

ITEMS TO INCLUDE ON AGENDA FOR JANUARY 31, 2023

WOODBURY COUNTY, IOWA

Woodbury County, Iowa.

- Consider Conflict Waiver regarding Second Amendment to Lease Agreement with the Woodbury County Law Enforcement Center Authority.
- Resolution fixing date for a public hearing on the proposal to amend the Lease Agreement with the Woodbury County Law Enforcement Center Authority.

NOTICE MUST BE GIVEN PURSUANT TO IOWA
CODE CHAPTER 21 AND THE LOCAL RULES OF THE
COUNTY.

January 31, 2023

The Board of Supervisors of Woodbury County, State of Iowa, met in open session, in the Board Room, Woodbury County Courthouse, 620 Douglas Street, Sioux City, Iowa, at 3:30 P.M., on the above date. There were present Chairperson Matthew Ung, in the chair, and the following named Board Members:

Daniel Bittinger, Mark Nelson, Keith Radig,

Absent: Jeremy Taylor

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Board Member Ung introduced the following resolution entitled "RESOLUTION FIXING DATE FOR A PUBLIC HEARING ON THE PROPOSAL TO AMEND THE LEASE AGREEMENT WITH THE WOODBURY COUNTY LAW ENFORCEMENT CENTER AUTHORITY", and moved that the resolution be adopted. Board Member Radig seconded the motion to adopt. The roll was called and the vote was,

AYES: Ung, Bittinger, Nelson, Radig

NAYS: _____

Whereupon, the Resolution was duly adopted as follows:

#13,540

RESOLUTION FIXING DATE FOR A PUBLIC HEARING ON
THE PROPOSAL TO AMEND THE LEASE AGREEMENT WITH
THE WOODBURY COUNTY LAW ENFORCEMENT CENTER
AUTHORITY

WHEREAS, Woodbury County, State of Iowa (the "County") and the Woodbury County Law Enforcement Center Authority (the "Authority") have heretofore entered into that certain Lease Agreement originally dated September 1, 2020, as amended and substituted (the "Lease"); and

WHEREAS, it is now deemed necessary and advisable that the County should provide for the authorization of a Second Amendment to the Lease (the "Second Amendment") with the Authority; and

WHEREAS, Iowa Code Section 346.27 provides that the Authority shall have and exercise certain public and essential governmental powers and functions including the right to lease all or any part of a building to an incorporating unit upon rental terms agreed upon between the Authority and the incorporating unit; and

WHEREAS, the Authority and County have negotiated the form of a proposed Second Amendment, which is intended to provide for the reimbursement of certain insurance expenses and to clarify the use of the Additional Rent and Maintenance Payments (as those terms are defined in the Lease); and

WHEREAS, the Second Amendment does not alter the Base Rent (as defined in the Lease) due per the terms of the Lease; and

WHEREAS, neither Chapter 331 nor any other Code provision sets forth any procedural action required to be taken before said Second Amendment can be approved, and pursuant to Section 331.301(5), Code of Iowa, it is deemed sufficient if the action hereinafter described be taken and the Woodbury County Auditor causes to be published notice of the proposal and of the time and place of the meeting at which the Board of Supervisors proposes to take action thereon and to receive oral and/or written objections to such action; and

WHEREAS, the following action is now considered to be in the best interests of the County.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF WOODBURY COUNTY, IOWA:

Section 1. That this Board of Supervisors meet in the Board Room, Woodbury County Courthouse, 620 Douglas Street, Sioux City, Iowa, at 3:40 P.M. on February 14, 2023, for the purpose of taking action on the matter of the proposal to amend the Lease with the Woodbury County Law Enforcement Center Authority.

Section 2. That the Woodbury County Auditor is hereby directed to cause at least one publication to be made of a notice of said meeting, in a legal newspaper, printed wholly in the English language, published at least once weekly, and having general circulation in Woodbury County, said publication to be not less than four (4) clear days nor more than twenty (20) days before the date of said public meeting.

Section 3. The notice of the proposed action shall be in substantially the following form:

(One publication required)

NOTICE OF PUBLIC HEARING OF THE BOARD OF SUPERVISORS OF WOODBURY COUNTY, IOWA, ON THE MATTER OF THE PROPOSAL TO AMEND THE LEASE AGREEMENT WITH THE WOODBURY COUNTY LAW ENFORCEMENT CENTER AUTHORITY, AND THE HEARING THEREON

PUBLIC NOTICE is hereby given that the Board of Supervisors of Woodbury County, Iowa, will hold a public hearing on February 14, 2023, at 3:40 P.M. in the Board Room, Woodbury County Courthouse, 620 Douglas Street, Sioux City, Iowa, at which meeting the Board of Supervisors proposes to take action on the proposal to authorize a Second Amendment to the Lease Agreement (the "Second Amendment") with the Woodbury County Law Enforcement Center Authority (the "Authority") said Lease Agreement originally dated September 1, 2020, as amended and substituted (the "Lease").

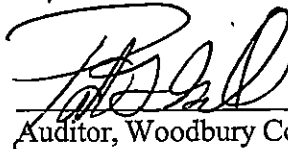
The Authority and County have negotiated the form of a proposed Second Amendment, which is intended to provide for the reimbursement of certain insurance expenses and to clarify the use of the Additional Rent and Maintenance Payments (as those terms are defined in the Lease). The Second Amendment does not alter the Base Rent (as defined in the Lease) due per the terms of the Lease.

A copy of the Second Amendment is on file for public inspection during regular business hours in the office of the Auditor of Woodbury County, Iowa.

At the above meeting the Board of Supervisors shall receive oral or written objections to the proposal to enter into the Second Amendment. After all objections have been received and considered, the Board of Supervisors will at this meeting or at any adjournment thereof, take additional action on the proposal or will abandon the proposal to authorize said Second Amendment.

This notice is given by order of the Board of Supervisors of Woodbury County, Iowa.

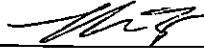
Dated this 31st day of January, 2023.



Auditor, Woodbury County, Iowa

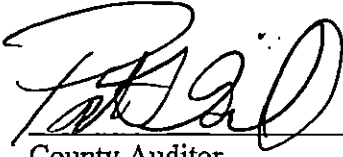
(End of Notice)

PASSED AND APPROVED this 31st day of January, 2023.



Chairperson

ATTEST:



County Auditor

CERTIFICATE

STATE OF IOWA

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) SS

COUNTY OF WOODBURY

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I, the undersigned County Auditor of Woodbury County, State of Iowa, do hereby certify that attached is a true and complete copy of the portion of the records of the County showing proceedings of the Board, and the same is a true and complete copy of the action taken by the Board with respect to the matter at the meeting held on the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way; that meeting and all action thereat was duly and publicly held in accordance with a notice of meeting and tentative agenda, a copy of which was timely served on each member of the Board and posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the Board pursuant to the local rules of the Board and the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four hours prior to the commencement of the meeting as required by law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective County offices as indicated therein, that no Board vacancy existed except as may be stated in the proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the County or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and the seal of the Board hereto affixed this 31st day of January, 2023.



County Auditor, Woodbury County, Iowa