



NOTICE OF MEETING OF THE WOODBURY COUNTY BOARD OF SUPERVISORS
(APRIL 6, 2021) (WEEK 14 OF 2021)

Live streaming at:
https://www.youtube.com/user/woodburycountyiowa

Agenda and Minutes available at:
www.woodburycountyiowa.gov

Live telephonic access at: 712-224-6014

Rocky L. DeWitt 253-0421 rdewitt@woodburycountyiowa.gov
Keith W. Radig 560-6542 kradig@woodburycountyiowa.gov
Mark A. Monson 204-1015 mmonson@woodburycountyiowa.gov
Matthew A. Ung 490-7852 matthewung@woodburycountyiowa.gov
Justin Wright 899-9044 jwright@woodburycountyiowa.gov

You are hereby notified a meeting of the Woodbury County Board of Supervisors will be held April 6, 2021 at 4:30 p.m. in the Basement of the Courthouse, 620 Douglas Street, Sioux City, Iowa for the purpose of taking official action on the agenda items shown hereinafter and for such other business that may properly come before the Board.

This is a formal meeting during which the Board may take official action on various items of business. If you wish to speak on an item, please follow the seven participation guidelines adopted by the Board for speakers.

- 1. Anyone may address the Board on any agenda item after initial discussion by the Board.
2. Speakers will approach the microphone one at a time and be recognized by the Chair.
3. Speakers will give their name, their address, and then their statement.
4. Everyone will have an opportunity to speak. Therefore, please limit your remarks to three minutes on any one item.
5. At the beginning of the discussion on any item, the Chair may request statements in favor of an action be heard first followed by statements in opposition to the action.
6. Any concerns or questions you may have which do not relate directly to a scheduled item on the agenda will also be heard under the first or final agenda item "Citizen Concerns."
7. For the benefit of all in attendance, please turn off all cell phones and other devices while in the Board Chambers.

AGENDA

- 4:30 p.m. Call Meeting to Order – Pledge of Allegiance to the Flag – Moment of Silence
1. Citizen Concerns Information
2. Approval of the agenda Action

Consent Agenda

Items 3 through 7 constitute a Consent Agenda of routine action items to be considered by one motion. Items pass unanimously unless a separate vote is requested by a Board Member.

- 3. Approval of the minutes of the March 30, 2021 meeting
4. Approval of claims
5. County Treasurer
Approval of resolution naming depositories
6. Secondary Roads – Mark Nahra
Approval of utility permit for installation of fiber optic cable in county right of way for Frontier Communications

7. County Auditor – Patrick Gill
 - a. Receive the appointment of Nathan A. Bauer to fill the vacancy for City Council, City of Menville
 - b. Receive the appointment of Ted Bromander to fill the vacancy for Soil & Water Conservation Commissioner

End Consent Agenda

**Recess Board of Supervisors Meeting
Convene Wolf Creek Drainage District Trustee Meeting**

8. Approval of the minutes of the March 30, 2021 meeting

**Adjourn Wolf Creek Drainage District
Continue Board of Supervisors Meeting**

- | | | | |
|------------------|-----|--|-------------|
| 4:40 p.m. | 9. | a. Opening of bids for County Farm Cash Lease | Action |
| (Set time) | | b. Awarding of County Farm Cash Lease to highest bidder | Action |
| | 10. | a. Interview for County Treasurer | Information |
| | | 1. Tina Bertrand | |
| | | 2. Mike Headid | |
| | | 3. Kolby De Witt | |
| | | b. Discussion of selection process | Information |
| | 11. | County Auditor – Patrick Gill & Human Resources – Melissa Thomas Approval of Tyler Contract Amendment | |
| | 12. | Secondary Roads – Mark Nahra | |
| | | a. Receive bids for gravel excavation and return them to the county engineer for review and recommendation | Action |
| | | b. Award bid if low quote is clearly determined by bid results | Action |
| | 13. | County Attorney/Dennis Butler Discussion and action on County funding of Not-for-Profit Organizations | Action |
| | 14. | Reports on Committee Meetings | Information |
| | 15. | Citizen Concerns | Information |
| | 16. | Board Concerns | Information |

