

# *Woodbury County Law Enforcement Center Authority*

## **Agenda**

September 14, 2020 11:30 a.m.

Woodbury County Courthouse, First Floor Boardroom

### **11:30 a.m.** Call Meeting to Order

1. Approval of the agenda
2. Approval of the minutes of the August 12, 2020 meeting
3. Approval of resolution fixing date for a public hearing on the proposal to enter into a Lease Agreement with the City of Sioux City, Iowa
4. Approval of resolution to consider and approve an Amended and Restate 28E Agreement between Woodbury County, Iowa and the Woodbury County Law Enforcement Center Authority for the payment of certain design, engineering, testing and project management fees for the Law Enforcement Center
5. Approval of resolution declaring an official intent under Treasury Regulation 1.150-2 to issue debt to reimburse certain original expenditures paid in connection with specified projects
6. Commissioners concerns

**ADJOURNMENT**

# Woodbury County Law Enforcement Center Authority

## **Minutes**

August 12, 2020 9:30 a.m.

Woodbury County Courthouse, First Floor Boardroom

Attendance:

Members: Dan Moore, Ron Wieck, Rocky DeWitt

Staff: Karen James, Dennis Butler

Meeting was called to order at 9:30 a.m.

1. Motion by DeWitt, second by Moore to approve the agenda. Carried 3-0
2. Motion by DeWitt, second by Moore to approve the minutes of the July 29, 2020 meeting. Carried 3-0
3. Motion by Moore, second by DeWitt to approve and authorize Chairman to sign contract with Steffen Engineering, Inc. for Phase 1 Environmental Site Assessment for 3701 – 28<sup>th</sup> Street, Sioux City, Iowa. Carried 3-0
4. Motion by Moore, second by DeWitt to approve and authorize Chairman to sign contract with Steffen Engineering, Inc. for conducting a Boundary and Topographic Survey for 3701 – 28<sup>th</sup> Street, Sioux City, Iowa. Carried 3-0
5. Motion by DeWitt, second by Moore to approve and authorize Chairman to sign contract with Certified Testing Services, Inc. for Geotechnical Exploration Services 3701 – 28<sup>th</sup> Street, Sioux City, Iowa. Carried 3-0
6. Chairman Wieck would like to get authority to create a Facebook page for the Law Enforcement Center Authority to help keep the public informed.

The traffic study needs to be done to keep things moving forward.

Chairman Wieck would like the Authority to review the lease with the City.

Dennis Butler discussed the bond schedule.

Motion by DeWitt, second by Moore to adjourn the meeting.

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Dan Moore, Secretary



Ahlers & Cooney, P.C.  
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September 1, 2020

Via E-mail Only

Woodbury County Law Enforcement Center Authority  
c/o Mr. Dennis Butler  
Woodbury County Finance/Budget Director  
Woodbury County Courthouse  
620 Douglas Street, Room 104  
Sioux City, Iowa 51101

Re: Resolution Fixing Date of Hearing on proposed City Lease by and between City of Sioux City, Iowa and the Woodbury County Law Enforcement Center Authority

Dear Dennis:

We have now prepared and are enclosing suggested proceedings to be acted upon by the Board of Commissioners in fixing the date of a meeting on the proposition to enter into a Lease Agreement with the City of Sioux City, Iowa and ordering publication of a notice of hearing.

Publication Requirement - Notice of Hearing.

Notice of this meeting must be published at least once in a legal newspaper, printed wholly in the English language, published at least once weekly, and having general circulation in the County. The date of publication is to be not less than four clear days nor more than twenty days before the date of the public meeting on the proposition to enter into the Lease Agreement. In computing time, the date of publication should be excluded. If the last day falls on Sunday, the whole of the following Monday should be excluded. [See Section ICS 4.1(34).]

At the time of hearing the Board of Commissioners shall receive oral or written objections from any resident or property owner to the proposed action to enter into a Lease Agreement with the City of Sioux City, Iowa. After all objections have been received and considered, the Board of Commissioners is required, at that meeting or at any adjournment thereof, to take additional action for the authorization of the Lease Agreement or to abandon the proposal.

Please return a completed copy of the proceeding, via email followed up by a hard copy, filled in as the original and certified back to us. **We are also enclosing an extra copy of the notice of hearing to be delivered to the newspaper for publication purposes.** A certificate to attest the proceeding is attached as well.

