What will happen to the current courthouse?

The courthouse will be demolished after the completion of the new courthouse. Bids will be accepted for this process, and the lot will be restored to a grass lot.

How will traffic concerns with the highway be addressed?

BVH Architecture is working with the Nebraska Department of Transportation to address the approaches off the highway and other concerns. NDOT will provide guidance on requirements related to accessibility to the site and adjustments which may be needed to the highway.

Here is the response from the Gilmore & Bell law firm who is acting as our bond issuer counsel:

Statute 23-120 states that the limitation for a bond is $150,000 without a vote.

> Section 23-120 gives a County multiple options for financing county buildings. Section 23-120(2) allows the levy of $150,000 without a vote in all situations, including when the County <u>does</u> have bonds payable from its general fund levy. Section 23-120(3)(b), on the other hand, allows a 5.2 cent levy in situations where the County does <u>not</u> have bonds payable from its general fund levy. And Section 23-120(3)(a) allows a 17.5 cent levy with a petition signed by a majority of voters without an election. The different subsections provide separate and distinct statutory powers for a County to finance county buildings.
>
> The Legislature has given Counties various other statutory powers to issue bonds without a vote as well. Here's a partial list: Sections 23-3501 allows bonds for healthcare facilities without statutory limit; Section 23-320.03 allows flood control bonds; Sections 23-2601 to 23-3637 allows bonds for industrial sewers; Section 66-4,101 allows highway allocation fund pledge bonds; and Section 39-1638 to 39-1655 allows bonds for rural road improvements.

Reply from Beth Ferrell, Legal Counsel for Nebraska Association of County Officials

Levy Authority of Counties with No Bonds Payable from the General Levy

The county is concerned about whether existing bonded debt would prohibit the use of levy authority granted in Statute 23-120(3)(b). As I understand it, the existing bonds, which were issued in 2017, are payable from a pledge of funds the county receives from the Nebraska Highway Allocation Fund, not the county general fund levy.

Under the pledge of Highway Allocation Funds under Statute 66-4, 101, so long as the county's Highway Allocation Fund receipts are sufficient to pay debt service on the bonds, the County cannot levy property taxes to pay such bonds. Further, if the county's Highway Allocation receipts are insufficient to pay the pledged amount, the county is statutorily obligated to levy property taxes for the remainder of the payment of these bonds. Whenever a tax is levied for the payment of a specific debt, the taxes collected must be kept in a separate fund in the county treasury and are only transferred to the county's general fund after full payment of indebtedness. Thus, any tax levied to cover the amount not covered by Highway Allocation Funds is not a general fund levy as contemplated by Statute 23-120 (3)(b), but rather a bond levy to be held and treated separately by the county.

Section 66-4, 101 also provides that the issuance of bonds payable from Highway Allocation Funds (1) are not subject to any statutory limitation of indebtedness of the county and (2) any restrictions imposed upon the exercise of the powers of the county to issue bonds which may be contained in other statutes. This means the general fund restrictions of Statute 23-120(3)(b) do not apply to these bonds.