

Special Board Meeting

Wednesday, April 15, 2026 6:30 PM

East Butler School
212 South Madison Street
Brainard, NE 68626-0036

Brandon Jisa: Present

Megan Kozisek: Present

Ryan Pekarek: Present

Laurie Smaus: Present

Dylan Spatz: Present

Sarah Strizek: Present

1. Call Meeting to Order

2. Roll Call

3. Flag Salute/Open Meetings Act Statement

4. Patron's Comments

5. Regular Agenda

5.1. Discuss, consider, and take all necessary action to enter into a contract amendment for site civil and structural components of the addition and renovation construction project and to issue Boyd Jones a limited notice to proceed on the same work.

To approve the issuance of the limited notice to proceed with the site civil and structural components to Boyd Jones Construction as presented Passed with a motion by Brandon Jisa and a second by Ryan Pekarek.

Dylan Spatz: Nay, Brandon Jisa: Yea, Megan Kozisek: Yea, Ryan Pekarek: Yea, Laurie Smaus: Yea, Sarah Strizek: Yea

5.2. Discuss, consider, and take all necessary action regarding a resolution to approve a lender and the terms of the financing for NEBA, the corresponding terms for the District's Lease of the Project from NEBA, and related matters.

Select Option 3 Passed with a motion by Ryan Pekarek and a second by Sarah Strizek.

Laurie Smaus: Nay, Dylan Spatz: Nay, Brandon Jisa: Yea, Megan Kozisek: Yea, Ryan Pekarek: Yea, Sarah Strizek: Yea

6. Adjournment

Adjourn at 7:22 Passed with a motion by Brandon Jisa and a second by Ryan Pekarek.

Brandon Jisa: Yea, Megan Kozisek: Yea, Ryan Pekarek: Yea, Laurie Smaus: Yea, Dylan Spatz: Yea, Sarah Strizek: Yea

Exhibit A

LIMITED NOTICE TO PROCEED

This LNTP 1 is based on Plans and Specifications provided by BCDM Architects, Erhart Griffin & Associates, Lange Structural Group, and Morrissey Engineering listed below. Any changes to the above-mentioned plans will result in changes to the pricing, schedule, and scope set forth below.

LNTP 1 Base Amount:	\$3,446,949
Alternates to be Approved:	\$271,585
Total LNTP 1 Amount:	\$3,718,534

Clarifications

This LNTP authorizes Construction Manager to proceed with the preparation & processing of submittals/shop drawings/etc, procurement, production, delivery, and installation of the following concrete, steel fabrication, earthwork and site utilities as applicable for the scope of work outlined below and at the prices set forth below.

- Alternates (Included in LNTP 1 amount listed above)
 - Total Alternates Accepted: \$271,585
 - East Lot 7" Concrete Pavement in lieu of ¾" Gravel: \$73,396
 - West Lot 7" Concrete Pavement in lieu of ¾" Gravel: \$198,189
- Addenda:
 - Addendum 1 Dated: 3/24/26
 - Addendum 2 Dated: 3/26/26
- Allowances
 - Building Permit - \$100
 - Pavement Joint Sealants/Handicap Signage - \$39,000
 - Basketball Hoops & Installation - \$6,934
 - Geopolitical Allowance - \$34,447
- Geotechnical Report by Thiele Dated: 1/14/2026
- Drawings Provided by Erhart Griffin, BCDM & Lange Structural

- See attached.
- Specifications provided by BCDM & Lange Structural.
 - See attached.
- LNTP Cost Breakdown:
 - See Cost Proposal Below

Project Dates

This Proposal is based on the following Dates:

- Accept by Date: April 15th, 2026
- Substantial Completion Date: To be determined at GMP establishment

Scope of Work

- Furnish and installation of building concrete footings and flatwork.
- Furnish and installation of site concrete; including parking lot paving.
- Fabrication and delivery of structural steel and miscellaneous steel materials.
- Earthwork and erosion control.
 - Erosion control maintenance is included for 5 months
 - All remaining erosion control maintenance will be included at a later date.
- Site utility work.
- 5 months of General Conditions and Reimbursables included in this LNTP per attached matrix.
 - All remaining General Conditions will be included at a later date.