We will prepare and forward to you in the near future, suggested procedure to be acted upon on the date of hearing. If you have any questions pertaining to the proceedings enclosed or the above instructions, please do not hesitate to either write or call.

Ahlers & Cooney, P.C.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jason L. Comisky".

Jason L. Comisky  
FOR THE FIRM

JLC:ks

Enclosures

cc: Karen James (via email)

01740305-1\18799-028

**ITEMS TO INCLUDE ON AGENDA FOR SEPTEMBER 14, 2020**

**WOODBURY COUNTY LAW ENFORCEMENT CENTER AUTHORITY**

Woodbury County Law Enforcement Center Authority.

- Resolution fixing date for a public hearing on the proposal to enter into a Lease Agreement with the City of Sioux City, Iowa.

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

September 14, 2020

The Board of Commissioners of the Woodbury County Law Enforcement Center Authority, met in \_\_\_\_\_ session, in the First Floor Supervisors' Board Room, Woodbury County Courthouse, 620 Douglas St., Room 105, Sioux City, IA, at \_\_\_\_\_ o'clock \_\_\_\_\_.M., on the above date. There were present the following named Commissioners:

\_\_\_\_\_

\_\_\_\_\_

Absent: \_\_\_\_\_

\* \* \* \* \*

Commissioner \_\_\_\_\_ introduced the following resolution entitled "RESOLUTION FIXING DATE FOR A PUBLIC HEARING ON THE PROPOSAL TO ENTER INTO A LEASE AGREEMENT WITH THE CITY OF SIOUX CITY, IOWA", and moved that the resolution be adopted. Commissioner \_\_\_\_\_ seconded the motion to adopt. The roll was called and the vote was,

AYES: \_\_\_\_\_

\_\_\_\_\_

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

Whereupon, the Resolution was duly adopted as follows:

**RESOLUTION FIXING DATE FOR A PUBLIC HEARING ON  
THE PROPOSAL TO ENTER INTO A LEASE AGREEMENT  
WITH THE CITY OF SIOUX CITY, IOWA**

WHEREAS, the Woodbury County Law Enforcement Center Authority (the "Authority"), is a body corporate, organized and existing under and by virtue of Iowa Code Section 346.27, and any successor legal authority thereto; 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 the City of Sioux City, Iowa (the "City") have negotiated the form of a proposed Lease Agreement (the "Lease") by and between the Authority and the City, which would obligate the Authority to construct certain improvements to be operated by Woodbury County, Iowa (the "County") as a law enforcement center facility (more particularly described in the Lease) on certain real property located within Sioux City, Iowa as defined and legally described in the Lease, consisting of the construction of an approximately 213,000 square foot building, together with all related site improvements, under the terms and following satisfaction of the conditions set forth in the Lease and would, consistent with a 28E Agreement between the City and County, obligate the City to cause the construction of certain Infrastructure Improvements as outlined in the proposed Lease, under the terms and following satisfaction of the conditions set forth in the Lease; and

WHEREAS, neither Section 346.27 nor any other Code provision sets forth any procedural action required to be taken before said Lease can be approved, and the Authority

hereby deems it sufficient if the action hereinafter described be taken and the Secretary of the Board of Commissioners cause to be published notice of the proposal and of the time and place of the meeting at which the Board of Commissioners 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 Authority.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF WOODBURY COUNTY LAW ENFORCEMENT CENTER AUTHORITY:

Section 1. That this Board of Commissioners meet in the First Floor Supervisors' Board Room, Woodbury County Courthouse, 620 Douglas St., Room 105, Sioux City, IA, at 11:00 A.M. on September 28, 2020, for the purpose of taking action on the matter of the proposal to enter into the Lease with the City of Sioux City, Iowa.

Section 2. That the Secretary of the Board of Commissioners 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 COMMISSIONERS OF THE WOODBURY COUNTY LAW ENFORCEMENT CENTER AUTHORITY, ON THE MATTER OF THE PROPOSAL TO ENTER INTO A LEASE AGREEMENT WITH THE CITY OF SIOUX CITY, IOWA, AND THE HEARING THEREON

PUBLIC NOTICE is hereby given that the Board of Commissioners of the Woodbury County Law Enforcement Center Authority, will hold a public hearing on September 28, 2020, at 11:00 A.M. in the First Floor Supervisors' Board Room, Woodbury County Courthouse, 620 Douglas St., Room 105, Sioux City, IA, at which meeting the Board of Commissioners proposes to take action on the proposal to enter into a Lease Agreement (the "Lease") with the City of Sioux City, Iowa (the "City").

