AGENDA

REGULAR MEETING
OF THE BOARD OF COMMISSIONERS OF
ST. LOUIS COUNTY, MINNESOTA

Tuesday, August 2, 2016, 9:30 A.M.

County Board Room, Second Floor
St. Louis County Courthouse
100 N. 5th Avenue West
Duluth, Minnesota

STEVE RAUKAR, Chair
Seventh District

FRANK JEWELL, Vice-Chair **First District**	**PATRICK BOYLE** **Second District**	**CHRIS DAHLBERG** **Third District**
TOM RUKAVINA **Fourth District**	**PETE STAUBER** **Fifth District**	**KEITH NELSON** **Sixth District**

County Auditor Donald Dicklich	County Administrator Kevin Gray	County Attorney Mark Rubin	Clerk of the Board Phil Chapman

The St. Louis County Board of Commissioners welcomes you to this meeting. This agenda contains a brief description of each item to be considered. The Board encourages your participation. If you wish to speak on an item contained in the agenda, you will be allowed to address the Board when a motion is on the floor. If you wish to speak on a matter that does not appear on the agenda, you may do so during the public comment period at the beginning of the meeting. Except as otherwise provided by the Standing Rules of the County Board, no action shall be taken on any item not appearing in the agenda.

When addressing the Board, please sign in at the podium and state your name and address for the record. Please address the Board as a whole through the Chair. Comments to individual Commissioners or staff are not permitted. The St. Louis County Board promotes adherence to civility in conducting the business of the County. Civility will provide increased opportunities for civil discourse in order to find positive resolutions to the issue before the Board. Tools of civility include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility [County Board Resolution No. 560, adopted on September 9, 2003]. Speakers will be limited to five (5) minutes.

In compliance with the Americans with Disabilities Act, those requiring accommodation for this meeting should notify Property Management 72 hours prior to the meeting at (218)725-5085.

All supporting documentation is available for public review in the County Auditor's Office, 100 North 5th Avenue West - Room No. 214, St. Louis County Courthouse, Duluth, MN, during regular business hours 8:00 A.M. - 4:30 P.M., Monday through Friday. Agenda is also available on our website at http://www.stlouiscountymn.gov/GOVERNMENT/BoardofCommissioners.aspx

9:30 A.M. Moment of Silence
Pledge of Allegiance
Roll Call

"Words of Wisdom" – Don Dicklich, County Auditor/Treasurer

AT THIS TIME CITIZENS WILL BE ALLOWED TO ADDRESS THE BOARD ON ITEMS NOT ON THE AGENDA. [Speakers will be limited to 5 minutes each.]

FOR ITEMS LISTED ON THE BOARD AGENDA OR COMMITTEE OF THE WHOLE AGENDA, CITIZENS WILL BE ALLOWED TO ADDRESS THE BOARD AT THE TIME A MOTION IS ON THE FLOOR.

CONSENT AGENDA
Approval of business submitted on the consent agenda.

REGULAR AGENDA
Public Works & Transportation Committee – Commissioner Stauber, Chair
1. Award of bids for the July 28th bid opening: **{16-341} [Has not been to committee; requires consent of the Board to be considered.]**

   1.) Bridge project on County Road 937 in Field Township awarded to low bidder Redstone Construction, LLC, of Mora, MN.

   2.) Culvert project on County State Aid Highway 10 in Lakewood Township awarded to low bidder TNT Aggregates, LLC, of Grand Rapids, MN.

Finance & Budget Committee – Commissioner Nelson, Chair
2. 2016 Second Quarter Budget Changes. **{16-334} [Without recommendation.]**

TIME SPECIFIC:
11:30 A.M.
Refinance of Ely Northwoods Housing Project Bonds. **{16-342}**

ADJOURNED:

NOTE: At the conclusion of the County Board meeting, the St. Louis County Housing and Redevelopment Authority (HRA) will convene.

BOARD LETTER NO. 16 – 341

PUBLIC WORKS & TRANSPORTATION COMMITTEE

AUGUST 2, 2016 BOARD AGENDA NO. 1

DATE: **August 2, 2016**

RE: **Award of Bids: Bridge Project on CR 937 (Field Township) and Culvert Project on CSAH 10 (Lakewood Township)**

FROM: **Kevin Z. Gray**
County Administrator

James T. Foldesi
Public Works Director/Highway Engineer

RELATED DEPARTMENT GOAL:
To provide a safe, well maintained road and bridge system.

ACTION REQUESTED:
The St. Louis County Board is requested to award to the low bidder as detailed in the resolution that will be provided after the bid opening.

BACKGROUND:
County staff is authorized under Resolution No. 88-381, dated May 24, 1988, to call for bids on projects which are already included in the budget document. Bids were requested for a bridge project in Field Township funded with St. Louis County Transportation Sales Tax funds and a culvert replacement project in Lakewood Township funded with St. Louis County Local funds.