Qualifications

- Any scope of work not listed above is not included in this Limited Notice to Proceed and will be bid and included at a later date.
- Included in the proposed price is an allowance of \$34,469 for increased cost and delay impacts resulting from war, regional conflict, sanctions, embargoes, tariffs, fuel or freight escalation, material shortages, supply-chain disruption, subcontractor or supplier delay or failure, and related inflationary impacts beyond Contractor's reasonable control. This allowance may be applied to associated increases in material, labor, equipment, freight, storage, subcontractor, and time-related project costs. If such impacts exceed the allowance, Contractor shall be entitled to an equitable adjustment in price and time.
- Proposal is based on continuous onsite work beginning with east lot work and then moving to west lot and addition work without having to re-mobilize.
- This pricing is based on material pricing and availability as of the date hereof. Owner acknowledges and agrees that changes to either will result in changes to the pricing.

- We are unable to quantify the impact of any tariffs or other regulatory changes that may be implemented; therefore, the terms of this pricing may be subject to change as a result thereof.
- Pricing does not include any design fees other than required delegated design.
- Pricing does not include any testing and inspections.
- Pricing includes building permit only.
- Geotechnical report referenced in the specifications is considered to be provided for informational purposes only and is not part of the Contract Documents for purposes of this Price Proposal. Pricing is based solely on geotechnical requirements explicitly shown in the drawings and specifications. Additional requirements derived from the Geotechnical report are excluded.
- Pricing excludes additions or changes in scope requested by inspectors (City, State or Special inspectors) that differs from contract documents.

COST BREAKDOWN

Scope	Total	Subcontractor
General Requirements	\$211,622	Boyd Jones
Misc. Clean Up	\$40,471	
Supervision	\$268,297	Boyd Jones
Surveying	\$28,000	Cornerstone
Concrete Foundations & Flatwork	\$941,404	Lesch
Steel Supply	\$423,173	Central Western
Earthwork	\$417,323	Krivanek Construction
Site Improvements	\$21,001	
Utilities	\$421,700	Select Plumbing
Site Maintenance	\$237,694	Boyd Jones
Reimbursables	\$140,454	
	<i>Subtotal</i>	\$3,151,138
Liability Insurance	\$27,906	
Geopolitical Allownace	\$34,469	1%
Performance Bond	\$29,299	0.85%
Owner Contingency	\$34,469	1%
Construction Contingency	\$63,023	2%
Construction Manager Fee	\$103,418	3.15%
Warranty	\$3,226	0%
Total	\$3,446,949	
Alternate - East Parking Lot Paving	\$73,396	
Alternate - West Parking Lot Paving	\$198,189	
Total with Alternates	\$3,718,534	

SECTION 00 01 10 TABLE OF
CONTENTS

PROCUREMENT AND CONTRACTING REQUIREMENTS

1.01 DIVISION 00 -- PROCUREMENT AND CONTRACTING REQUIREMENTS

- A. 00 01 07 - Seals Page
- B. 00 01 10 - Table of Contents
- C. 00 31 32 - Geotechnical Data

SPECIFICATIONS

2.01 DIVISION 01 -- GENERAL REQUIREMENTS

- A. 01 10 00 - Summary
- B. 01 23 00 - Alternates
- C. 01 25 00 - Substitution Procedures
- D. 01 29 00 - Progress and Payment
- E. 01 30 00 - Administrative Requirements
- F. 01 31 00 - Project Meetings
- G. 01 40 00 - Quality Requirements
- H. 01 60 00 - Product Requirements
- I. 01 78 00 - Closeout Submittals

2.02 DIVISION 02 - NOT USED

2.03 DIVISION 03 - CONCRETE

- A. 03 30 00 - Cast-in-Place Concrete

2.04 DIVISION 04 - NOT USED

2.05 DIVISION 05 -- METALS

- A. 05 12 00 - Structural Steel Framing
- B. 05 21 00 - Steel Joist Framing
- C. 05 31 00 - Steel Decking