The Lease would obligate the Authority to construct certain improvements to be operated by Woodbury County, Iowa (the "County") as a law enforcement center Facility (more particularly described in the Lease) on certain real property located within Sioux City, Iowa as defined and legally described in the Lease, consisting of the construction of an approximately 213,000 square foot building, together with all related site improvements, under the terms and following satisfaction of the conditions set forth in the Lease.

The Lease would, consistent with a 28E Agreement between the City and County, obligate the City to cause the construction of certain Infrastructure Improvements as outlined in the proposed Lease, under the terms and following satisfaction of the conditions set forth in the Lease.

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

This notice is given by order of the Board of Commissioners of the Woodbury County Law Enforcement Center Authority.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Secretary, Woodbury County Law Enforcement  
Center Authority  
(End of Notice)

PASSED AND APPROVED this 14th day of September, 2020.

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Chairperson, Board of Commissioners

ATTEST:

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Secretary, Board of Commissioners

CERTIFICATE

STATE OF IOWA )  
 ) SS  
COUNTY OF WOODBURY )

I, the undersigned Secretary of the Board of Commissioners of the Woodbury County Law Enforcement Center Authority (“Authority”), do hereby certify that attached is a true and complete copy of the portion of the records of the Authority showing proceedings of the Board of Commissioners, and the same is a true and complete copy of the action taken by the Board of Commissioners 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 of Commissioners 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 of Commissioners (a copy of the face sheet of the agenda being attached hereto) pursuant to the local rules of the Board of Commissioners 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 offices as indicated therein, that no 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 Authority or the right of the individual named therein as officers to their respective positions.

WITNESS my hand and the seal of the Board of Commissioners hereto affixed this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Secretary, Woodbury County Law Enforcement  
Center Authority

CERTIFICATE

STATE OF IOWA )  
 ) SS  
COUNTY OF WOODBURY )

I, the undersigned, do hereby certify that I am now and was at the times hereinafter mentioned, the duly qualified and acting Secretary of the Woodbury County Law Enforcement Center Authority, in the County of Woodbury, State of Iowa, and that as such Secretary and by full authority from the Board of Commissioners, I have caused a

NOTICE OF PUBLIC HEARING  
(Woodbury County Law Enforcement Center Authority – City Lease Agreement)

of which the clipping annexed to the publisher's affidavit hereto attached is in words and figures a correct and complete copy, to be published as required by law in the " \_\_\_\_\_ ", a legal newspaper published at least once weekly, printed wholly in the English language, published regularly and mailed through the post office of current entry for more than two years and which has had for more than two years a bona fide paid circulation recognized by the postal laws of the United States, and has a general circulation in the County, and that the Notice was published in all of the issues thereof published and circulated on the following date:

\_\_\_\_\_, 2020.

WITNESS my official signature this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Secretary, Woodbury County Law Enforcement Center Authority

(SEAL)

**ITEMS TO INCLUDE ON AGENDA FOR SEPTEMBER 14, 2020**

**WOODBURY COUNTY LAW ENFORCEMENT CENTER AUTHORITY**

- Resolution to consider and approve an Amended and Restated 28E Agreement between Woodbury County, Iowa and the Woodbury County Law Enforcement Center Authority for the payment of certain design, engineering, testing and project management fees for the Law Enforcement Center.
- Resolution declaring an official intent under Treasury Regulation 1.150-2 to issue debt to reimburse certain original expenditures paid in connection with specified Projects.

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

September 14, 2020

The Board of Commissioners of the Woodbury County Law Enforcement Center Authority, met in \_\_\_\_\_ session, in the First Floor Supervisors' Board Room, Woodbury County Courthouse, 620 Douglas St., Room 105, Sioux City, IA, at \_\_\_\_\_ o'clock \_\_\_\_\_.M., on the above date. There were present the following named Commissioners:

\_\_\_\_\_

Absent: \_\_\_\_\_

Vacant: \_\_\_\_\_

\* \* \* \* \*

Commissioner \_\_\_\_\_ introduced the following Resolution entitled "A RESOLUTION APPROVING AN AMENDED AND RESTATED 28E AGREEMENT WITH THE WOODBURY COUNTY BOARD OF SUPERVISORS CONCERNING THE PAYMENT OF COSTS FOR CERTAIN DESIGN, ENGINEERING, TESTING AND PROJECT MANAGEMENT SERVICES" and moved that it be adopted. Commissioner \_\_\_\_\_ seconded the motion to adopt, and the roll being called thereon, the vote was as follows:

AYES: \_\_\_\_\_

\_\_\_\_\_

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

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

A RESOLUTION APPROVING AN AMNEDED AND RESTATED 28E AGREEMENT WITH THE WOODBURY COUNTY BOARD OF SUPERVISORS CONCERNING THE PAYMENT OF COSTS FOR CERTAIN DESIGN, ENGINEERING, TESTING AND PROJECT MANAGEMENT SERVICES

WHEREAS, the Woodbury County Law Enforcement Center Authority (the "Authority") was created pursuant to Iowa Code Section 346.27, by its incorporating units, Woodbury County, Iowa (the "County") and Sioux City, Iowa, for purposes of constructing and owning a new law enforcement center ("Project"); and

WHEREAS, the Authority intends to finance the entire cost of the Project, including certain fees for the design, engineering, testing and project management, by issuing revenue bonds; and

WHEREAS, certain design, engineering, testing and project management fees for the Project will become due prior to the issuance of said bonds; and

WHEREAS, the Board of Supervisors for the County and the Board of Commissioners of the Authority have determined it to be in the best interests of their respective constituencies and incorporating units to cooperate in the payment of the design, engineering, testing and project management fees for the Project; and

WHEREAS, the parties desire to enter into an amended and restated contract under Chapter 28E of the Code of Iowa in order to define their respective rights and obligations in connection with payment associated with certain design, engineering, testing and project management fees for the Project.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE WOODBURY COUNTY LAW ENFORCEMENT CENTER AUTHORITY:

The Chairperson is hereby authorized and directed to execute the proposed Amended and Restated 28E Agreement with the County and such Amended and Restated 28E Agreement shall be filed with the Iowa Secretary of State pursuant to Section 28E.8 of the Code Iowa.

PASSED AND APPROVED this 14th day of September, 2020.

\_\_\_\_\_  
Chairperson, Board of Commissioners

ATTEST:

\_\_\_\_\_  
Secretary, Board of Commissioners



Commissioner \_\_\_\_\_ introduced the following Resolution entitled "RESOLUTION DECLARING AN OFFICIAL INTENT UNDER TREASURY REGULATION 1.150-2 TO ISSUE DEBT TO REIMBURSE CERTAIN ORIGINAL EXPENDITURES PAID IN CONNECTION WITH SPECIFIED PROJECTS" and moved that it be adopted.

Commissioner \_\_\_\_\_ seconded the motion to adopt, and the roll being called thereon, the vote was as follows:

AYES: \_\_\_\_\_

\_\_\_\_\_

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

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

**RESOLUTION DECLARING AN OFFICIAL INTENT UNDER  
TREASURY REGULATION 1.150-2 TO ISSUE DEBT TO  
REIMBURSE CERTAIN ORIGINAL EXPENDITURES PAID IN  
CONNECTION WITH SPECIFIED PROJECTS**

WHEREAS, the Woodbury County Law Enforcement Center Authority (the "Authority") anticipates making cash expenditures for one or more capital improvement projects, generally described below (each of which shall hereinafter be referred to as a "Project"); and

WHEREAS, the Authority reasonably expects to issue debt to reimburse the costs of a Project; and

WHEREAS, the Board of Commissioners believes it is consistent with the Authority's budgetary and financial circumstances to issue this declaration of official intent.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE WOODBURY COUNTY LAW ENFORCEMENT CENTER AUTHORITY:**

Section 1. That this Resolution be and does hereby serve as a declaration of official intent under Treasury Regulation 1.150-2.

Section 2. That it is reasonably expected that capital expenditures will be made in respect of the following Project(s), from time to time and in such amounts as this Board determines to be necessary or desirable under the circumstances then and there existing.

Section 3. That the Authority reasonably expects to reimburse all or a portion of the following expenditures with the proceeds of bonds, notes or other indebtedness to be issued or incurred by the Authority in the future.