ADJOURNMENT

Subject to Additions/Deletions

CALENDAR OF EVENTS

- TUE., APR. 6 4:45 p.m.** Veteran Affairs Meeting, Veteran Affairs Office, 1211 Tri-View Ave.
- WED., APR. 7 12:00 p.m.** District Board of Health Meeting, 1014 Nebraska St.
- THU., APR. 8 10:00 a.m.** COAD Meeting, The Security Institute
- WED., APR. 14 8:05 a.m.** Woodbury County Information Communication Commission, First Floor Boardroom
- THU. APR. 15 4:00 p.m.** Conservation Board Meeting, Dorothy Pecaut Nature Center, Stone Park
- FRI., APR. 16 12:00 p.m.** SHIP Board Meeting, ZOOM
- WED., APR. 21 6:30 p.m.** Woodbury County Solid Waste Agency (Sanitary Landfill) Executive Committee Meeting, Public Safety Center, Climbing Hill
- THU., APR. 22 11:00 a.m.** Siouxland Regional Transit Systems (SRTS) Board Meeting, SIMPCO Office, 1122 Pierce
- 12:00 p.m.** SIMPCO Board of Directors Meeting, Zoom
- MON. APR., 26 6:00 p.m.** Zoning Commission Meeting, First Floor Boardroom
- TUE., APR., 27 2:00 p.m.** Decat Board Meeting, Western Hills AEA, Room F
- WED., APR. 28 2:30 p.m.** Rolling Hills Community Services Region Governance Board Meeting
- MON., MAY 3 6:00 p.m.** Board of Adjustment meeting, First Floor Boardroom
- WED., MAY 5 9:00 a.m.** Loess Hills Alliance Protection Committee Meeting, Pisgah, Iowa
- 10:30 a.m.** Loess Hills Alliance Stewardship Meeting
- 12:00 p.m.** District Board of Health Meeting, 1014 Nebraska St.
- 1:00 p.m.** Loess Hills Alliance Executive Meeting
- 3:45 p.m.** Veteran Affairs Meeting, Veteran Affairs Office, 1211 Tri-View Ave.
- THU., MAY 6 10:00 a.m.** COAD Meeting, The Security Institute

Woodbury County is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the County will consider reasonable accommodations for qualified individuals with disabilities and encourages prospective employees and incumbents to discuss potential accommodations with the Employer.

Federal and state laws prohibit employment and/or public accommodation discrimination on the basis of age, color, creed, disability, gender identity, national origin, pregnancy, race, religion, sex, sexual orientation or veteran's status. If you believe you have been discriminated against, please contact the Iowa Civil Rights Commission at 800-457-4416 or Iowa Department of Transportation's civil rights coordinator. If you need accommodations because of a disability to access the Iowa Department of Transportation's services, contact the agency's affirmative action officer at 800-262-0003.

MARCH 30, 2021, THIRTEENTH MEETING OF THE WOODBURY COUNTY BOARD OF SUPERVISORS

The Board of Supervisors met on Tuesday, March 30, 2021 at 4:30 p.m. Board members present were Radig, Ung, Monson, De Witt, and Wright. Staff members present were Karen James, Board Administrative Assistant, Melissa Thomas, HR Director, Joshua Widman, Board Attorney, Dennis Butler, Budget/Tax Analyst, and Michelle Skaff, Deputy Auditor/Clerk to the Board.

The regular meeting was called to order with the Pledge of Allegiance to the Flag and a Moment of Silence.

1. There were no citizen concerns.
2. Motion by De Witt second by Radig to approve the agenda for March 30, 2021. Carried 5-0. Copy Filed.