A call for bids was received by the St. Louis County Public Works Department on July 21, 2016, for the projects in accordance with the plans and specifications on file in the office of the County Highway Engineer:

1. **Project: CP 0937-243934 TST**

   Location: CR 937 between CSAH 115 and CR 540, Length 0.12 Miles
   Traffic: 113
   PQI: N.A.
   Construction: Approach Grading and Bridge 69A44 (County Bridge 655)
   Funding: Fund 204, Agency 204015, Object 652806
   Anticipated Start Date: September 26, 2016
   Anticipated Completion Date: June 30, 2017
   Engineer's Estimate: $849,979.20

BIDS:

Redstone Construction, LLC Mora, MN	**$728,780.45 (-$121,198.75, -14.26%)**
Northland Constructors, Duluth, MN	$807,781.50
Dallco, Inc., Brook Park, MN	$935,938.35

2. **Project: CP 0010-295530**

Location: CSAH 10 between CR 241 (Maxwell Road) and CR 293 (North Tischer Road), Length 0.1 Mile
Traffic: 870
PQI: N.A.
Construction: Culvert Replacement
Funding: Fund 200, Agency 203450, Object 652800
Anticipated Start Date: August 8, 2016
Anticipated Completion Date: September 14, 2016
Engineer's Estimate: $88,888.00

BIDS:

TNT Aggregates, LLC Grand Rapids, MN	**$ 66,900.00 (-$21,988.00, -24.74%)**
A Plus Landscaping LLC Saginaw, MN	$ 69,840.50
Northland Constructors, Duluth, MN	$ 87,402.00
Ulland Brothers, Inc., Cloquet, MN	$ 89,610.00
KGM Contractors, Inc., Angora, MN	$103,395.00
Utility Systems of America, Inc., Eveleth, MN	$108,784.00
George Bougalis & Sons, Co., Hibbing, MN	$113,394.00

RECOMMENDATION:
It is recommended that the St. Louis County Board award the projects as follows:

County Project CP 0937-243934 TST to Redstone Construction, LLC. of Mora in the amount of $728,780.45, payable from Fund 204, Agency 204015, Object 652806

CP 0010-295530 to TNT Aggregates, LLC. of Grand Rapids in the amount of $66,900.00, payable from Fund 200, Agency 203450, Object 652800

Award of Bid: Bridge Project on CR 937 (Field Township)

BY COMMISSIONER _____

WHEREAS, Bids have been received electronically by the St. Louis County Public Works Department for the following project:

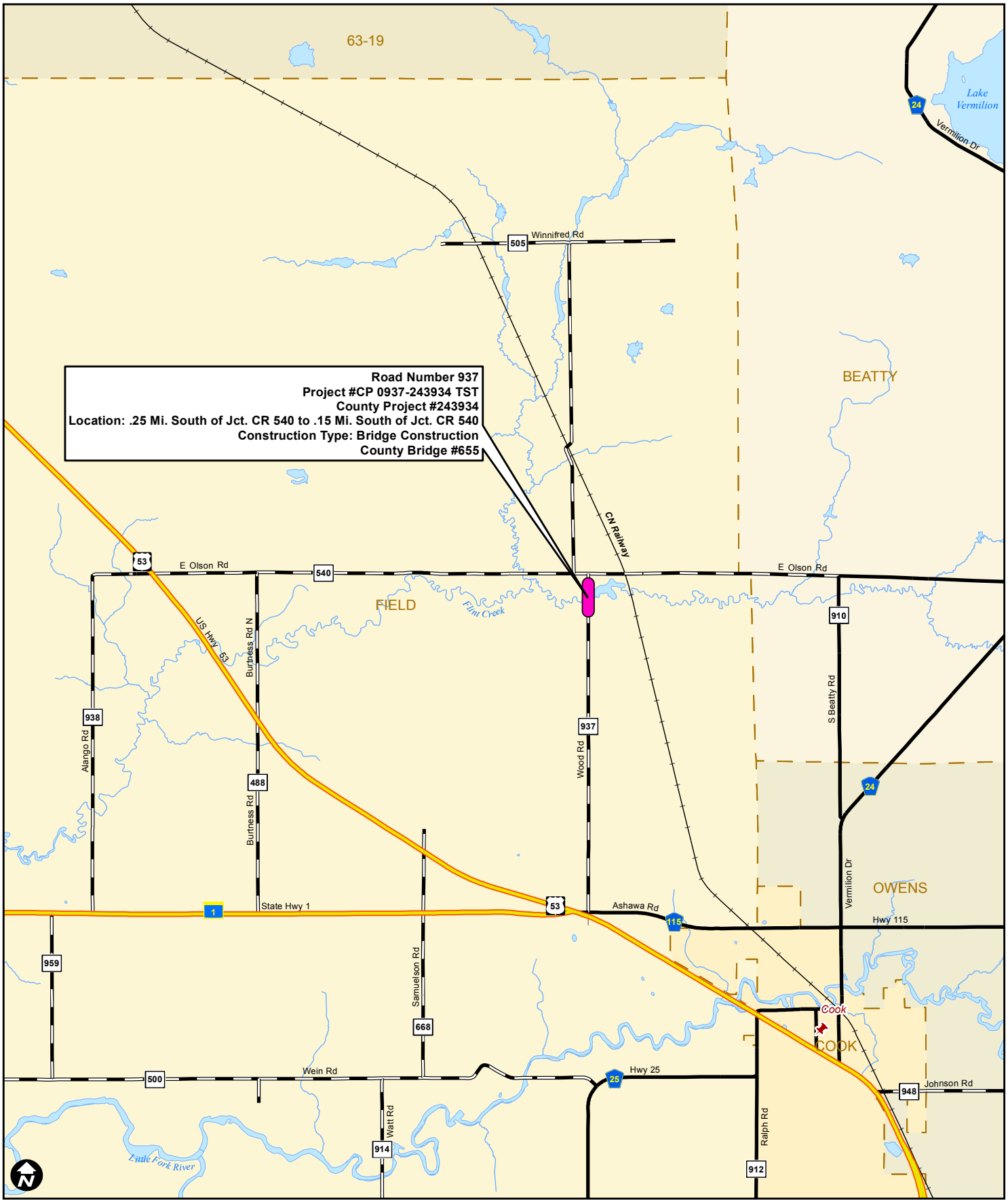
CP 0937-243934 TST - Bridge 69A44 (County Bridge 655) and Approaches, CR 937 between CSAH 115 and CR 540; and