Section 4. That the total estimated costs of the Project(s), the maximum principal amount of the bonds, notes or other indebtedness to be issued for the foregoing Project(s) and the estimated dates of completion of the Project(s) are reasonably expected to be as follows:

<u>Project</u>	<u>Fund from which original expenditures are to be Advanced</u>	<u>Total Estimated Cost</u>	<u>Amount of Borrowing Anticipated</u>	<u>Estimated Date of Completion</u>
Design, engineering, testing and project management fees under the Amended and Restated 28E Agreement with Woodbury County, Iowa	_____	\$1,000,000	\$25,000,000	_____

Section 5. That the Authority reasonably expects to reimburse the above-mentioned Project costs not later than the later of eighteen months after the capital expenditures are paid or eighteen months after the property is placed in service, but in no event more than three (3) years after the original expenditure is paid.

Section 6. That this Resolution be maintained by the Authority in an Official Intent File maintained in the office of the Woodbury County Auditor and available at all times for public inspection, subject to such revisions as may be necessary.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Chairperson, Board of Commissioners

ATTEST:

\_\_\_\_\_  
Secretary, Board of Commissioners

CERTIFICATE

STATE OF IOWA )  
 ) SS  
COUNTY OF WOODBURY )

I, the undersigned Secretary of the Board of Commissioners of the Woodbury County Law Enforcement Center Authority (“Authority”), do hereby certify that attached is a true and complete copy of the portion of the records of the Authority showing proceedings of the Board of Commissioners, and the same is a true and complete copy of the action taken by the Board of Commissioners 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 of Commissioners 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 of Commissioners (a copy of the face sheet of the agenda being attached hereto) pursuant to the local rules of the Board of Commissioners 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 offices as indicated therein, that no 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 Authority or the right of the individual named therein as officers to their respective positions.

WITNESS my hand and the seal of the Board of Commissioners hereto affixed this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Secretary, Woodbury County Law Enforcement  
Center Authority

**AMENDED AND RESTATED 28E AGREEMENT  
BETWEEN WOODBURY COUNTY, IOWA  
AND THE  
WOODBURY COUNTY LAW ENFORCEMENT  
CENTER AUTHORITY**

This Amended and Restated 28E Agreement (“Amended Agreement”) is made and entered into pursuant to the provisions of Chapter 28E of the Code of Iowa as of this \_\_\_\_ of \_\_\_\_\_, 2020, by and between WOODBURY COUNTY, IOWA, a political subdivision, organized and existing under and by virtue of the laws and Constitution of the State of Iowa (“County”) and the WOODBURY COUNTY LAW ENFORCEMENT CENTER AUTHORITY, a body corporate, organized and existing under and by virtue of Iowa Code Section 346.27 (“Authority”). The County and the Authority are herein referred to as the “Parties” to this Amended Agreement.

WHEREAS, the Authority was created pursuant to Iowa Code Section 346.27, by its incorporating units, Woodbury County, Iowa and Sioux City, Iowa, for purposes of constructing and owning a law enforcement center (“Project”); and

WHEREAS, the Authority intends to finance the entire cost of the Project, including certain fees for the design, engineering, testing and project management of the Project, by issuing revenue bonds; and

WHEREAS, certain of the design, engineering, testing and project management fees for the Project will become due prior to the issuance of said bonds; and

WHEREAS, the Board of Supervisors of the County and the Board of Commissioners of the Authority have determined it to be in the best interests of their respective constituencies and incorporating units to cooperate in the payment of certain design, engineering, testing and project management fees for the Project not to exceed \$1,000,000; and

WHEREAS, the Parties desire to enter into a contract under Chapter 28E in order to define their respective rights and obligations in connection with payment associated with the design, engineering, testing and project management fees for the Project.

NOW, THEREFORE, in consideration of the mutual promises and agreements contained herein, the County and the Authority hereby agree as follows:

Section 1. Purpose. The purpose of this Agreement is to provide for the joint exercise of the respective powers of the parties in connection with financing certain design, engineering, testing and project management costs of the Project not to exceed \$1,000,000, which is a public improvement project of mutual benefit to the constituents and incorporating units of both Parties.

Section 2. Agreement – Manner of Financing. In order to effectuate the purpose hereunder and to facilitate the design and construction of the Project, the Parties agree as follows:

A. County's Obligations – The County shall pay the Authority for the cost of certain design, engineering, testing and project management services for the Project in an amount not to exceed \$1,000,000. The payment shall be financed in cash from such funds as may be legally available including cash on hand and such other funds as the Board of Supervisors may at its sole discretion determine and provide.