Motion by De Witt second by Monson to approve the following items by consent:

3. To approve minutes of the March 23, 2021 meeting. Copy filed.
4. To approve the claims totaling \$457,426.49. Copy filed.
- 5a. To approve the reclassification of Loni Kuhlmann, Director, Veteran Affairs Dept., effective 03-22-21, \$61,000/year, 22%=\$11,000/year. Salary Increase.; the appointment of Kathryn Jones, P/T Youth Worker, Juvenile Detention Dept., effective 04-06-21, \$19.83/hour. Job Vacancy Posted 2-10-21. Entry Level Salary: \$19.83/hour.; the separation of Kyler Groves, Motor Grader Operator, Secondary Roads Dept., effective 04-09-21. Resignation.; the reclassification of Sage Lewis, Sheriff Deputy, County Sheriff Dept., effective 04-11-21, \$31.14/hour, 6.5%=\$1.91/hour. Per CWA Deputy Sheriff Contract agreement, from Class 1 to Senior Deputy.; and reclassification of Timothy Cowles, P/T Courthouse Safety & Security Officer, County Sheriff Dept., effective 04-13-21, \$20.05/hour, 5.4%=\$1.04/hour. Per Wage Plan comparability with AFSCME Courthouse Contract; from Grade 3/Step 3 to Grade 3/Step 4. Copy filed.
- 5b. To approve and authorize the Chairperson to sign the Authorization to initiate the hiring process for Motor Grader Operator, Secondary Roads Dept. CWA: \$24.31/hour. Copy filed.
- 5c. To approve to increase the dependent care FSA limit to \$10,500. Copy filed.
6. To approve and authorize the Chairperson to sign a Resolution setting the public hearing and sale date for parcel #894711203003, 4534 Polk St.

**RESOLUTION #13,147
NOTICE OF PROPERTY SALE**

WHEREAS Woodbury County, Iowa was the owner under a tax deed of a certain parcel of real estate described as:

**Lot Four (4) in Block Seven (7) of Leeds Addition, City of Sioux City, Woodbury County, Iowa
(4534 Polk Street)**

NOW THEREFORE,

BE IT RESOLVED by the Board of Supervisors of Woodbury County, Iowa as follows:

1. That a public hearing on the aforesaid proposal shall be held on the **13th Day of April 2021 at 4:35 o'clock p.m.** in the basement of the Woodbury County Courthouse.
2. That said Board proposes to sell the said parcel of real estate at a public auction to be held on the **13th Day of April, 2021**, immediately following the closing of the public hearing.

- 3. That said Board proposes to sell the said real estate to the highest bidder at or above a total minimum bid of \$316.00 plus recording fees.
- 4. That this resolution, preceded by the caption "Notice of Property Sale" and except for this subparagraph 4 be published as notice of the aforesaid proposal, hearing and sale.

Dated this 30th Day of March, 2021.
 WOODBURY COUNTY BOARD OF SUPERVISORS
 Copy filed.

- 7. To approve the underground utility permit for MidAmerican Energy. Copy filed.
- 8. To approve an application for a 12-month, Class A Liquor License (LA) (Private Club) with Sunday sales privileges for the White Horse Patrol Club, effective 04/26/21 through 0/25/22. Copy filed.

Carried 5-0.

- 9. Presentation of resolution thanking and commending Bryan Maron for his years of service to Woodbury County. Copy filed.

- 10a. Bid letting was held for project #CP-2021, annual corrugated metal pipe purchase for 2021. The bids are as follows:

| | |
|------------------------------------|--------------|
| TrueNorth Steel, Fargo, ND | \$149,399.99 |
| Metal Culverts Inc., Maryville, MO | \$125,744.40 |

Motion by Radig second by Ung to receive the bids and return them to County Engineer for recommendation. Carried 5-0. Copy filed.

- 10b. Motion by Radig second by Monson to award the bid for project #CP-2021, annual corrugated metal pipe purchase for 2021 to Metal Culverts Inc., Maryville, MO, for \$125,744.40. Carried 5-0. Copy filed.

- 10c. Motion by Radig second by De Witt to approve the final pay voucher for project #FM-CO97(137)—55-97. Carried 5-0. Copy filed.

