

WOODBURY COUNTY BOARD OF SUPERVISORS AGENDA ITEM(S) REQUEST FORM

Date: 4/24/2024

Weekly Agenda Date: 4/30/24

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Supervisor J. Taylor

WORDING FOR AGENDA ITEM:

Receive into the Record Recommendations for Changes to the Law Enforcement Center Authority Lease with the Woodbury County Board of Supervisors

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

For several months the Woodbury County Board of Supervisors has known that there are provisions of the lease between the Law Enforcement Center Authority and the Board of Supervisors that are problematic. These include a lack of parameters on the thresholds by which the county or the LEC Authority Maintenance Fund will operate, a lack of clarity on functional ownership, a prohibition on the LEC Authority building new buildings from the Maintenance Fund, safeguards and oversight on taxpayer dollars by the county board, etc.

I respect that fellow supervisors wish to take these (or some of these) provisions up with the LEC Authority after the building is built. I simply wish these issues to be known and received into the record for future contemplation. I also respect that the majority of our current BOS was not seated when the lease was approved and that with the seldom-used utilization of this Code section, that this Authority-County relationship is a learning curve. I furthermore welcome the opportunity as was brought up of supervisors to discuss and come to some agreed-upon conclusions in open session should that be a desire.

My only goal tonight is not to debate each provision but to receive into the record for future discussion in amending the lease originally signed 9-1-2020.

BACKGROUND:

1. New Buildings. "Should the county desire to expand or change the use to something other than an LEC, the county must have permission and it's at the LEC Authority's absolute, sole discretion to approve." This language is reasonable and understandable. However, this should certainly apply to the LEC Authority with the prohibition of using county taxpayer funds to build or to engage public or private entities on planning or engaging in long-term facility visioning for new buildings on the grounds without the express approval of the BOS. This would obviate unnecessary confusion as has occurred prior and provide taxpayer safeguards.

2. Project Budgeting. "The Project Budget for the Facility will be the responsibility of the Authority but shall be approved by the county." This should specify not only an overall budget number but amendments to the budget coming before the Board of Supervisors for prior approval to include funds generated from the interest on the bond.

3. Maintenance Fund Approval. Every board has a constitutional system of "checks and balances" whether it be Conservation, Siouxland District Health, WCICC, Veterans Affairs. "The Authority shall set aside the Maintenance Payments under Section 7.3 hereof into a separate account to be used for Maintenance Expenses at the sole and absolute discretion of the Authority." Given that a majority of the LEC Authority does not have elected members of the county from which county taxpayers have been levied, it would make good safeguard sense to ask for BOS approval on expenditures exceeding \$100,000 or \$250,000, something I would hope on the public's behalf that the LEC Authority would welcome for themselves or for any others to follow over 20 years' period.

4. Owner Maintenance Fund Responsibility. The LEC Authority has signaled verbally and in writing that they will not pay for maintenance under \$25,000 though this is not in the lease and strikes me as unreasonable, especially as Supervisor Nelson attested at the 4-24-24 that this isn't even the opinion of the LEC Authority but instead a mistake that the Chairman's sole opinion statement was put on the website legal docs portion after being received 2-13-2024 on a motion that carried 3-0. The same threshold is found on our FY 25 budget docs. Should the LEC Authority desire a threshold, it must be codified or as it is written, the LECA is responsible for all maintenance costs and does not possess the authority to direct county personnel or funds otherwise.

5. Roles and Responsibilities. The relationship of Building Services and its director should be more clearly defined in terms of roles, responsibilities, and authority direction.

FINANCIAL IMPACT:

None

IF THERE IS A CONTRACT INVOLVED IN THE AGENDA ITEM, HAS THE CONTRACT BEEN SUBMITTED AT LEAST ONE WEEK PRIOR AND ANSWERED WITH A REVIEW BY THE COUNTY ATTORNEY'S OFFICE?

Yes No

RECOMMENDATION:

See below.

ACTION REQUIRED / PROPOSED MOTION:

Move to receive.