2.06 DIVISION 06 THROUGH 14 - NOT USED

2.07 DIVISIONS 21 THROUGH 23 - NOT USED

2.08 DIVISIONS 26 THROUGH 28 - NOT USED

2.09 DIVISION 31 - EARTHWORK

- A. 31 22 00 - Site Preparation
- B. 31 22 20 - Earthwork

END OF SECTION

Drawing No.	Drawing Title	Revision	Drawing Date	Received Date	Set
C4-4	NPDES GENERAL NOTES AND CERTIFICATION	1	03/11/2026	03/12/2026	Early Site & Structure Bid Package (03/12/26)
C5-0	OVERALL SITE UTILITY PLAN	1	03/11/2026	03/12/2026	Early Site & Structure Bid Package (03/12/26)
C5-1	UTILITY DETAILS	1	03/11/2026	03/12/2026	Early Site & Structure Bid Package (03/12/26)
C6-0	WATER LINE PLAN & PROFILE	1	03/11/2026	03/12/2026	Early Site & Structure Bid Package (03/12/26)
C7-0	OVERALL SITE STORM PLAN	1	03/11/2026	03/12/2026	Early Site & Structure Bid Package (03/12/26)
C7-1	SITE STORM PLAN - EAST PARKING LOT	1	03/11/2026	03/12/2026	Early Site & Structure Bid Package (03/12/26)
C7-2	STORM PLAN AND PROFILE - EAST PARKING LOT	1	03/11/2026	03/12/2026	Early Site & Structure Bid Package (03/12/26)
C7-3	SITE STORM PLAN - WEST PARKING LOT	1	03/11/2026	03/12/2026	Early Site & Structure Bid Package (03/12/26)
C7-4	STORM PLAN AND PROFILE - WEST PARKING LOT	1	03/11/2026	03/12/2026	Early Site & Structure Bid Package (03/12/26)
C7-5	STORM PLAN AND PROFILE - WEST PARKING LOT	1	03/11/2026	03/12/2026	Early Site & Structure Bid Package (03/12/26)
C7-6	STORM PLAN AND PROFILE - WEST PARKING LOT	1	03/11/2026	03/12/2026	Early Site & Structure Bid Package (03/12/26)
C7-7	STORM PLAN AND PROFILE - WEST PARKING LOT	0	03/11/2026	03/12/2026	Early Site & Structure Bid Package (03/12/26)
C8-0	MISCELLANEOUS DETAILS	1	03/11/2026	03/12/2026	Early Site & Structure Bid Package (03/12/26)
Electrical					
E0-1	ELECTRICAL SITE PLAN	1	03/11/2026	03/12/2026	Early Site & Structure Bid Package (03/12/26)
General					
G0-0	COVER SHEET	1	03/11/2026	03/12/2026	Early Site & Structure Bid Package (03/12/26)
G0-1	CODE REVIEW PLAN - MAIN LEVEL	1	03/11/2026	03/12/2026	Early Site & Structure Bid Package (03/12/26)
Structural					
S1-1	STRUCTURAL NOTES & DESIGN DATA	1	03/11/2026	03/12/2026	Early Site & Structure Bid Package (03/12/26)
S1-2	STRUCTURAL SCHEDULES	1	03/11/2026	03/12/2026	Early Site & Structure Bid Package (03/12/26)
S2-1	FOUNDATION PLAN	1	03/11/2026	03/12/2026	Early Site & Structure Bid Package (03/12/26)
S2-2	ROOF FRAMING PLAN	1	03/11/2026	03/12/2026	Early Site & Structure Bid Package (03/12/26)
S2-3	GYM FRAMING PLAN	1	03/11/2026	03/12/2026	Early Site & Structure Bid Package (03/12/26)
S3-1	STRUCTURAL DETAILS	1	03/11/2026	03/12/2026	Early Site & Structure Bid Package (03/12/26)
S3-2	STRUCTURAL DETAILS	1	03/11/2026	03/12/2026	Early Site & Structure Bid Package (03/12/26)

Early Site & Structure Bid Package (03/12/26)