- 11a. Motion by De Witt second by Ung to approve and authorize the Chairperson to sign a Resolution approval of FY22 Maximum Property Tax Dollars. Carried 5-0.

**APPROVAL OF FY22 MAXIMUM PROPERTY TAX DOLLARS
 RESOLUTION #13,148**

WHEREAS, the Woodbury County Board of Supervisors have considered the proposed FY22 county maximum property tax dollars for both General County Services and Rural County Services, and

WHEREAS, a notice concerning the proposed county maximum property tax dollars was published as required and posted on county web site and/or social media accounts if applicable, and

WHEREAS, a public hearing concerning the proposed county maximum property tax dollars was held on March 9, 2021,

NOW, THEREFORE BE IT RESOLVED by the Board of Supervisors of Woodbury County that the maximum property tax dollars for General County Services and Rural County Services for FY22 shall not exceed the following:

General County Services - \$30,028,428

Rural County Services - \$3,320,368

The Maximum Property Tax dollars requested in either General County Services or Rural County Services for FY22 does not represent an increase of 102% from the Maximum Property Tax dollars requested for FY21

WOODBURY COUNTY BOARD OF SUPERVISORS

Copy filed.

- 11b. Motion by De Witt second by Monson to set a public hearing for proposed Fiscal Year 2022 budget and for to levy General Basic property tax rate which exceed statutory maximum for April 20, 2021 at 4:50 p.m. Carried 5-0. Copy filed.
- 11d. The adoption of Fiscal Year 2022 budget and resolution was postponed

The Board recessed for a meeting of the Wolf Creek Drainage District.

The Supervisors meeting was called back to order.

- 13. The Board heard reports on committee meetings.
- 14. There were no citizen concerns.
- 15. Board concerns were heard.

The Board adjourned the regular meeting until April 6, 2021.

Meeting sign in sheet. Copy filed.

RESOLUTION NAMING DEPOSITORIES # _____

BE IT RESOLVED by the Woodbury County Board of Supervisors in Woodbury County, Iowa: That we do hereby designate the following named banks to be depositories of the Woodbury County funds in amounts not to exceed the amount named opposite each of said designated depositories and **Michael Clayton, Woodbury County Treasurer** is hereby authorized to deposit the Woodbury County funds in amounts not to exceed in the aggregate the amounts named for said banks as follows, to wit:

| NAME OF DEPOSITORY | LOCATION | MAXIMUM DEPOSIT | MAXIMUM DEPOSIT |
|------------------------|-----------------------|--------------------------------------|-------------------------|
| | | In the effect Prior resolution | under the resolution |
| U.S. Bank | Sioux City, Iowa | \$50,000,000 | \$50,000,000 |
| Security National Bank | Sioux City, Iowa | 100,000,000 | 100,000,000 |
| Wells Fargo Bank | Sioux City, Iowa | 50,000,000 | 50,000,000 |
| PeoplesBank | Sioux City, Iowa | 50,000,000 | 5,000,000 |
| First National Bank | Sioux City, Iowa | 50,000,000 | 50,000,000 |
| Primebank | Sioux City, Iowa | 50,000,000 | 50,000,000 |
| Great Southern Bank | Sioux City, Iowa | 5,000,000 | 5,000,000 |
| First National Bank | Correctionville, Iowa | 1,000,000 | 1,000,000 |
| Pioneer Bank | Sergeant Bluff, Iowa | 10,000,000 | 10,000,000 |
| Sloan State Bank | Sloan, Iowa | 5,000,000 | 5,000,000 |
| Valley Bank & Trust | Danbury, Iowa | 1,500,000 | 1,500,000 |
| BankFirst | Hornick, Iowa | 5,000,000 | 5,000,000 |
| First National Bank | Correctionville, Iowa | 5,000,000 | 5,000,000 |
| United Bank of Iowa | Moville, Iowa | 5,000,000 | 5,000,000 |
| United Bank of Iowa | Anthon, Iowa | 5,000,000 | 5,000,000 |
| Liberty National Bank | Sioux City, Iowa | 25,000,000 | 25,000,000 |
| First American Bank | Sioux City, Iowa | 10,000,000 | 10,000,000 |
| Central Bank | Sioux City, Iowa | 10,000,000 | 10,000,000 |
| Kingsley State Bank | Sergeant Bluff, Iowa | 1,000,000 | 1,000,000 |
| First State Bank | Danbury, Iowa | 5,000,000 | \$5,000,000 |