WHEREAS, Bids were opened in the Richard H. Hansen Transportation & Public Works Complex, Duluth, MN, on July 28, 2016, and the low responsible bid determined;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board approves the award on the above project to the low bidder:

LOW BIDDER	ADDRESS	AMOUNT
Redstone Construction, LLC	2183 Hwy. 65 N. Mora, MN 55051	$728,780.45

RESOLVED FURTHER, That the appropriate county officials are authorized to approve the Contractor's Performance Bonds and to execute the bonds and contract for the above listed project, payable from Fund 204, Agency 204015, Object 652806.



St. Louis County 2016 Road & Bridge Construction

0 0.25 0.5 1 Mile

Map Components

2016 Road & Bridge Construction
- Bridge Construction
- Interstate Highway
- U.S./State Highway
- County/Unorg. Twp. Road - Paved
- County/Unorg. Twp. Road - Gravel
- Local Road/City Street
- Railroad
- Commissioner District
- Township Boundary
- City/Town
- Lake
- River/Stream

Award of Bid: Culvert Project on CSAH 10 (Lakewood Township)

BY COMMISSIONER _____

WHEREAS, Bids have been received electronically by the St. Louis County Public Works Department for the following project:

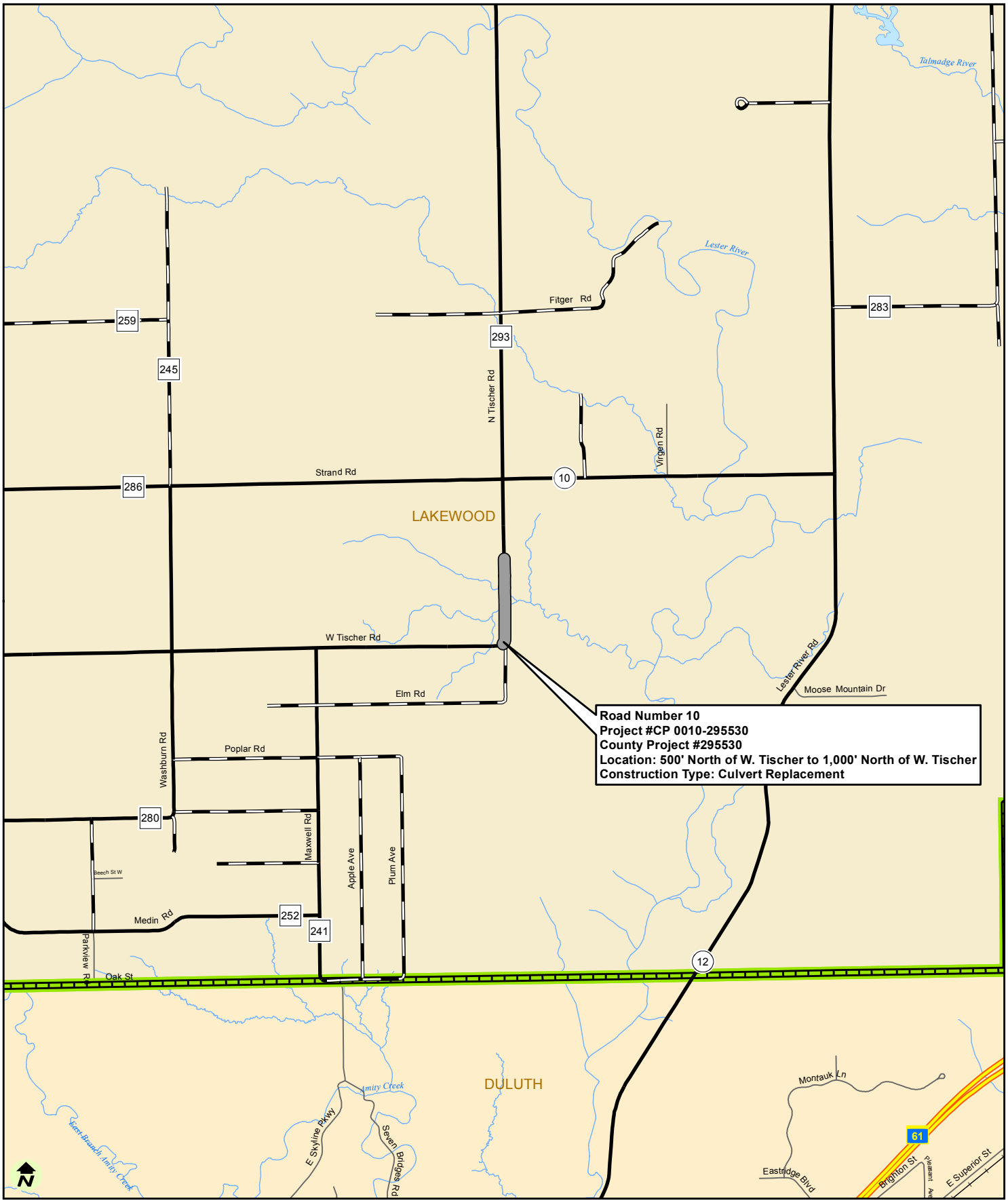
CP 0010-295530, CSAH 10 between CR 241 (Maxwell Rd) and CR 293 (No. Tischer Rd); and

WHEREAS, Bids were opened in the Richard H. Hansen Transportation & Public Works Complex, Duluth, MN, on July 28, 2016, and the low responsible bid determined;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board approves the award on the above project to the low bidder:

LOW BIDDER	ADDRESS	AMOUNT
TNT Aggregates, LLC.	40 Country Road 63 Grand Rapids, MN 55744	$66,900.00