Drawing No.	Drawing Title	Revision	Drawing Date	Received Date	Set
Architectural					
A1-1	FLOOR PLAN	1	03/11/2026	03/12/2026	Early Site & Structure Bid Package (03/12/26)
A2-1	EXTERIOR ELEVATIONS	1	03/11/2026	03/12/2026	Early Site & Structure Bid Package (03/12/26)
Civil					
C0-1	TOPOGRAPHIC SURVEY	1	03/11/2026	03/12/2026	Early Site & Structure Bid Package (03/12/26)
C1-0	OVERALL SITE REMOVAL PLAN	1	03/11/2026	03/12/2026	Early Site & Structure Bid Package (03/12/26)
C1-1	SITE REMOVAL PLAN EAST PARKING LOT	1	03/11/2026	03/12/2026	Early Site & Structure Bid Package (03/12/26)
C1-2	SITE REMOVAL PLAN WEST PARKING LOT	1	03/11/2026	03/12/2026	Early Site & Structure Bid Package (03/12/26)
C1-3	SITE REMOVAL PLAN GARFIELD STREET	1	03/11/2026	03/12/2026	Early Site & Structure Bid Package (03/12/26)
C2-0	OVERALL SITE LAYOUT PLAN	1	03/11/2026	03/12/2026	Early Site & Structure Bid Package (03/12/26)
C2-1	SITE LAYOUT PLAN - EAST PARKING LOT	1	03/11/2026	03/12/2026	Early Site & Structure Bid Package (03/12/26)
C2-2	SITE LAYOUT PLAN - WEST PARKING LOT	1	03/11/2026	03/12/2026	Early Site & Structure Bid Package (03/12/26)
C2-3	SITE LAYOUT PLAN - ADAMS STREET	1	03/11/2026	03/12/2026	Early Site & Structure Bid Package (03/12/26)
C3-0	OVERALL SITE GRADING PLAN	1	03/11/2026	03/12/2026	Early Site & Structure Bid Package (03/12/26)
C3-1	SITE GRADING PLAN - EAST PARKING LOT	1	03/11/2026	03/12/2026	Early Site & Structure Bid Package (03/12/26)
C3-2	SITE GRADING PLAN - WEST PARKING LOT	1	03/11/2026	03/12/2026	Early Site & Structure Bid Package (03/12/26)
C3-3	SITE GRADING PLAN - ADAMS STREET	1	03/11/2026	03/12/2026	Early Site & Structure Bid Package (03/12/26)
C3-4	OVERALL SITE OVEREXCAVATION PLAN	1	03/11/2026	03/12/2026	Early Site & Structure Bid Package (03/12/26)
C3-5	SITE OVEREXCAVATIO PLAN - EAST PARKING LOT	1	03/11/2026	03/12/2026	Early Site & Structure Bid Package (03/12/26)
C3-6	SITE OVEREXCAVATIO PLAN - WEST PARKIN LOT	1	03/11/2026	03/12/2026	Early Site & Structure Bid Package (03/12/26)
C4-0	OVERALL SITE STORMWATER POLLUTION PREVENTION PLAN	1	03/11/2026	03/12/2026	Early Site & Structure Bid Package (03/12/26)
C4-1	SITE SWPP PLAN - EAST PARKING LOT	1	03/11/2026	03/12/2026	Early Site & Structure Bid Package (03/12/26)
C4-2	SITE SWPP PLAN - WEST PARKING LOT	1	03/11/2026	03/12/2026	Early Site & Structure Bid Package (03/12/26)
C4-3	SITE SWPP PLAN - ADAMS STREET	1	03/11/2026	03/12/2026	Early Site & Structure Bid Package (03/12/26)



AIA® Document G735™ – 2021

Authorization to Proceed with Early Release Work

THIS AUTHORIZATION TO PROCEED WITH EARLY RELEASE WORK (the "Authorization") dated the 15th day of April in the year 2026 , is incorporated into

