

Board Member Radig introduced the following Resolution entitled "RESOLUTION APPOINTING COMMISSIONER TO WOODBURY COUNTY LAW ENFORCEMENT CENTER AUTHORITY'S BOARD OF COMMISSIONERS SUBJECT TO THE CONCURRENCE OF THE CITY OF SIOUX CITY, IOWA" and moved that it be adopted. Board Member De Witt seconded the motion to adopt, and the roll being called thereon, the vote was as follows:

AYES: Radig, De Witt, Pottebaum, Taylor, Ung

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NAYS: \_\_\_\_\_

Whereupon, the Chairperson declared said Resolution duly adopted as follows:

#12,940

RESOLUTION APPOINTING COMMISSIONER TO WOODBURY COUNTY LAW ENFORCEMENT CENTER AUTHORITY'S BOARD OF COMMISSIONERS SUBJECT TO THE CONCURRENCE OF THE CITY OF SIOUX CITY, IOWA

WHEREAS, Woodbury County, State of Iowa (the "County"), is a political subdivision, organized and existing under and by virtue of the laws and Constitution of the State of Iowa; and

WHEREAS, the County has approached the City of Sioux City, Iowa (the "City") with a proposal to establish a Joint County and City Building Authority pursuant to Iowa Code Section 346.27 (the "Authority") for the purposes of building and financing a new law enforcement center for joint use by the City and County; and

WHEREAS, the County has now adopted a resolution adopting Articles of Incorporation to form the Woodbury County Law Enforcement Center Authority and has authorized the execution of the Articles of Incorporation; and

WHEREAS, Iowa Code Section 346.27 requires that the Authority be directed and governed by a Board of Commissioners of three members, one to be elected by the Board of Supervisors of the County from the area outside of the county seat, one to be elected by the City Council of the City from the area inside the City, and one to be elected by the joint action of the Board of Supervisors of the County and the City Council of the City; and

WHEREAS, the County hereby intends to appoint the third Commissioner to the Board of Commissioners of the Authority to serve a six-year term subject to the concurrence of the City Council of the City; and

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

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

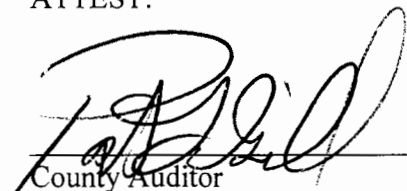
Section 1. Appointment. Subject to concurrence by the City Council of the City, Ron Weick, is hereby appointed to serve as the initial Commissioner elected by the joint action of the Board of Supervisors of the County and the City Council of the City on the Woodbury County Law Enforcement Center Authority's Board of Commissioners for a term of six years beginning on January 1, 2020 and ending December 31, 2025.

Section 2. Compensation. The Commissioner shall not receive compensation in connection with his or her services as a Commissioner but shall be entitled to reimbursement for any actual and necessary expenditures in connection with the performance of the Commissioner's duties.

PASSED AND APPROVED this 23<sup>rd</sup> day of December, 2019.

  
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Chairperson

ATTEST:

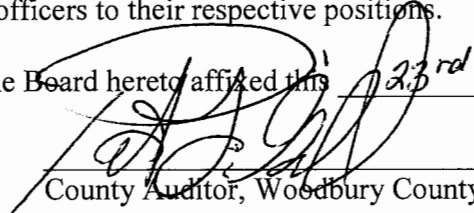
  
\_\_\_\_\_  
County Auditor

CERTIFICATE

STATE OF IOWA )  
 ) SS  
COUNTY OF WOODBURY )

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 23<sup>rd</sup> day of December, 2019.

  
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County Auditor, Woodbury County, State of Iowa

(SEAL)

**ARTICLES OF INCORPORATION**  
**for the**  
**WOODBURY COUNTY**  
**LAW ENFORCEMENT CENTER AUTHORITY**

The undersigned, acting as the incorporating units of an authority under Iowa Code Section 346.27, adopt the following Articles of Incorporation for the Woodbury County Law Enforcement Center Authority:

**ARTICLE I**

Section 1.1. Name. The name of the Authority is the Woodbury County Law Enforcement Center Authority.

Section 1.2. Incorporating Units. The Authority is incorporated by Woodbury County, State of Iowa, and the City of Sioux City, State of Iowa, which is the county seat of Woodbury County. These Articles of Incorporation have been adopted by the affirmative vote of a majority of the members of the governing body of each incorporating unit.

Section 1.3. Effective Date. The Authority shall become effective at such time as these Articles of Incorporation have been recorded in the Woodbury County Recorder's office, filed with the Iowa Secretary of State, and published once in the Sioux City Journal.

**ARTICLE II**

Section 2.1. Purposes. The purposes of the Authority are to acquire, demolish, improve, enlarge, equip, furnish, repair, maintain, and operate a public building and to acquire and prepare any necessary site for the joint use of the incorporating units.

Section 2.2. Powers. The Authority is a body corporate with the power to sue and be sued in any court in Iowa, to have a seal and alter it at its pleasure, and to make and execute contracts, leases, deeds, and other instruments necessary or convenient to the exercise of its powers. In addition, it has and may exercise the following public and essential governmental powers and functions and all other powers incidental or necessary to carry out and effectuate its express powers:

- a. To select, locate, and designate an area lying wholly within the territorial limits of the City of Sioux City as the site to be acquired (the "Building Site") for the construction, alteration, enlargement, or improvement of a public building. The Building Site selected is subject to approval by a majority of the members of the governing body of each incorporating unit.
- b. To acquire in the corporate name of the Authority the fee simple title to real property, including the Building Site, by purchase, gift, devise, or by the exercise of the power of eminent domain, or to take possession of real estate by lease.