RESOLVED FURTHER, That the appropriate county officials are authorized to approve the Contractor's Performance Bonds and to execute the bonds and contract for the above listed project, payable from Fund 200, Agency 203450, Object 652800.



St. Louis County 2016 Road & Bridge Construction

St. Louis County Public Works - June 27, 2016

0 0.125 0.25 0.5 Mile

Map Components

2016 Road & Bridge Construction

- Culvert Replacement
- Interstate Highway
- U.S./State Highway
- County Road - Paved
- County Road - Gravel
- Local Road/City Street
- Railroad
- Commissioner District
- Township Boundary
- City/Town
- Lake
- River/Stream

BOARD LETTER NO. 16 – 334

FINANCE & BUDGET COMMITTEE CONSENT NO. 9

AUGUST 2, 2016 BOARD AGENDA NO. 2

DATE: **July 26, 2016**

RE: **2016 Second Quarter Budget Changes**

FROM: **Kevin Z. Gray**
County Administrator

Donald Dicklich
County Auditor/Treasurer

RELATED DEPARTMENT GOAL:
Provide professional finance and accounting services in keeping with best practices, ensuring that public dollars are used exclusively for authorized public purposes.

ACTION REQUESTED:
It is requested that the St. Louis County Board authorize the budgetary revenue and expenditure changes incurred in the second quarter of 2016.

BACKGROUND:
Each year, the County Board adopts a resolution which allows for transfers and appropriations within funds for the current budget year. In addition, the 2016 Budget Resolution (No. 766, dated Dec. 15, 2015) requires that increases to the original governmental funds revenue and expenditure budgets cannot be made without County Board approval. The following represent the transfers and budgetary changes requested during the second quarter of 2016.

RECOMMENDATION:
It is recommended that the St. Louis County Board approve the 2016 second quarter budget changes.