SO RESOLVED this ____ day of _____ 2021

WOODBURY COUNTY BOARD OF SUPERVISORS

Rocky De Witt, Chairman

Keith Radig, Member

Matthew A. Ung, Member

Mark Monson, Member

Justin Wright, Member

Patrick F. Gill
County Auditor/Recorder

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

Date: 4/1/2021 Weekly Agenda Date: 3/6/2021

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Mark J. Nahra, County Engineer

WORDING FOR AGENDA ITEM:

Consideration of a utility permit for installation of fiber optic cable in county right of way for Frontier Communications

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

Frontier Communications has applied for a permit to place move fiber optic cable on 100th Street and Michigan Avenue east of Pierson.

BACKGROUND:

Work in county ROW requires a permit approved by the Board of Supervisors per section 318.8 of the Code of Iowa. The county engineer has reviewed the locations and recommends that the work be allowed.

FINANCIAL IMPACT:

No financial impact to the county.

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:

Recommend approval of the permit for Frontier Communications.

ACTION REQUIRED / PROPOSED MOTION:

Motion to approve the underground utility permit for Frontier Communications and to direct the chair to sign the permit.

**PERMIT FOR USE OF COUNTY ROAD/HIGHWAY RIGHT-OF-WAY
FOR OVERHEAD AND/OR BURIED UTILITIES ACCOMMODATION**

REQUEST BY APPLICANT:

Name Frontier Communications

Highway 100th st & Michigan Ave

Township Union

Address 622 1st Ave N., Fort Dodge, IA 50501

City of _____

Office Phone 435-623-6670

Local Phone _____

Section: 4,5 ¼ of ¼ Sec

Type of Utility Installation Fiber optic telecommunications cable and equipment

T 89N N, R 42W

Plans Prepared By Mid-State Consultants, Josh Weimer (jweimer@mscon.com)

Copy Enclosed Yes _____ No

Map Showing Location Enclosed Yes _____ No

Utility Location is cross right-of-way

parallel to right-of-way

overhead

underground

Proposed Method of Installation

tunnel

suspend on poles

cased

jack & bore

suspend on towers

trench

open cut

plow

Estimated Starting Date 4/15/21

Estimated Restoration Date 12/31/21

The Applicant understands and agrees that the permitted work shall comply with all permit provisions and conditions listed on the reverse side hereof, and special provisions listed below or attached hereto, and any and all plans, details, or notes attached hereto and made a part thereof. Applicant is to complete in triplicate and send all copies including plans and maps to Woodbury County Engineer, 759 E. Frontage Road, Merville, IA 51039. One executed copy will be returned to the Applicant.

By Heather McGregor Heather McGregor, Mid-State Consultants
as an agent for Frontier Communications Title Permit Assistant
(Signature of Authorized Utility Representative)

Date 3/16/21

PERMIT APPROVAL BY PERMITTING AUTHORITY

The forgoing application is hereby approved and permit issued by the Permitting Authority subject to full compliance by the Applicant with all provisions and conditions stated herein and on the reverse side hereof and all attachments hereto.

