

**RESOLUTION NO. 2021-26**

**A RESOLUTION SETTING THE DATE FOR PUBLIC HEARING AND ADDITIONAL ACTION ON PROPOSAL TO ENTER INTO GENERAL PURPOSE LOAN AGREEMENTS AND TO BORROW MONEY THEREUNDER**

**WHEREAS**, the City of Independence (the “City”), in Buchanan County, State of Iowa proposes to enter into a loan agreement (the “General Purpose Loan Agreement”) and to borrow money thereunder in a principal amount not to exceed \$380,000, pursuant to the provisions of Section 384.24A of the Code of Iowa, for the purpose of paying the costs, to that extent, of constructing recreation trail improvements (the “General Purpose Project” and, together with the Essential Purpose Projects, the “Projects”), 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 General Purpose Loan Agreement and to give notice thereof as required by such law, including notice of the right to petition for an election on such proposal pursuant to the provisions of Section 384.26 of the Code of Iowa;

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

Section 1. This City Council shall meet on April 26, 2021, at the City Hall, Independence, Iowa, at 6:30 p.m., at which time and place a hearing will be held and proceedings will be instituted and action taken to enter into the Loan Agreements described in the preamble hereof.

Section 2. The City Clerk is hereby directed to give notice of the proposed action on the General Purpose Loan 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 ten (10) and not more than twenty (20) days before the date of said 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 A LOAN AGREEMENT AND TO BORROW MONEY THEREUNDER IN A PRINCIPAL AMOUNT NOT TO EXCEED \$380,000**

**(GENERAL OBLIGATION)**

The City Council of the City of Independence, Iowa (the “City”), will meet on April 26, 2021, at the City Hall, Independence, Iowa, at 6:30 p.m., for the purpose of instituting proceedings and taking action on a proposal to enter into a loan agreement (the “Loan Agreement”) and to borrow money thereunder in a principal amount not to exceed \$380,000 for the purpose of paying the costs, to that extent, of constructing recreation trail improvements.

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

**Web:** <https://meetings.ringcentral.com/j/7998422807>

**Phone Call:** +1(720)9027700

**Meeting ID:** 799 842 2807

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

The Loan Agreement is proposed to be entered into pursuant to authority contained in Section 384.24A of the Code of Iowa and will constitute a general obligation of the City.

The maximum rate of interest which may be payable under the Loan Agreement is 7% per annum.

At any time before the date fixed for taking action to enter into the Loan Agreement, a petition may be filed with the City Clerk of the City asking that the question of entering into the Loan Agreement be submitted to the registered voters of the City, pursuant to the provisions of Section 284.26 of the Code of Iowa. If no such petition is filed, at the aforementioned time and place, oral or written objections may be filed or made to the proposal to enter into the Loan Agreement. After receiving objections, the City may

determine to enter into the Loan 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 Independence, Iowa.

Susi Lampe  
Deputy Clerk

Section 4. 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 Projects which are reasonably estimated to cost approximately \$380,000, (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 such Projects 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 5. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. This resolution shall be in full force and effect immediately upon its adoption and approval, as provided by law.

**Resolution No. 2021-26** was passed and approved by a majority vote of the City Council of Independence, Iowa, on the 22<sup>nd</sup> day of March, 2021.

Record of Voting:

Ayes: Scharff, Kurtz, O'Loughlin, Hanna, Callahan, Rodriguez, and Hill

Nays:

Absent:

**Resolution No. 2021-26** declared passed and adopted by the Mayor on this 22<sup>nd</sup> day of March, 2021.



Bonita Davis, Mayor of the City of Independence, Iowa

ATTEST:



Susi Lampe, Deputy Clerk of the City of Independence, Iowa