2016 Second Quarter Budget Changes

BY COMMISSIONER _____

WHEREAS, All increases in original governmental funds revenue and expenditure budgets require County Board approval; and

WHEREAS, Departments anticipate being notified of additional revenues throughout the year and need approval to increase revenue and expenditure budgets; and

WHEREAS, Proposed budget adjustments are levy neutral;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the following budget changes:

1. Transfer expense budget from Assessor to Capital Projects fund to cover the upcharge for electric tables at A.P. Cook Building ($12,367.08).
2. Transfer expense budget from Assessor to Property Management to cover expense related to the redesign of the Assessor space in the Duluth Courthouse ($2,100.00).
3. Transfer expense budget from Public Health & Human Services to Property Management to pay for office furniture in Government Services Center ($6,069.81).
4. Use of Property Management parking assigned fund balance to purchase a trailer ($4,335.25).
5. Increase various Sheriff revenue budgets to match actual amounts of revenue received, to be used to purchase rifle scopes ($39,166.58).
6. Increase Sheriff revenue and expense budget to reflect actual gain on disposal of assets ($1,908.00).
7. Revise Sheriff's Office snowmobile grant expense budget, which was omitted in the adopted budget ($34,000.00).
8. Transfer ATV grant budget from personnel to capital to purchase an ATV ($6,198.00).
9. Increase revenue and expense budget in Personal Service Fund to anticipated levels for Child in Need of Protective Services (CHIPS) court expenses ($5,000.00).
10. Transfer Emergency Shelter Grant budget from personnel to operating for Homeless Management Information Systems service ($750.00).
11. Increase Public Works revenue and expense budget for Hibbing Taconite's share of CP 0136-257592 (Resolution No. 16-373) ($1,412,484.15).

12. Increase Public Works revenue and expense budget for SP 69-070-020 (Resolution No. 16-295) to account for revenue anticipated to be received from partner agencies ($50,248.96).
13. Add investment earnings budget in Public Works to reflect actual interest earned on unspent Producer Grant funds ($29,741.92).
14. Transfer Public Works fund balance to the Public Works capital equipment fund for equipment purchases in 2016 ($2,500,000.00).
15. Increase Public Health & Human Services revenue and expense budget for the Child & Teen Checkup grant, due to additional funding from the Community Health Board ($17,163.00).
16. Increase Public Health & Human Services revenue and expense budget due to a supplemental increase to the adopted Public Health Emergency Preparedness Grant (Resolution No. 15-766) ($10,075.00).
17. Increase Home grant revenue and expense budget to reflect actual amount of program income collected ($25.806.01).
18. Increase Septic Loan revenue and expense budget to account for loan funds anticipated to be received from the MN Department of Agriculture to help fund septic system replacement and repair (acceptance of loan originally approved per Resolution No. 14-341) ($50,000.00).
19. Increase capital projects revenue and expense budget to account for energy conservation rebates received ($7,309.02).
20. Increase revenue and expense budget in 2013A Capital Improvement Bond and 2015C Capital Improvement Bond to match actual amount of year-to-date investment earnings ($113,866.13).
21. Increase Environmental Services budget in accounting system to match the amount approved on Resolution No. 15-766 for the Natural Resources Block Grant ($1,400.00).

	Fund	Agency	Object	Grant	Year	Expense Budget	Transfer Out	Accumulation of Fund Balance	Revenue Budget	Transfers In	Use of Fund Balance
1	100	118001	640300			(12,367.08)					
	100	118001	697600				12,367.08				
	400	400036	590100							(12,367.08)	
	400	400036	664600			12,367.08					
2	100	118001	629900			(2,100.00)					
	100	118001	697700				2,100.00				
	100	128002	629900			2,100.00					
	100	128002	590500							(2,100.00)	
3	100	128003	642900			6,069.81					
	100	128003	590100							(6,069.81)	
	230	231009	697600				6,069.81				
	230	231009	640300			(6,069.81)					
4	100	999999	311105								(4,335.25)
	100	128010	665900			4,335.25					
5	100	129001	590600						(7,139.25)		
	100	129003	583100						(27,030.19)		
	100	129003	583208						(1,406.99)		
	100	133001	642700			39,166.58					
	100	129001	541702						(1,486.40)		
	100	129001	583106						(2,103.75)		
6	100	129001	590600						(1,908.00)		
	100	129001	665900			1,908.00					

