



Attorneys & Counselors at Law

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TO: Board of Trustees  
Boone County Regional Sewer District

FROM: Chris Pieper  
Angela Burke

RE: Budget Stabilization Subaccount – Resolution

DATE: November 8, 2022

On June 21, 2022, the Board of Trustees passed resolutions amending the authorizing resolutions for several series of the District’s bonds. Each of those amending resolutions require the Board of Trustees to annually designate the amount of funds that will be deposited into the Budget Stabilization Subaccount through a resolution. A draft resolution for that purpose is attached for your consideration.

The Board of Trustees may designate any amount for deposit in the Budget Stabilization Subaccount that it deems appropriate, including the amount of savings realized in 2022 from the refinance or the amount of savings anticipated for 2023. The Board of Trustees may also designate that the amount deposited into the Budget Stabilization Subaccount be zero, but if the Board so elects then the corresponding amount used in calculating debt service coverage will also be zero.

While the amending resolutions do not specify when the resolution designating the amount to be deposited into the Budget Stabilization Subaccount must be passed, the District’s bond counsel (Gilmore & Bell) has recommended that it be passed prior to the beginning of each fiscal year.

The attached also contains a resolution by the Board that the funds in the Budget Stabilization Subaccount will be used only for purposes authorized under the amending resolutions. As drafted, this portion of the resolution is intended to provide the District with maximum flexibility for its use of the funds in the Budget Stabilization Subaccount. The amending resolutions provide that the Accumulated Revenues in the Budget Stabilization Account are “to be used to pay debt service on the Bonds and any Outstanding System Revenue Bonds, respectively, and/or the Current Expenses of operating and maintaining the System for such fiscal year.”

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**A RESOLUTION ESTABLISHING FUNDING FOR THE BUDGET STABILIZATION ACCOUNT IN CONNECTION WITH BONDS OF THE BOONE COUNTY REGIONAL SEWER DISTRICT**

WHEREAS, the Boone County Regional Sewer District (the “District”), is a public sewer district organized and existing under the constitution and laws of the State of Missouri; and

WHEREAS, pursuant to a resolution adopted by the Board of Trustees (the “Governing Body”) of the District on June 21, 2022 (the “Series 2004 Bond Amending Resolution”), the District amended its Series 2004 Bond Resolution related to the issuance of the District’s Sewerage System Revenue Bonds (State Revolving Fund Program) Series 2004, in the original principal amount of \$1,095,000;

WHEREAS, pursuant to a resolution adopted by the Governing Body of the District on June 21, 2022 (the “Series 2006 Bond Amending Resolution”), the District amended its Series 2006 Bond Resolution related to the issuance of the District’s Sewerage System Revenue Bonds (State Revolving Fund Program) Series 2006, in the original principal amount of \$675,000;

WHEREAS, pursuant to a resolution adopted by the Governing Body of the District on June 21, 2022 (the “Series 2007 Bond Amending Resolution”), the District amended its Series 2007 Bond Resolution related to the issuance of the District’s Sewerage System Revenue Bonds (State Revolving Fund Program) Series 2007, in the original principal amount of \$2,710,000;

WHEREAS, pursuant to a resolution adopted by the Governing Body of the District on June 21, 2022 (the “Series 2009 Bond Amending Resolution”), the District amended its Series 2009 Bond Resolution related to the issuance of the District’s Sewerage System Revenue Bonds (State of Missouri – Direct Loan Program – ARRA) Series 2009, in the original principal amount of not to exceed \$924,700;

WHEREAS, pursuant to a resolution adopted by the Governing Body of the District on June 21, 2022 (the “Series 2011A Bond Amending Resolution”), the District amended its Series 2011A Bond Resolution related to the issuance of the District’s Sewerage System Revenue Bonds (State of Missouri – Direct Loan Program) Series 2011A, in the original principal amount of not to exceed \$438,000;

WHEREAS, pursuant to a resolution adopted by the Governing Body of the District on June 21, 2022 (the “Series 2012A Bond Amending Resolution”), the District amended its Series 2012A Bond Resolution related to the issuance of the District’s Sewerage System Revenue Bonds (State of Missouri – Direct Loan Program) Series 2012A, in the original principal amount of not to exceed \$1,360,000;

WHEREAS, pursuant to a resolution adopted by the Governing Body of the District on June 21, 2022 (the “Series 2013 Bond Amending Resolution”), the District amended its Series 2013 Bond Resolution related to the issuance of the District’s Sewerage System Revenue Bonds (State of Missouri – Direct Loan Program) Series 2013, in the original principal amount of not to exceed \$12,198,000;

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WHEREAS, pursuant to a resolution adopted by the Governing Body of the District on June 21, 2022 (the “Series 2015 Bond Amending Resolution”), the District amended its Series 2015 Bond Resolution related to the issuance of the District’s Sewerage System Revenue Bonds (State of Missouri – Direct Loan Program) Series 2015, in the original principal amount of not to exceed \$3,064,000;

WHEREAS, pursuant to a resolution adopted by the Governing Body of the District on June 21, 2022 (the “Series 2019 Bond Amending Resolution” and, collectively with the Series 2004 Bond Amending Resolution, the Series 2006 Bond Amending Resolution, the Series 2007 Bond Amending Resolution, the Series 2009 Bond Amending Resolution, the Series 2011A Bond Amending Resolution, the Series 2012A Bond Amending Resolution, the Series 2013 Bond Amending Resolution, and the Series 2015 Bond Amending Resolution, the “Bond Amending Resolutions”), the District amended its Series 2019 Bond Resolution related to the issuance of the District’s Sewerage System Revenue Bonds (State of Missouri – Direct Loan Program) Series 2019, in the original principal amount of not to exceed \$1,219,000; and

WHEREAS, the Bond Amending Resolutions require the District to annually designate, by resolution of the Governing Body, the amount of Accumulated Revenues to be deposited into the Budget Stabilization Subaccounts.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE BOONE COUNTY REGIONAL SEWER DISTRICT, AS FOLLOWS:

In Fiscal Year 2023, the District shall deposit \$236,566.90 of Accumulated Revenues into the Budget Stabilization Subaccount.

AND BE IT FURTHER RESOLVED BY THE BOARD OF TRUSTEES OF THE BOONE COUNTY REGIONAL SEWER DISTRICT, AS FOLLOWS:

The funds in the Budget Stabilization Subaccounts shall be used solely for purposes authorized by the provisions of the Bond Amending Resolutions.

*[Remainder of Page Intentionally Left Blank]*

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PASSED by the Board of Trustees of the Boone County Regional Sewer District, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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Chairman of the Board of Trustees

(SEAL)

ATTEST:

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Secretary of the Board of Trustees