- c. To demolish, repair, alter, or improve any building within the Building Site, to construct a new building on the Building Site and to furnish, equip, maintain, and operate the building.
- d. To construct, repair, and install streets, sidewalks, sewers, water pipes, and other similar facilities and otherwise improve the Building Site.
- e. To make provisions for off-street parking facilities.
- f. To operate, maintain, manage, and enter into contracts for the operation, maintenance, and management of buildings, and to provide rules for the operation, maintenance, and management.
- g. To employ and fix the compensation of technical, professional, and clerical assistance as necessary and expedient to accomplish the objects and purposes of the Authority.
- h. To lease all or any part of a building to the incorporating units for a period of time not to exceed fifty years, upon rental terms agreed between the Authority and the incorporating units. The rentals specified shall be subject to increase by agreement of the incorporating units and the Authority if necessary, in order to provide funds to meet obligations.
- i. To procure insurance of any and all kinds in connection with a building. The bidding procedures provided in Iowa Code Section 73A.18 shall be used in the procurement of insurance.
- j. To accept donations, contributions, capital grants, or gifts from individuals, associations, municipal and private corporations, and the United States, or any agency or instrumentality thereof, and to enter into agreements in connection therewith.
- k. To borrow money and to issue and sell revenue bonds in an amount and with maturity dates not in excess of fifty years from date of issue, to provide funds for the purpose of acquiring, constructing, demolishing, improving, enlarging, equipping, furnishing, repairing, maintaining, and operating buildings, and to acquire and prepare sites, convenient therefor, and to pay all incidental costs and expenses, including, but not limited to, architectural, engineering, legal, and financing expense, and to refund and refinance revenue bonds as often as deemed advantageous by the Board of Commissioners of the Authority.
- l. The provisions of Iowa Code Chapter 73A applicable to other municipalities are applicable to the Authority.

## ARTICLE III

Section 3.1. Governance. The Authority shall be directed and governed by the Board of Commissioners, consisting of three commissioners.

Section 3.2. Election of Commissioners. One commissioner shall be elected by the Board of Supervisors of Woodbury County, Iowa, from the area outside of the county seat. One commissioner shall be elected by the City Council of the City of Sioux City, Iowa, from the area inside the City. One commissioner shall be elected by the joint action of the Board of Supervisors and the City Council, and if the governing bodies are unable to agree upon a choice for the third member within sixty days after the election of the first member, then the third member shall be appointed by the Governor of Iowa. Any vacancy in the Board of Commissioners shall be filled by election of the governing body of the incorporating unit or units that elected the prior Commissioner, and the person filling such vacancy shall serve out the remainder of the term of the prior Commissioner.

Section 3.3. Terms. Each Commissioner shall serve for a six-year term, except as set out below:

- a. The first Commissioner elected by the Board of Supervisors of Woodbury County will serve for a term of two years.
- b. The first Commissioner elected by the City Council of the City of Sioux City will serve for a term of four years.
- c. The first Commissioner elected by joint action of the Board of Supervisors of Woodbury County and the City Council of the City of Sioux City (or appointed by the Governor of Iowa) will serve for a term of six years.

Section 3.4. Removal of a Commissioner. A Commissioner may be removed from office by the affirmative vote of two-thirds of the members of the governing body of the incorporating unit or units that elected the Commissioner.

Section 3.5. Officers. The Board of Commissioners shall designate one commissioner to serve as Chairperson, one commissioner to serve as Secretary, and one commissioner to serve as Treasurer. The Board of Commissioners may appoint such other officers as it deems necessary or appropriate.

Section 3.6. Compensation. No commissioner shall receive any compensation in connection with his or her services as a commissioner. Each commissioner shall be entitled to reimbursement for any actual and necessary expenditures in connection with the performance of the commissioner's duties.

## ARTICLE IV

Section 4.1. By-Laws. The Board of Commissioners shall adopt By-Laws and rules of procedures which provide for regular meetings, the proper safekeeping of the Commission's records, and such other matters as the Board of Commissioners deems appropriate. The By-Laws and any amendments to the By-Laws shall be subject to the approval by the affirmative vote of a majority of the members of the governing body of each incorporating unit.

Section 4.2. Amendments. These Articles of Incorporation may be amended, provided, however, that no amendment shall impair the obligation of any bond or other contract. Each amendment shall be adopted by the affirmative vote of a majority of the members of the governing body of each incorporating unit, executed by the Chairperson of the Woodbury County Board of Supervisors and the Woodbury County Auditor and by the Mayor and City Clerk of the City of Sioux City, recorded in the Woodbury County Recorder's office, filed with the Iowa Secretary of State, and published once in the Sioux City Journal.

Section 4.3. Disposition of Assets. The Authority's assets are dedicated exclusively to and shall be used exclusively for the purposes stated in Section 2.1. In the event of dissolution or liquidation of the Authority, its entire assets remaining after payment or making provision for the payment of all liabilities of the Authority and compliance with mandatory provisions of applicable law shall be distributed exclusively to Woodbury County, Iowa and the City of Sioux City, Iowa, as directed by the Board of Commissioners or by a court of competent jurisdiction if the Board of Commissioners fails to make the selection within a reasonable time.

Section 4.4. Dissolution. In the event all Authority assets are disposed of in accordance with Section 4.3, or in the event that the Authority unsuccessfully submits to the voters the question of whether the authority shall issue and sell revenue bonds on two separate occasions, the incorporating units may adopt Articles of Dissolution adopted by the affirmative vote of a majority of the members of the governing body of each incorporating unit. The Authority shall cease to exist at such time as both incorporating units adopt the Articles of Dissolution and the Articles of Dissolution have been recorded in the Woodbury County Recorder's office, filed with the Iowa Secretary of State, and published once in the Sioux City Journal.