7	100	129999	610300	12921	2015	19,738.58					
	100	129999	656100	12921	2015	272.58					
	100	129999	666900	12921	2015	13,988.84					
	100	999999	311200								(34,000.00)
8	100	129999	666900	12927	2015	6,198.00					
	100	129999	610300	12927	2015	(6,198.00)					
9	149	149001	629900			5,000.00					
	149	149001	583100						(5,000.00)		
10	173	173999	610000			(750.00)					
	173	173999	629900			750.00					
11	200	203442	652800			1,412,484.15					
	200	203442	583100						(1,412,484.15)		
12	220	220385	551512						(6,079.16)		
	220	220385	551506						(13,466.36)		
	220	220385	551522						(22,977.60)		
	220	220385	551508						(7,725.84)		
	220	220385	652700			50,248.96					
13	220	220219	571000						(29,741.92)		
	220	220219	652700			29,741.92					
14	200	999999	311200								(2,500,000.00)
	200	205003	697600				2,500,000.00				
	407	407001	590100							(2,500,000.00)	
	407	407001	666300			2,500,000.00					
15	230	233999	530643						(8,581.50)		
	230	233999	640900			17,163.00					
	230	233999	540238						(8,581.50)		
16	230	233999	540241	23601	2015				(10,075.00)		
	230	233999	610000	23601	2015	8,900.00					
	230	233001	610000			(8,900.00)					
	230	233999	623800	23601	2015	300.00					
	230	233999	629900	23601	2015	2,193.50					
	230	233999	633100	23601	2015	(1,318.50)					
	230	999999	311200					8,900.00			
17	270	271004	540307						(25,806.01)		
	270	271004	629900			25,806.01					
18	280	280001	629900			50,000.00					
	280	280001	590400						(50,000.00)		
19	400	400015	545102						(7,309.02)		
	400	400015	663100			7,309.02					
20	440	440002	571000						(1,135.80)		
	440	440002	629900			1,135.80					
	444	444001	571000						(112,730.33)		
	444	444001	629900			112,730.33					
21	616	616999	532503	61601	2016				(1,400.00)		
	616	999999	311500					1,400.00			

BOARD LETTER NO. 16 – 342

FINANCE & BUDGET COMMITTEE

AUGUST 2, 2016 BOARD AGENDA 11:30 A.M. TIME SPECIFIC

DATE: **August 2, 2016**

RE: **Refinance of Ely Northwoods Housing Project Bonds**

FROM: **Kevin Z. Gray**
County Administrator

Barbara Hayden, Director
Planning & Community Development

RELATED DEPARTMENT GOAL:
Assist communities in achieving housing, economic development and community development objectives.

ACTION REQUESTED:
The St. Louis County Board is requested to approve the final terms of the Governmental Housing Revenue Refunding Bonds, Series 2016A (St. Louis County, Minnesota General Obligation) (the "Refunding Bonds") to be issued by the Housing and Redevelopment Authority in and for the City of Ely, Minnesota (the "City HRA"), to refinance the Northwoods Townhome Project and authorization of a pledge of the County's general obligation to secure the payment of the Refunding Bonds.

BACKGROUND:
Attached to the resolution presented to you today is a copy of a resolution of the City HRA containing the final terms of the Refunding Bonds and which authorizes and approves an Amended and Restated Joint Powers Agreement between the City HRA, the Housing and Redevelopment Authority of St. Louis County, Minnesota (the "County HRA"), the City of Ely, Minnesota, and St. Louis County, and an Amended and Restated Operating Agreement between the County HRA and the City HRA. The documents are being amended and restated to provide for the increased amount of outstanding bonds secured by St. Louis County's general obligation and reflect the fact that construction of the Project is complete and occupied.

The City HRA has requested credit assistance from the County HRA in conjunction with refinancing two series of bonds issued by the City HRA in 2006 and 2008 for the development of a 26 single-story townhouse unit development for the elderly (the "Project"). The City of Ely donated the land for the Project. The Project is jointly owned

by the County HRA and the City HRA and managed by the City HRA pursuant to an Amended and Restated Operating Agreement. The legal arrangements for ownership and management of the project and indemnification of the county and HRA by the City HRA will be materially similar to those entered into in 2006.

The bonds issued by the City HRA in 2006 were secured by the general obligation of St. Louis County, but the bonds issued by the City HRA in 2008 were not. The City HRA has been informed by its municipal advisors that (i) refunding of the 2006 and 2008 bonds would reduce the City HRA's debt service costs and (ii) involvement by the County and County HRA as described in this letter would provide access by the City HRA to the lowest possible interest rates for the proposed Refunding Bonds.
The term of the Refunding Bonds is approximately 25 years with a final maturity in 2041. Principal and interest on the Refunding Bonds will be paid from rental payments from the Project. Payment of the Refunding Bonds will be additionally secured by the general obligation of St. Louis County and, pursuant to the Amended and Restated Joint Powers Agreement, the county will be indemnified by up to $3 million plus accrued interest by the City of Ely.

RECOMMENDATION:
It is recommended that the St. Louis County Board approve the final terms of the Refunding Bonds, authorize a pledge by the City HRA of the general obligation of St. Louis County to secure repayment of the Refunding Bonds, and approve the execution and delivery of an Amended and Restated Joint Powers Agreement.