B. Authority's Obligations – The Authority shall use said payment(s) from the County to pay for such design, engineering, testing and project management services as the Board of Commissioners deems reasonable and necessary. The Authority shall accept payment from the County for the purpose of paying such design, engineering, testing and project management fees due on the Project. The Authority shall reimburse the County for 100% of its payment(s), not to exceed \$1,000,000. The Authority's reimbursement to the County shall be made within a reasonable time after the proceeds from the Authority's revenue bonds for the Project become available.

Section 3. Agreement – Method of Approval. The Parties shall approve this Agreement by resolution adopted by action of their respective governing bodies, which resolution shall authorize the Chairperson and County Auditor of the County and the Chairperson and Secretary of the Authority to execute this Amended Agreement.

Section 4. Agreement – Filing with Secretary of State. When this Amended Agreement has been executed by the Parties, it shall be electronically filed with the Secretary of State of the State of Iowa in accordance with the provisions of Iowa Code Section 28E.8.

Section 5. Duration. This Amended Agreement shall be in effect as of the date of the filing of the Amended Agreement with the Secretary of State and shall continue indefinitely until and unless terminated by the action of any party to this Amended Agreement as provided herein. This Amended Agreement may also be terminated by either party for any reason, at any time, by providing the other party with written notice of such party's desire to terminate this Amended Agreement. Upon such notice, this Amended Agreement shall automatically terminate 60 days after such notice is provided.

Section 6. No Entity. No separate entity is created hereby.

Section 7. Designated Administrator. The parties agree that Dennis Butler shall be designated as the sole administrator of this Amended Agreement for purposes of the filing requirements outlined by Iowa Code Section 28E.8. Each party shall otherwise separately administer its own activities.

Section 8. Notices. Any notice, demand or other communication under this Amended Agreement shall be made in writing as follows:

If to the County:

Woodbury County Board of Supervisors  
Attn: Chairperson, Board of Supervisors  
Woodbury County Courthouse  
620 Douglas Street, Room 104  
Sioux City, IA 51101

If to the Authority:

Woodbury County Law Enforcement Center Authority  
Attn: Chairperson, Board of Commissioners  
Woodbury County Courthouse  
620 Douglas Street, Room 104  
Sioux City, Iowa 51101

Section 9. Governing Law. This Amended Agreement shall be governed by, construed, and enforced in accordance with the laws of the State of Iowa now or hereinafter applicable hereto.

Section 10. Entire Agreement. This Amended Agreement contains the entire Amended Agreement between the parties hereto and may not be changed except by an amendment in writing signed by the parties hereto.

Section 11. No Third-Party Beneficiaries. Nothing in this Amended Agreement shall be construed to confer any right upon any third party, and the parties hereto specifically acknowledge, agree and declare that no person is intended to be a third-party beneficiary to this Amended Agreement.

IN WITNESS WHEREOF, the County has caused this Amended Agreement to be duly executed in its name and behalf by the Chairperson of the Board of Supervisors and its seal to be hereunto duly affixed and attested by its Auditor, and the Authority has caused this Amended Agreement to be duly executed in its name and behalf by its Chairperson and attested by its Secretary, all on or as of the day first above written.

*[Remainder of page intentionally left blank; Signature pages follow]*

(SEAL)

WOODBURY COUNTY, IOWA

By: \_\_\_\_\_  
Chairperson, Board of Supervisors

ATTEST:

By: \_\_\_\_\_  
County Auditor

STATE OF IOWA                    )  
  ) SS  
COUNTY OF WOODBURY        )

On this \_\_\_\_ day of \_\_\_\_\_, 2020, before me a Notary Public in and for said State, personally appeared Matthew Ung and Patrick Gill, to me personally known, who being duly sworn, did say that they are the Chairperson and County Auditor, respectively, of Woodbury County, Iowa, an Iowa county created and existing under the laws of the State of Iowa, and that the seal affixed to the foregoing instrument is the seal of said County, and that said instrument was signed and sealed on behalf of said County by authority and resolution of its Board of Supervisors, and said Chairperson and County Auditor acknowledged said instrument to be the free act and deed of said County by it voluntarily executed.

\_\_\_\_\_  
Notary Public in and for the State of Iowa





[ATTACH RESOLUTION OF BOARD OF SUPERVISORS APPROVING  
AMENDED AGREEMENT]

[ATTACH RESOLUTION OF THE WOODBURY COUNTY LAW ENFORCEMENT  
CENTER AUTHORITY APPROVING AMENDED AGREEMENT]

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