energy Conservation Bonds (QECBs) were authorized by Congress in the *Tax Extenders and Alternative Minimum Tax Relief Act of 2008*. Then in 2009, Congress increased the funding for state, territories, large local governments and tribal governments to issue QECBs to finance renewable energy and energy efficiency projects. The total allocation was divided nationally among states and territories according to population. Internal Revenue Code Notice 2009-29 sets forth the amount of national bond limitation allocated for projects in the State of Nebraska which is \$18,502,000. Each state must sub-allocate a portion of its allocation to each large local government, county and municipality whose population is 100,000 or more. Indian tribal governments shall also be treated as a large local government. The sub-allocation is determined at the same ratio to the State's allocation as the population of such large local government bears to the population of such State. Sub-allocations below are based on the most recent available state population information released by the United States Census Bureau before the beginning of 2009.

Omaha	\$4,403,737
Lincoln	\$2,580,564
Sarpy County	\$1,522,502
(6) Indian Tribal Governments	\$309,322
Remainder of the State	\$9,685,873

Therefore, the purpose of this letter is to notify you of your respective sub-allocation. You may issue bonds up to the amount of your respective sub-allocation or waive this sub-allocation and return the allocation to the state to be used for qualified conservation purposes.

Governor Dave Heineman has authorized the Nebraska Energy Office as the allocating agency for the remainder of the State allocation, any sub-allocation, or portion of a sub-allocation returned to the State by large local and tribal governments. In order for the state to effectively use this federal resource for the benefit of the citizens of Nebraska, I respectfully request you notify the Nebraska Energy Office of your intent to use your sub-allocation with specific projects identified, or waive your sub-allocation in effect releasing this to the State. Attached is a QECB

Sub-Allocation Statement of Intent or Waiver of Allocation Form to be returned to the Energy Office by September 17, 2012.

As a reference, QECBs may only be issued for qualified conservation purposes as defined in the Internal Revenue Code Notice 2009-29. Here are some things to consider:

- QECBs issuances often take several months to structure, market, price and close.
- To ensure that bonds are being used appropriately, QECBs issuers should obtain an opinion of qualified and experienced bond counsel that the bonds will qualify as QECBs.
- Once QECBs are issued, proceeds must be spent (or used to redeem bonds) within three years of issuance.
- Issuers must also have a binding commitment with a third part to spend at least 10% of the proceeds within six months of issuance.
- Generally, QECBs are subject to rules that apply to tax-exempt bonds.

The Nebraska Energy Office is happy to assist you in any way we are able. If you have questions about the issuance or the allocation of QECBs, please do not hesitate to contact me or John (Jack) Osterman, Financing Division Chief, at 402-471-2867. You may also wish to contact Steven Clements at the Nebraska Investment Financing Authority at 402-434-3900 for additional assistance. I greatly appreciate your timely attention to this matter.

Sincerely,



Ginger Willson
Director

Attachment

COPY

QECB Sub-Allocation Statement of Intent or Waiver of Allocation

The undersigned Large Local Government received a sub-allocation of QECBs and understands that it has the option of using the sub-allocation to issue bonds, designating the sub-allocation to another issuer located within its jurisdiction, or returning the sub-allocation to the state for reallocation. Please sign and return this statement of intent or waiver to Ginger Willson, Director, Nebraska Energy Office, P.O. Box 95085, Lincoln, NE 68509-5085, by September 17, 2012, along with a signature of an appropriate official indicating your intention either to utilize or waive the sub-allocation received by your Large Local Government.

City/County: Sarpy County

YES
The City/County above intends to issue QECBs, issue QECBs through a conduit issuer, or designate another issuer within its jurisdiction to issue QECBs for the amount of its sub-allocation and have identified specific projects. The City/County checking this box is to notify the Nebraska Energy Office after issuance of the QECBs using a notice of issuance form to be provided by the Nebraska Energy Office.

YES
The City/County above intends to issue QECBs, issue QECBs through a conduit issuer, or designate another issuer within its jurisdiction to issue QECBs for a portion of its sub-allocation and has identified specific projects for that portion, and waives the remaining portion of its sub-allocation back to the state for reallocation. The City/County checking this box is to notify the Nebraska Energy Office after issuance of the retained portion of its QECB sub-allocation using a notice of issuance form to be provided by the Nebraska Energy Office.

Portion of sub-allocation intended to be issued: \$ _____.

Portion of sub-allocation to be waived back to the state: \$ _____.

NO
The City/County above does not intend to issue QECBs and does not intend to designate the sub-allocation to another issuer within its jurisdiction and hereby waives its sub-allocation to the state for reallocation.

If waiving the sub-allocation or some portion thereof, please attach a copy of the Resolution of the City/County's governing body waiving the sub-allocation or that portion of the sub-allocation to the state for reallocation.

Signature Russell

Title Chairman

Date 10-16-12