RESOLUTION APPROVING (I) THE TERMS OF GOVERNMENTAL HOUSING REVENUE REFUNDING BONDS, SERIES 2016A (ST. LOUIS COUNTY, MINNESOTA GENERAL OBLIGATION), (II) AN AMENDED AND RESTATED JOINT POWERS AGREEMENT WITH RESPECT THERETO AND (III) A GENERAL OBLIGATION PLEDGE THEREFOR

BE IT RESOLVED, by the Board of Commissioners (the "Board") of St. Louis County, Minnesota (the "County"), as follows:

Section 1. Recitals. The Board makes the following statements of fact:

1.01. Pursuant to Minnesota Statutes, Sections 469.001 through 469.047 (the "Act"), the County created the Housing and Redevelopment Authority of St. Louis County (the "County HRA"), in part, to undertake housing development projects to provide safe and sanitary housing affordable by low and moderate income persons and families.

1.02. In furtherance of the objectives of the County and the County HRA, the County HRA assisted the Housing and Redevelopment Authority in and for the City of Ely, Minnesota (the "City HRA"), in financing a qualified housing development project under Sections 469.017 and 469.034, Subdivision 2 of the Act, consisting of 26 units of housing for moderate income elderly persons located on Washington Street between Eighth and Tenth Avenues in Ely, Minnesota (the "Project").

1.03. In order to refinance the Project, the City HRA proposes to issue its Governmental Housing Revenue Refunding Bonds, Series 2016A, in an amount of $_____, excluding original issue discount and premium (the "Bonds"), to refund the outstanding amount of the following obligations of the City HRA:

i. Housing Development Revenue Bonds, Series 2006A (St. Louis County, Minnesota, General Obligation), dated November 16, 2006; and

ii. Housing Development Revenue Bond, Series 2008, dated June 4, 2008.

1.04. In order to make financing the Project economically feasible, the Project is jointly owned by the County HRA and the City HRA and operated by the City HRA pursuant to an operating agreement between the County HRA and the City HRA.

1.05. The City of Ely, Minnesota (the "City") and the City HRA held a joint public hearing on the issuance of bonds to refinance the Project on July 5, 2016. The County and the County HRA held a joint public hearing on the issuance of bonds for the Project on July 5, 2016, after published notice, and all those desiring to speak on the matter were heard.

1.06. Pursuant to an amended and restated joint powers agreement proposed to be entered into between the County HRA, the City HRA, the City and the County (the "Joint Powers Agreement"), Section 469.034, subdivision 2(c) of the Act and a resolution adopted by each of the County and the City this day, the City HRA is authorized to pledge the general obligation of the County as additional security for the Bonds and the City will indemnify the County for payment of a $3,000,000 portion of principal of the Bonds, plus accrued interest.

1.07. The form of the Joint Powers Agreement has been submitted to the Board.

1.08. There has been presented to the Board the form of resolution of the City HRA incorporating the terms of and authorizing the issuance and sale of the Bonds (the "Bond Resolution").

Section 2. Findings. The principal amount of the Bonds along with other outstanding bonds secured by the County's general obligation pursuant to Section 469.034 of the Act does not exceed the greater of (a) one-half of one percent of the taxable market value of the County or (b) $3,000,000.

Section 3. Approval of Bonds; General Obligation.

3.01. The Bonds and their form and denominations, maturities, interest rates, redemption privileges and such other details and provisions are approved as prescribed in the Bond Resolution.

3.02. The County agrees to pay principal of and interest on the Bonds in the event Net Revenues (as defined in the Bond Resolution) are insufficient therefor. In the event that the County receives notice from the City HRA that Net Revenues are insufficient to pay principal of or interest on the Bonds, or both, the County shall proceed to make such payment from its available general funds. If County funds are not available, or to reimburse itself for payments made from its available general funds, the County shall levy ad valorem taxes against all taxable property in the County for collection in the next calendar year. The County's payment obligation with respect to the Bonds is a general obligation of the County and all taxable property within the limits of the County is subject to the levy of ad valorem taxes to the extent needed to pay principal of and interest on the Bonds in the event that Net Revenues pledged for payment thereof are insufficient to pay such amounts when due.

Section 4. Approval of Joint Powers Agreement.

4.01. The Joint Powers Agreement is approved in substantially the form submitted to the Board. The Chair or the Auditor or both of them are authorized and directed to execute and deliver the Joint Powers Agreement, substantially in the forms now on file with the Auditor, with such necessary and appropriate omissions, modifications, insertions and additions as do not materially affect the substance of the transaction, consistent with the Act, as the County Attorney in his discretion shall determine. The execution of the Joint Powers Agreement by the Chair or the Auditor or both of them, with the advice of the County Attorney, shall be conclusive evidence of such determination. All of the provisions of the Joint Powers Agreement, when executed and delivered as authorized herein, shall be deemed to be a part of this Resolution as fully and to the same extent as if incorporated herein and shall be in full force and effect from the date of execution and delivery thereof.

