

RESOLUTION NO. 2021-9-150

Resolution relating to financing of certain proposed Land and Water Legacy projects to be undertaken by Linn County, Iowa; establishing compliance with reimbursement bond regulations under the Internal Revenue Code

BE IT RESOLVED by the Board of Supervisors (the "Board") of Linn County, Iowa (the "County"), as follows:

Section 1. Recitals.

(a) The Internal Revenue Service has issued Section 1.150-2 of the Income Tax Regulations (the "Regulations") dealing with the issuance of bonds, all or a portion of the proceeds of which are to be used to reimburse a county for project expenditures made by a county prior to the date of issuance.

(b) The Regulations generally require that a county make a prior declaration of its official intent to reimburse itself for such prior expenditures out of the proceeds of a subsequently issued borrowing and that the borrowing occur and the reimbursement allocation be made from the proceeds of such borrowing within a certain period after the payment of the expenditure or the date the projects are placed in service; and

(c) The County desires to comply with requirements of the Regulations with respect to certain projects hereinafter identified.

Section 2. Official Intent Declaration.

(a) The County proposes to undertake the following projects and to make original expenditures with respect thereto prior to the issuance of bonds, notes or other obligations (the "Bonds") and reasonably expects to issue the Bonds for such projects in the maximum principal amount shown below:

<u>Projects</u>	<u>Maximum Amount of Bonds Expected to be Issued for Projects</u>
Land and Water Legacy Conservation	\$7,000,000

(b) Other than (i) expenditures to be paid or reimbursed from sources other than the Bonds or (ii) expenditures made not earlier than sixty days prior to the date of this Resolution or (iii) expenditures amounting to the lesser of \$100,000 or 5% of the proceeds of the Bonds or (iv) expenditures constituting preliminary expenditures as defined in Section 1.150-2(f)(2) of the Regulations, no expenditures for the projects have heretofore been made by the County for which the County will seek reimbursement from the proceeds of the Bonds.

(c) This declaration is a declaration of official intent adopted pursuant to Section 1.150-2 of the Regulations.

Section 3. Budgetary Matters.

As of the date hereof, there are no County funds reserved, allocated on a long term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long term basis or otherwise set aside) to provide permanent financing for the expenditures related to the projects, other than pursuant to the issuance of the Bonds. This resolution, therefore, is determined to be consistent with the County's budgetary and financial circumstances as they exist or are reasonably foreseeable on the date hereof, all within the meaning and content of the Regulations.

Section 4. Reimbursement Allocations.

The County's Finance Director shall be responsible for making the "reimbursement allocations" described in the Regulations, being generally the transfer of the appropriate amount of proceeds of the Bonds to reimburse the source of temporary financing used by the County to make payment of the prior costs of the projects. Each allocation shall be evidenced by an entry on the official books and records of the County maintained for the Bonds, shall specifically identify the actual prior expenditure being reimbursed or, in the case of reimbursement of a fund or account, the fund or account from which the expenditure was paid, and shall be effective to relieve the proceeds of the Bonds from any restriction under the bond resolution or other relevant legal documents for the Bonds, and under any applicable state statute, which would apply to the unspent proceeds of the Bonds.

Section 5. Repealer.

All resolutions, parts of resolutions, or actions of the Board in conflict herewith are hereby repealed, to the extent of such conflict.

Passed and approved September 15, 2021

Stacey Wall  
Chairperson, Board of Supervisors

Attest:

Joel Miller by Rebecca Shoop, Deputy  
County Auditor

REIMBURSEMENT  
RESOLUTION

REGULATION

Cedar Rapids, Iowa

September 15, 2021

The Board of Supervisors of Linn County, Iowa, met on September 15, 2021, at 11:00 a.m., at the Linn County Jean Oxley Public Service Center.

The meeting was called to order by the Chairperson, and the roll was called showing the following Supervisors present and absent:

Present: Walker, Rogers, Zumbach  
Absent: none

It was reported that, in order to preserve the County's eligibility to issue tax exempt bonds for certain Land and Water Legacy Projects, it would be necessary for the Board to adopt a resolution declaring the Board's intent to spend cash and later reimburse those expenses from the proceeds of a bond issue. Supervisor Rogers introduced the resolution next hereinafter set out and moved its adoption, seconded by Supervisor Zumbach. After due consideration and discussion, the Chairperson put the question upon the adoption of the resolution, and the roll being called, the following Supervisors voted:

Ayes: Walker, Rogers, Zumbach  
Nays: none

Whereupon, the Chairperson declared the resolution duly adopted as hereinafter set out.

....

At the conclusion of the meeting, and upon motion and vote, the Board adjourned.

Stacey Walk  
Chairperson, Board of Supervisors

Attest:

Joel Miller by Rebecca Sloop  
County Auditor Deputy