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TO: County Board of Commissioners  
FROM: Brian J. Anderson, Director of Finance and Taxpayer Services  
SUBJECT: Postpone the Sale of Series 2020A Bonds  
DATE: December 1<sup>st</sup>, 2020

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**Background:**

On November 3<sup>rd</sup>, 2020 the County Board approved the Set Sale Resolution for Series 2020A Bonds. Since that time the County is now being sued over the Solid Waste Ordinance which has prompted the MPCA to suspend working on finalizing the Solid Waste Agreement with the County. Resolving these legal matters could take several months and the County's bond council has recommended that the County postpone the sale of Series 2020A Bonds as previously approved by the Board.

**Discussion Updates:**

Since Board's approval of Set Sale Resolution for Series 2020A Bonds and the lawsuit over the Solid Waste Ordinance, the MPCA has suspended finalizing the Solid Waste Agreement. This legal matter will take several months to resolve and the decision could have a negative impact on the Boards previous action. Therefore, staff, along with the County's bond council, feels that the best course of action would be to postpone the sale of Series 2020A Bonds.

Although the County is seeking to issue less than \$5m in debt which would allow them up until 3 years to properly expend those funds, certain percentages of those proceeds would still have to be spent within six months and one year of the issuance. In addition, if the legal ruling does not go in the County's favor then the Board would have to re-characterize the bonds which gets to be more problematic than simply holding off on the sale of the bonds. Therefore, given the restricted timeline of expending the proceeds of the bonds, staff is recommending postponing the sale of the Series 2020A Bonds until a later date which is to be determined. At the meeting will be County Engineer to discuss the matters with the State and County Attorney to address the lawsuit timeline.

**Recommendation:**

Staff is recommending the County Board make a motion to Postpone the Sale of Series 2020A Bonds as previously approved by Resolution on November 3<sup>rd</sup>.