- AIA Document A133™–2019, Standard Form of Agreement Between Owner and Construction Manager as Constructor where the basis of payment is the Cost of the Work Plus a Fee with a Guaranteed Maximum Price dated the 16th day of December in the year 2025 (the "Agreement") *(In words, indicate day, month, and year.)*
- AIA Document A134™–2019, Standard Form of Agreement Between Owner and Construction Manager as Constructor where the basis of payment is the Cost of the Work Plus a Fee without a Guaranteed Maximum Price dated the day of in the year (the "Agreement") *(In words, indicate day, month, and year.)*

for the following **PROJECT:**
(Name and address or location)

School Facilities Improvement Project
East Butler Public Schools
212 South Madison Street
Brainard, NE 68626

THE OWNER:
(Name, legal status, and address)
Butler County School District 12-0502a/k/a
East Butler Public Schools
212 South Madison Street
Brainard, NE 68626

THE CONSTRUCTION MANAGER:
(Name, legal status, and address)

Boyd Jones Construction Company
A Nebraska corporation
950 S. 10th Street, Suite 100
Omaha, NE 68108

The Owner and Construction Manager agree that the Construction Manager shall perform the Early Release Work described below. The Early Release Work covered by this Authorization shall be included in the Construction Manager’s Guaranteed Maximum Price or Control Estimate, as applicable. This Authorization commences the Construction Phase only for the Early Release Work.

§ 1 Early Release Work:

- .1 Scope of the Early Release Work:
(Describe the scope of the Early Release Work below or attach a description of the scope of the Early Release Work to this Authorization.)

ADDITIONS AND DELETIONS:
The author of this document has added information needed for its completion. The author may also have revised the text of the original AIA standard form. An *Additions and Deletions Report* that notes added information as well as revisions to the standard form text is available from the author and should be reviewed. A vertical line in the left margin of this document indicates where the author has added necessary information and where the author has added to or deleted from the original AIA text.

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

See attached Exhibit A- Limited Notice to Proceed #1, 7 pages.

- .2 Specifications applicable to the Early Release Work:
(Either list the Specifications here, or refer to an exhibit attached to this Authorization.)

See attached Exhibit A- Limited Notice to Proceed #1, 7 pages.

Section	Title	Date	Pages
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- .3 Drawings applicable to the Early Release Work:
(Either list the Drawings here, or refer to an exhibit attached to this Authorization.)

See attached Exhibit A- Limited Notice to Proceed #1, 7 pages.

Number	Title	Date
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- .4 Other documents applicable to the Early Release Work:
(List here any additional documents that are applicable to the Early Release Work.)

See attached Exhibit A- Limited Notice to Proceed #1, 7 pages.

§ 2 Schedule for the Early Release Work:

(Describe any schedule requirements for the Early Release Work, including the date of commencement, interim milestone dates, and time for completion.)

See attached Exhibit A- Limited Notice to Proceed #1, 7 pages.

§ 3 Compensation for the Early Release Work:

Compensation shall be paid for the Early Release Work as provided in the Agreement, unless otherwise indicated below:

(If the method for compensation for the Early Release Work differs from what is set forth in the Agreement, identify the compensation for the Early Release Work or describe how the compensation will be calculated for the Early Release Work, including any limitations on the price.)

§ 4 Payments for the Early Release Work:

Payments shall be in accordance with the Agreement, unless otherwise indicated below:

(Indicate all payment terms that differ from those set forth in the Agreement, such as the period covered by each Application for Payment or the date upon which each Application for Payment is due.)

§ 5 Retainage on the Early Release Work:

Retainage shall be withheld in accordance with the Agreement, unless otherwise indicated below:

(Insert all retainage terms that differ from those set forth in the Agreement, such as retainage amount, items not subject to retainage, terms for reduction, or limitation of retainage.)

§ 6 Insurance and Bonds Required for the Early Release Work:

§ 6.1 The Owner and Construction Manager shall purchase and maintain insurance for the Early Release Work as set forth in the Agreement, unless otherwise indicated below:

(Identify any insurance requirements that differ from those stated in the Agreement, such as coverages types, coverage limits, durations for professional liability or other coverages, and other terms and conditions.)

Init.

§ 6.2 Other Insurance:

In addition to the insurance requirements in the Agreement, the Construction Manager and/or Owner shall carry the following types of insurance:

(List below any other insurance coverage to be purchased and maintained by the Construction Manager or Owner for the Early Release Work, not otherwise required by the Agreement, such as pollution insurance, etc.)

