

RESOLUTION NO. 2020-24

Resolution to fix a date for a public hearing on proposal to enter into an amended Sewer Revenue Loan and Disbursement Agreement and to borrow money thereunder in a principal amount not to exceed \$3,810,000

WHEREAS, the City of Hawarden (the "City"), in Sioux County, State of Iowa, did heretofore establish a Municipal Sanitary Sewer System (the "Utility") in and for the City which has continuously supplied sanitary sewer service in and to the City and its inhabitants since its establishment; and

WHEREAS, the management and control of the Utility are vested in the City Council (the "Council") and no board of trustees exists for this purpose; and

WHEREAS, pursuant to a prior resolution of the Council (the "Outstanding Bond Resolution"), the City previously issued its \$3,510,000 Taxable Sewer Revenue Bond, SRF Series 2019, dated November 13, 2019 (the "Outstanding Bond") to the Iowa Finance Authority (the "Lender"), a portion of which remains outstanding; and

WHEREAS, pursuant to the Outstanding Bond Resolution, the City reserved the right to call the Outstanding Bond for early redemption, subject to the conditions set forth in the Outstanding Bond Resolution; and

WHEREAS, the City will undertake the construction of a certain water resource restoration project (the "Project"); and

WHEREAS, the Lender has agreed to provide financing for the Project by refinancing the Outstanding Bond, increasing its principal amount and decreasing the interest rate thereon; and

WHEREAS, the City now proposes to enter into an amended Sewer Revenue Loan and Disbursement Agreement (the "Agreement") with the Lender and to borrow money thereunder in a principal amount not to exceed \$3,810,000, pursuant to the provisions of Section 384.24A of the Code of Iowa, for the purpose of paying the cost, to that extent, of (1) current refunding the Outstanding Bond; and (2) constructing the Project; and it is now necessary to fix a date of meeting of the City Council at which it is proposed to take action to enter into the Agreement and to give notice thereof as required by such law;

NOW, THEREFORE, Be It Resolved by the City Council of the City of Hawarden, Iowa, as follows:

Section 1. The City Council shall meet on May 27, 2020, at the Council Chambers, City Hall, in the City, at 5:30 o'clock p.m., at which time and place a hearing will be held and proceedings will be instituted and action taken to enter into the Agreement.

Section 2. The City Clerk is hereby directed to give notice of the proposed action on the Agreement setting forth the amount and purpose thereof, the time when and place where the said meeting will be held, by publication at least once, not less than four (4) and not more than twenty (20) days before the meeting, in a legal newspaper which has a general circulation in the City. The notice shall be in substantially the following form:

NOTICE OF PROPOSED ACTION TO INSTITUTE PROCEEDINGS TO ENTER INTO AN
AMENDED LOAN AND DISBURSEMENT AGREEMENT AND TO BORROW MONEY
THEREUNDER IN A PRINCIPAL AMOUNT NOT TO EXCEED \$3,810,000

(SEWER REVENUE)

The City Council of the City of Hawarden, Iowa, will meet on May 27, 2020, at the Council Chambers, City Hall, in the City, at 5:30 o'clock p.m., for the purpose of instituting proceedings and taking action on the proposal to enter into an amended loan and disbursement agreement (the "Agreement") and to borrow money thereunder in a principal amount not to exceed \$3,810,000 for the purpose of paying the cost, to that extent, of (1) current refunding the City's outstanding Taxable Sewer Revenue Bond, SRF Series 2019, dated November 13, 2019; and (2) undertaking the construction of a certain water resource restoration project.

Due to federal and state government recommendations in response to COVID-19 pandemic conditions, the meeting can be alternatively accessed electronically via Zoom, which will be accessible at the following:

<https://zoom.us/j/97746626723?pwd=SjYrMIBhdFpFcE9TaElyWHRqZHNEdz09>

Meeting ID: 977 4662 6723

Password: 462731

In addition to electronic access, written comments may be filed or made prior to the meeting and will be recorded in the minutes.

The Agreement will not constitute a general obligation of the City, nor will it be payable in any manner by taxation but, together with any additional obligations of the City as may be hereafter issued and outstanding from time to time ranking on a parity therewith, will be payable solely and only from the Net Revenues of the Municipal Sanitary Sewer System of the City.

At the aforementioned time and place, oral or written objections may be filed or made to the proposal to enter into the Agreement. After receiving objections, the City may determine to enter into the Agreement, in which case, the decision will be final unless appealed to the District Court within fifteen (15) days thereafter.

By order of the City Council of the City of Hawarden, Iowa.

Mike DeBruin
City Clerk

Section 3. Pursuant to Section 1.150-2 of the Income Tax Regulations (the "Regulations") of the Internal Revenue Service, the City declares (a) that it intends to undertake the Project which is reasonably estimated to cost approximately \$299,000, (b) that other than (i) expenditures to be paid or reimbursed from sources other than the issuance of bonds, notes or other obligations (the "Bonds"), or (ii) expenditures made not earlier than 60 days prior to the date of this Resolution or a previous intent resolution of the City, 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 Project have heretofore been made by the City and no expenditures will be made by the City until after the date of this Resolution or a prior intent resolution of the City, and (c) that the City reasonably expects to reimburse the expenditures made for costs of the City out of the proceeds of the Bonds. This declaration is a declaration of official intent adopted pursuant to Section 1.150-2 of the Regulations.

Section 4. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. This resolution shall be in full force and effect immediately upon its adoption and approval, as provided by law.

Passed and approved May 13, 2020.

RICARDO R PORTER
Mayor

Attest:

Michael DeBruin
City Clerk

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On motion and vote, the meeting adjourned.

RICARDO R PORTER
Mayor

Attest:

Michael DeBruin
City Clerk