By _____
(Signature of Woodbury County Board Chairman)

Title _____

Date _____

By _____
(Signature of Woodbury County Engineer)

Title _____

Date _____

Other Special Provisions:

Permit Provisions and Conditions of Issuance


- 1. The County and/or the County Board of Supervisors will not be charged with any responsibility for damages to the Applicant's property occasioned by any construction or maintenance operations on said county roads, including new or additional right-of-way acquired in connection therewith, subsequent to the building of the Applicant's facilities. The Board will endeavor to give the Applicant sufficient notice of any proposed construction or maintenance work, on either existing or newly acquired right-of-way that is likely to expose, cover up, or disturb any facilities belonging to the Applicant, in order that the Applicant may arrange to protect the facilities. The Board will inform contractors, and others working on the job of the location of the facilities so that reasonable care may be taken to avoid damaging the facilities, however the County and the Board of Supervisors will assume no responsibility for failure to give such notice.

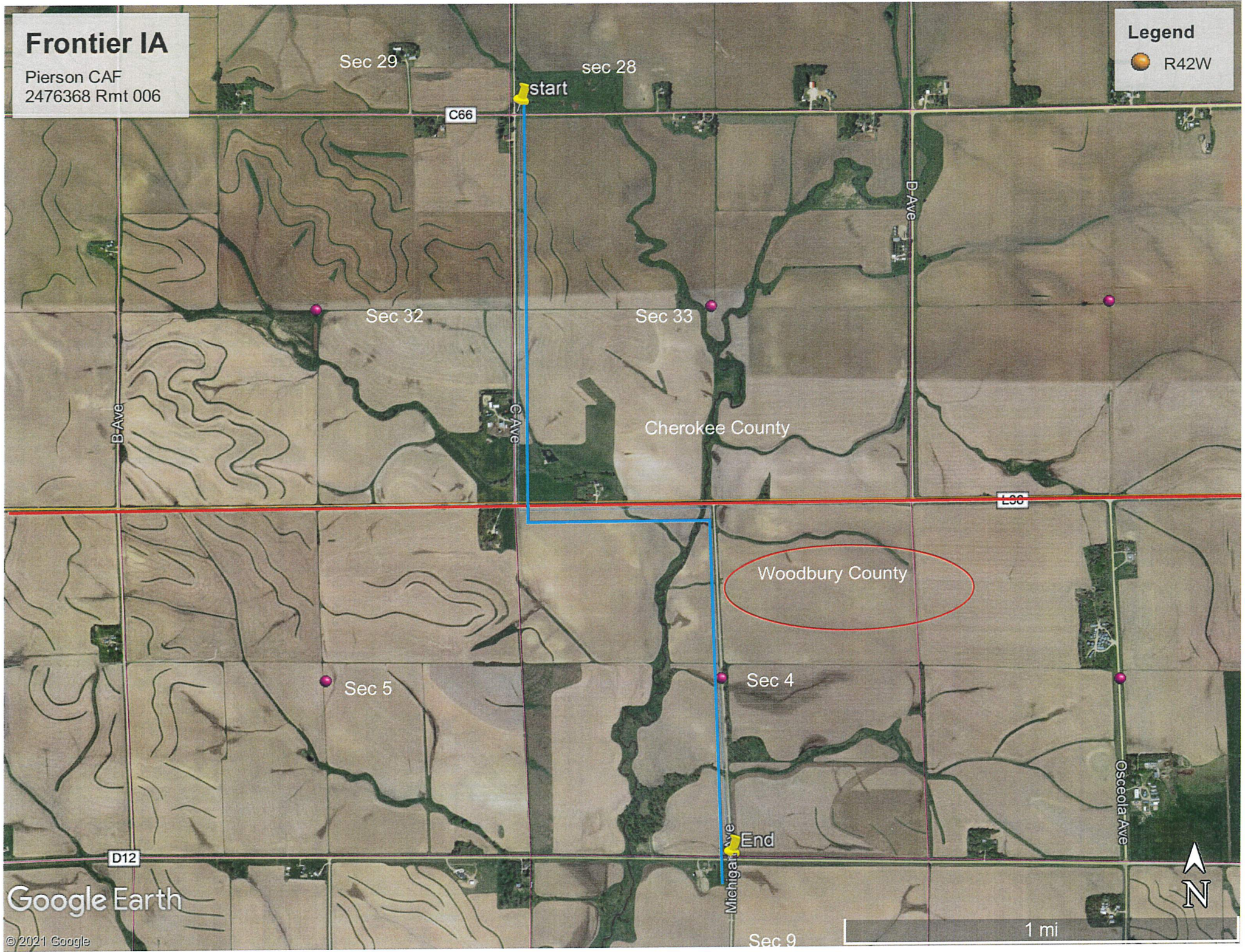
2. The Applicant shall take all reasonable precaution during the construction of said facilities to protect and safeguard the lives and property of the adjacent property owners and the traveling public and shall save the County and the Board of Supervisors harmless of any damages or losses that may be sustained by adjacent property owners and the traveling public on account of such construction operations.
3. Operations in the construction and maintenance of said facilities shall be carried on in such a way as to not interfere with, or interrupt traffic on said roads. However, should the performance of work called for in this permit in any way interfere with or obstruct traffic on said roads, the Applicant shall provide the necessary flagmen as required by the Statutes when one-way traffic is involved and/or otherwise mark said work so as to protect the traveling public.
4. The Applicant shall hold the County and the Board of Supervisors harmless from any damages that may result to said highway because of the construction or maintenance of said facilities and shall reimburse the County or the Board of Supervisors for any expenditures that the County or the Board of Supervisors may have to make on said roads on account of replacement of surfacing gravel and bridge and culvert repairs.