§ 6.3 The Construction Manager shall be provide bonds for the Early Release Work, in accordance with the requirements of the Agreement, unless otherwise indicated below:

(Identify any bond requirements that differ from those stated in the Agreement, such as any difference in the penal sum of the bonds.)

§ 7 Other Terms and Conditions for the Early Release Work:

All terms and conditions of the Agreement shall apply to the Early Release Work unless otherwise indicated below.

(Describe any terms and conditions related to the Early Release Work that differ from the terms and conditions of the Agreement.)

See attached Exhibit A- Limited Notice to Proceed #1, 7 pages.

This Authorization is entered into as of the day and year first above written.

OWNER *(Signature)*

(Printed name and title)

CONSTRUCTION MANAGER *(Signature)*

Tim Meyer Senior Vice President of Operations
(Printed name and title)

Additions and Deletions Report for AIA® Document G735™ – 2021

This Additions and Deletions Report, as defined on page 1 of the associated document, reproduces below all text the author has added to the standard form AIA document in order to complete it, as well as any text the author may have added to or deleted from the original AIA text. Added text is shown underlined. Deleted text is indicated with a horizontal line through the original AIA text.

Note: This Additions and Deletions Report is provided for information purposes only and is not incorporated into or constitute any part of the associated AIA document. This Additions and Deletions Report and its associated document were generated simultaneously by AIA software at 10:34:18 CT on 04/15/2026.

PAGE 1

THIS AUTHORIZATION TO PROCEED WITH EARLY RELEASE WORK (the "Authorization") dated the 15th day of April in the year 2026, is incorporated into

[] AIA Document A133™–2019, Standard Form of Agreement Between Owner and Construction Manager as Constructor where the basis of payment is the Cost of the Work Plus a Fee with a Guaranteed Maximum Price dated the 16th day of December in the year 2025 (the "Agreement")

...

School Facilities Improvement Project
East Butler Public Schools
212 South Madison Street
Brainard, NE 68626

...

Butler County School District 12-0502a/k/a
East Butler Public Schools
212 South Madison Street
Brainard, NE 68626

...

Boyd Jones Construction Company
A Nebraska corporation
950 S. 10th Street, Suite 100
Omaha, NE 68108

PAGE 2

See attached Exhibit A- Limited Notice to Proceed #1, 7 pages.

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See attached Exhibit A- Limited Notice to Proceed #1, 7 pages.

...

See attached Exhibit A- Limited Notice to Proceed #1, 7 pages.

...

See attached Exhibit A- Limited Notice to Proceed #1, 7 pages.

...

See attached Exhibit A- Limited Notice to Proceed #1, 7 pages.

PAGE 3

§ 6.3 The Construction Manager shall be provide bonds for the Early Release Work, in accordance with the requirements of the Agreement, unless otherwise indicated below:

...

See attached Exhibit A- Limited Notice to Proceed #1, 7 pages.

...

Tim Meyer Senior Vice President of Operations



Certification of Document's Authenticity

AIA® Document D401™ – 2003

I, Tim Meyer, Senior Vice President of Operations, hereby certify, to the best of my knowledge, information and belief, that I created the attached final document simultaneously with its associated Additions and Deletions Report and this certification at 10:34:18 CT on 04/15/2026 under Order No. 2114461299 from AIA Contract Documents software and that in preparing the attached final document I made no changes to the original text of AIA® Document G735™ – 2021, Authorization to Proceed with Early Release Work, other than those additions and deletions shown in the associated Additions and Deletions Report.