4.02. The Chair and the Auditor are authorized and directed to execute and deliver all other documents which may be required under the terms of the Joint Powers Agreement or by bond counsel, and to take such other action as may be required or deemed appropriate for the performance of the duties imposed thereby to carry out the purposes thereof, all of the foregoing subject to the prior approval of the County Attorney.

Section 5. Additional Proceedings.

5.01. The Chair and the Auditor are authorized to execute and deliver, on behalf of the County, such other documents as are necessary or appropriate in connection with the issuance, sale and delivery of the Bonds, subject to the prior approval of the County Attorney.

5.02. The Chair, the Auditor and other officers of the County are authorized and directed to prepare and furnish, with regard to the issuance of the Bonds, certified copies of all proceedings and records of the County relating to the Bonds and such other affidavits, certificates and opinions as may be required to show the facts relating to the legality, tax exemption and marketability of the Bonds as such facts appear from the books and records in the officers' custody and control or as otherwise known to them. All such certified copies, certificates, affidavits and opinions, including and heretofore furnished, shall constitute representations of the County as to the truth of all statements made by the County and contained herein.

5.03. The officers and other agents or employees of the County are authorized to do all acts and things required of them by or in connection with this Resolution, the Joint Powers Agreement, the Project and the Bonds for the full, punctual and complete performance of all the terms, covenants and agreements contained in the Bonds, the aforementioned documents and this Resolution.

5.04. In the event any of the officers of the County authorized to execute the Joint Powers Agreement under this Resolution shall for any reason be unable to do so, any other officer of the County, in the opinion of the County Attorney, authorized to act for such designated officer is directed and authorized to do so on behalf of the County with the same effect as if executed by the officer authorized to do so in this Resolution.

Section 6. Covenants. All covenants, stipulations, obligations and agreements of the County contained in this Resolution and the Joint Powers Agreement shall be deemed to be the covenants, stipulations, obligations and agreements of the County to the full extent authorized or permitted by law, and all such covenants, stipulations, obligations and agreements shall be binding upon the County upon execution and delivery of the Joint Powers Agreement. Except as otherwise provided in this Resolution, all rights, powers and privileges conferred and duties and liabilities imposed upon the County or its officers by the provisions of this Resolution or of the Joint Powers Agreement shall be executed or performed by the County or by such officers of the County, or such board, body, authority or agency thereof as may be required by law to exercise such powers and to perform such duties.

Section 7. Limitation. Except as herein otherwise expressly provided, nothing in this Resolution or in the Joint Powers Agreement, expressed or implied, is intended or shall be construed to confer upon any person or firm or corporation, other than the County HRA, the County, the Purchaser (as defined in the Bond Resolution), the City, the City HRA or any holder of the Bonds issued under the provisions of the Bond Resolution, any right, remedy or claim, legal or equitable, under and by reason of this Resolution or any provision hereof, that the Joint Powers Agreement and all of its provisions being intended to be and being for the sole and

exclusive benefit of the County HRA, the County, the Purchaser, the City, the City HRA and any holder from time to time of the Bonds issued under the provisions of the Bond Resolution.

Section 8. Offering Materials. The Auditor is authorized and directed to certify that he has examined the offering materials prepared and circulated in connection with the offering of the Bonds and that to his knowledge and belief the offering materials are a complete and accurate representation of the facts and representations made therein as of the date of the offering materials, as such facts and representations relate to the County.

Section 9. Continuing Disclosure. The Board acknowledges that, due to the general obligation pledge of the County, the Bonds are subject to the continuing disclosure requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934 (17 C.F.R. § 240.15c2-12) (the "Rule"). The Rule governs the obligations of certain underwriters to require that obligees of municipal bonds enter into agreements for the benefit of the holders to provide continuing disclosure with respect to the Bonds. To provide for the public availability of certain information relating to the Bonds and the security therefor and to permit underwriters of the Bonds to comply with the Rule, which will enhance the marketability of the Bonds, the Chair and the Auditor are authorized and directed to execute a Continuing Disclosure Certificate substantially in the form of the Certificate currently on file in the office of the Auditor.

Section 10. Defined Terms. Capitalized terms not otherwise defined herein, have the meanings given in the Bond Resolution.

Section 11. Effective Date. The provisions of this Resolution are subject to approval of the issuance of the Bonds and the Joint Powers Agreement by the City and the City HRA and this Resolution shall be effective upon such approval.

Adopted: August 2, 2016.