

BOARD OF SARPY COUNTY AND CITIES WASTEWATER AGENCY**RESOLUTION AUTHORIZING THE AGENCY BOARD CHAIR TO EXECUTE ON BEHALF OF THE AGENCY A SECTION 1156 FUNDING AGREEMENT WITH THE U.S. ARMY CORPS OF ENGINEERS**

WHEREAS, pursuant to the Interlocal Cooperation Act, Neb. Rev. Stat. § 13-801, *et seq.* (the “Act”), Sarpy County and the Cities of Papillion, Bellevue, Springfield, La Vista and Gretna entered into an agreement (as amended, the “Formation Interlocal”), and formed the interlocal agency called the Sarpy County and Cities Wastewater Agency (the “Agency”) (all capitalized terms not otherwise expressly defined herein shall have the same meanings as provided in the Formation Interlocal);

WHEREAS, the Agency is a separate body corporate and politic under the Act;

WHEREAS, pursuant to the Formation Interlocal, the powers of the Agency as a body are exercised by the Agency Board;

WHEREAS, pursuant to Section V of the Formation Interlocal, the Agency has the power and authority to “[m]ake and execute contracts... and other instruments necessary or convenient to exercise its powers, including...contracts for the acquisition, financing, construction, and operation of the Unified SSWS ...”;

WHEREAS, as part of the Phase 1A design effort, the Agency requires a Section 1156 funding agreement (“Funding Agreement”) between the Agency and the U.S. Army Corp of Engineers (“USACE”) for funding and internal USACE management and assistance necessary for the Agency’s Section 408 authorization request to permit the construction of certain force main improvements within levee systems R-613 and R613-616;

WHEREAS, the Agency’s technical advisor has requested that the USACE provide such Funding Agreement for review by the Agency’s technical advisor and legal counsel; and

WHEREAS, the Agency Board has discussed authorizing the Board Chairman to execute such a Funding Agreement to facilitate the Section 408 authorization process, and after discussion the Agency Board deemed it necessary, appropriate and advisable to so authorize the Board Chairman.

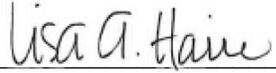
NOW, THEREFORE, BE IT RESOLVED BY THE AGENCY BOARD that, the Agency Board Chairman is hereby authorized to execute on behalf of the Agency such Funding Agreement (or similar instrument) for the purpose of facilitating the USACE’s review and approval of the Agency’s Section 408 authorization request for the construction of certain force main improvements affecting levee systems R-613 and R613-616 in a form approved in writing by Agency legal counsel, but only to the extent the total consideration under such Funding Agreement (or similar instrument) does not exceed \$45,000.00;

NOW, THEREFORE, IT FURTHER BE RESOLVED BY THE AGENCY BOARD that the Agency Chairman has no authority to conduct Agency business beyond the authority expressly stated above; and

NOW, THEREFORE, IT FURTHER BE RESOLVED BY THE AGENCY BOARD that in the event such a Funding Agreement (or similar instrument) is executed by the Board Chairman pursuant the authority granted herein, the Agency Administrator shall report such executed Funding Agreement (or similar instrument) to the Agency Board at the next scheduled Agency Board meeting.

The above Resolutions were approved by a vote of the Sarpy County and Cities Wastewater Agency Board at a public meeting duly held in accordance with applicable law on the 12th day of May, 2021.

ATTEST:



Sarpy County and Cities Wastewater
Agency Secretary





Sarpy County and Cities Wastewater
Agency Board Chair