(Signed)

(Title)

(Dated)

BE IT RESOLVED BY THE BOARD OF EDUCATION OF BUTLER COUNTY SCHOOL DISTRICT 0502 (EAST BUTLER PUBLIC SCHOOLS), AS FOLLOWS:

Section 1. Findings and Determinations. The Board of Education (the “**Board**”) of Butler County School District 0502 (East Butler Public Schools) (the “**District**”), hereby finds and determines that:

(a) On January 14, 2026, the Board adopted a resolution (the “**Prior Resolution**”) to authorize a set of transactions with the Nebraska Educational Building Association (“**NEBA**”) to secure access to additional building and facilities adjacent and connected to the District’s existing High School buildings and facilities in Brainard, which may include all or a portion of the following: a gymnasium, fitness center, band room, parking and site improvements east and west of the existing building, additional playground space (including an outdoor basketball court as well as a playground), and related improvements, equipment and facilities (collectively, the “**Project**”), which transactions include a Site Lease of Real Estate owned by the District to NEBA for the Project and a Lease of the Project from NEBA. Capitalized terms used in this resolution (this “**Resolution**”) which are not defined herein shall have the meanings provided in the Prior Resolution.

(b) District officials and representatives have engaged in negotiations regarding terms of the Lease Documents, the financing proposals under consideration by NEBA for the Project, and the impact of the terms of such financing proposals on the Lease Documents. Such proposals and related terms have been presented to the Board for consideration with this Resolution.

(c) Given the impact of the NEBA financing on the Lease Documents, it is necessary and appropriate for the District to approve a NEBA financing proposal; authorize entry into and execution of the Lease Documents based on the NEBA financing proposal which the Board determines is in the best interest of the District and in accordance with the terms of the Prior Resolution; and to take any and all actions necessary to consummate the transactions contemplated by this Resolution and the Prior Resolution.

Section 2. Authorization of Lease Document Terms. The Board hereby determines the NEBA financing proposal submitted by _____ and presented to the Board in connection with this Resolution, and the resulting terms of the Lease Documents for the Project based on such financing proposal, are in the best interest of the District and are hereby approved (the “**Approved Terms**”). The Board authorizes and directs the Authorized Officers to negotiate, specify, determine, designate, and establish as the case may be, the terms of the Site Lease and Lease for the Project based on the Approved Terms, including without limitation the amount of annual base rentals and any additional rentals payable by the District pursuant to the Lease.

Section 3. Further Authority. Without in any way limiting the power, authority or discretion granted or delegated in the Prior Resolution or in this Resolution, the Board hereby (a) authorizes and directs each Authorized Officer and all other officers, officials, employees and agents of the District to carry out or cause to be carried out, and to perform such obligations of the District and such other actions as they, or any of them, in consultation with counsel, as appropriate, shall consider necessary, advisable, desirable or appropriate in connection with this Resolution and the Prior Resolution, including, without limitation, the execution and delivery of all related documents, instruments, certifications and opinions, and (b) delegates, authorizes and directs to each individual Authorized Officer the right, power and authority to exercise his or her independent judgment and absolute discretion in (1) determining and finalizing the terms of the Project, and the terms and provisions of the Site Lease and Lease based on the Approved Terms not

specifically set forth in this Resolution, (2) the taking of all actions and the making of all arrangements necessary, proper, appropriate, advisable or desirable in order to effectuate the execution and delivery of the Site Lease and Lease, and (3) the engagement of external professionals, advisors and agents. The execution and delivery by an Authorized Officer or by any such other officers, officials, employees or agents of the District of any such agreements, documents, instruments, certifications and opinions, or the doing by them of any act in connection with any of the matters that are the subject of this Resolution, shall constitute conclusive evidence of both the Board's and their approval of the terms, provisions and contents thereof and of all changes, modifications, amendments, revisions and alterations made therein and shall conclusively establish their absolute, unconditional and irrevocable authority with respect thereto from the Board and the authorization, approval and ratification by the Board of the documents, instruments, certifications and opinions so executed and the actions so taken.

Section 4. Repeal of Inconsistent Resolutions; Ratification The provisions of the Prior Resolution are hereby amended to the extent inconsistent with the terms of this Resolution. Except as amended by this Resolution, the Prior Resolution is hereby ratified and confirmed in all respects. All other resolutions or orders, or parts thereof in conflict with the provisions of this Resolution are hereby repealed to the extent of such conflict.

Section 5. Force and Effect. This Resolution shall take effect and be in force from and after its adoption according to law.

ADOPTED this 15th day of April, 2026.

President

Secretary