

196 -2024

CERTIFIED COPY OF ORDER

STATE OF MISSOURI

} ea.

April Session of the April Adjourned

Term. 20 24

County of Boone

In the County Commission of said county, on the

23rd

day of April

20 24

the following, among other proceedings, were had, viz:

Now on this day, the County Commission of the County of Boone does hereby approve the attached Supplemental MOU between Boone County and the Boone County Regional Sewer District regarding the Bolli Road Sewer NID.

The terms of the Agreement are set out in the attached and the Presiding Commissioner is authorized to sign the same.

Done this 23rd day of April 2024.

ATTEST:

Brianna L. Lennon
Brianna L. Lennon
Clerk of the County Commission

Kip Kendrick
Kip Kendrick
Presiding Commissioner

Justin Aldred
Justin Aldred
District I Commissioner

Janet M. Thompson
Janet M. Thompson
District II Commissioner

Work-In-Progress

*Neighborhood Improvement
Districts (NID)*

*Bolli Road Sanitary
Sewer NID*

**SUPPLEMENTAL COOPERATIVE AGREEMENT
BOLLI ROAD SEWER PROJECT**

THIS AGREEMENT (the "Agreement"), effective the 23rd day of April, 2024, is made and entered into by and between Boone County, Missouri, a first class noncharter county and political subdivision of the state of Missouri, by and through its County Commission, referred to in this Agreement as "County," and the Boone County Regional Sewer District, a public corporation and common sewer district organized and operated under RSMo Section 204.250 et. Seq., referred to in this Agreement as "District."

WHEREAS, the parties have entered into a Cooperative Agreement for the administration of Sewer Neighborhood Improvement Districts which was approved by Boone County Commission Order 563-2009 (the "2009 Cooperative Agreement"); and

WHEREAS, under the provisions of the 2009 Cooperative Agreement, the parties have undertaken the Bolli Road Sewer Project (the "Project,"); and

WHEREAS, County plans to use loan funds for the Project from the Missouri Clean Water State Revolving Fund ("SRF") as administered by the Missouri Department of Natural Resources ("MDNR"); and

WHEREAS, the parties desire to modify certain agreements contained in the 2009 Cooperative Agreement so as to allow the parties to successfully administer the Project in contemplation of the use of the loan funds from SRF in the Project; and

NOW, THEREFORE, IN CONSIDERATION of the mutual undertakings and agreements herein contained, the parties agree as follows.

1. **PURPOSE.** The purpose of this Agreement is to memorialize the understandings of the parties as to the administration of the Project. The terms and conditions of 2009

Cooperative Agreement approved by Commission Order 563-2009 are incorporated into this Agreement by reference.

2. MODIFICATIONS TO 2009 COOPERATIVE AGREEMENT. The terms of the 2009 Cooperative Agreement shall remain in effect except as modified by the following:

- a. County hereby designates the District to serve as its agent with respect to the SRF loan funds and related requirements of MDNR.
- b. The District will ensure that all SRF requirements are satisfied, and will hold County harmless with respect to SRF requirements in connection with the Project.
- c. The District will provide information and documentation to County, in a form acceptable to the County Treasurer and County Auditor, as necessary to document the cost of the Project, including the data necessary for the formation of the ultimate NID assessment roll.
- d. All payments to contractor(s) will be issued by District as contemplated by Attachment 1 and 2 of this Agreement, as agreed to by appropriate stakeholders including County, District, and MDNR.
- e. County will pay to the District the amount of District's payments to contractor(s) as contemplated by Attachment 1 and 2 of this Agreement.
- f. County and District will cooperate with each other in good faith to take such other actions as are necessary to ensure the successful completion of the Project as contemplated herein.

3. AUTHORIZATION OF SIGNATORIES. The signatories to this Agreement affirmatively represent they obtained authority by resolution or order to enter into this

Agreement on behalf of the respective parties hereto and bind such parties to all terms and conditions contained herein.

4. **BINDING EFFECT AND NON-ASSIGNABILITY.** This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns. No obligation created by this Agreement shall be assigned or otherwise delegated or transferred to any person or entity which is not a party to this Agreement without written consent of the parties hereto.

IN WITNESS WHEREOF the parties have executed this Agreement by their duly authorized officers on the day and year indicated by their signatures.

BOONE COUNTY REGIONAL SEWER DISTRICT:

By:



Joe Foster, Executive Director

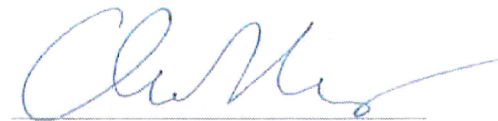
Dated: 4-15-24

Approved as to Legal Form:

ATTEST:



Sandi Clark, Assistant Secretary




Christopher Pieper, Attorney for the District

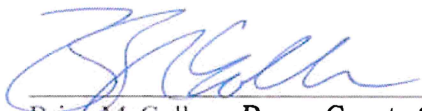
COUNTY OF BOONE:



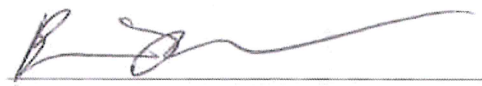
Jenna Redel, Boone County Treasurer



Kyle Rieman, Boone County Auditor



Brian McCollum, Boone County Collector



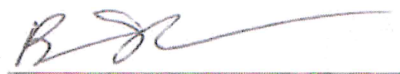
Brianna L. Lennon, Boone County Clerk

BOONE COUNTY COMMISSION

By:

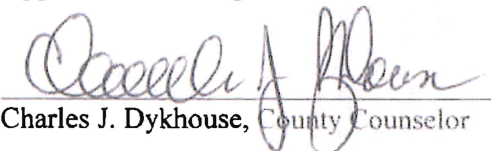

Kip Kendrick, Presiding Commissioner

ATTEST:



Brianna L. Lennon, Clerk of the County Commission

Approved as to Legal Form:



Charles J. Dykhouse, County Counselor

**Attachment 1:
Bohli Road NID
Flow of Funds:
MoDNR - SRF**

2



- 1 - The County issues GO bonds for the MoDNR portion of the NID costs.
- 2 - To initiate the payment process, paperwork is submitted to MoDNR.
See "Flow of Paperwork" chart.
- 3 - MoDNR pays the County for the District's contractor disbursement.
- 4 - The County pays the District for the initial contractor payment.
- 5 - The District pays the contractor the approved invoice amount.
- 6 - Through NID assessments collected by the County, the GO bonds are paid off to MoDNR.

Attachment 2:
Bolli Road NID
Flow of Paperwork:
MoDNR - SRF



- 1 - The contractor sends the payment request to the consulting engineer, HDR, for approval.
- 2 - The consulting engineer sends the payment request to the District to confirm conditions.
- 3 - The payment request, which includes prevailing wage payrolls, is sent to MoDNR, for approval.
- 4 - The payment package is sent to the County for review and appropriate approvals.
- 5 - The payment package is sent to the District, which contains all approved signed paperwork, and the amount of the payment the District should issue to the contractor.