5. Applicant shall lay, construct, operate and maintain said facilities so as not to interfere with natural drainage of the road and so as not to interfere with the construction or maintenance of said roads. When buried cable or wire lines are to be placed lengthwise with the roadway, they shall be placed in the County road shoulder or ditch near the toe of the fore-slope and parallel to centerline of roadbed at a depth of three (3) to four (4) feet by using specially designed plows or by trenching, whichever is appropriate. Plow slots and trenches shall be repacked as necessary to restore the disturbed area to its original condition. For buried line crossings of roadways not paved, an open trench may be dug and the lines placed therein, and the trench back-filled over the lines. Buried line crossings on paved roadways, lines may be placed through the sub-grade by jacking, or by boring a hole just large enough to take the lines; or if the County Engineer approves, a tunnel may be dug through and the cable or wire lines placed therein. All backfill of tunnels and trenches shall be thoroughly compacted in layers of 6" or less in depth. Back-filling of trenches within the right-of-way by not under the traveled roadway shall be tamped sufficiently to avoid settlement. When crossing an existing roadway, all buried facilities shall be placed a minimum of three (3) to four (4) below the bottom of the existing adjacent ditches. Overhead lines, where practical, shall be placed adjacent to and with two (2) feet of the Road/Highway Right-of-Way Line.
6. The Applicant will at any time subsequent to placing the facilities, and at the Applicant's expense, relay, replace, alter, change, reconstruct, or relocate its overhead and/or buried facilities and appurtenances thereto as may become necessary to conform to new grades, alignment, or widening right-of-way, resulting from maintenance or construction operations by the County Board of Supervisors irrespective of whether or not additional right-of-way is acquired in connection with such road improvements. The Applicant agrees to do this within ninety (90) days written notice from the Board of Supervisors, and without cost to the County. If the Applicant is unable to comply within said ninety (90) days, the Board of Supervisors may cause the work to be done and the Applicant will pay the cost thereof upon receipt of statement.
7. All work shall be done in a workmanlike manner; the surrounding ground, slopes, and ditch bottoms shall be reshaped to conform to the area and left in a neat condition satisfactory to the County Engineer. All areas where sod has been damaged or destroyed shall be re-seeded.
8. The Applicant shall notify the County Board of Supervisors at least forty-eight (48) hours in advance of the Applicant's intention of starting work covered by this permit on the road right-of-way. Said notice shall be in writing to the County Engineer.
9. Applicant, its' successors, grantees and assigns shall and hereby agrees to assume all responsibility, risks and liabilities for all accidents and damages that may occur to persons and/or property on account of the work done under this permit, and to this end, indemnify and hold the County and all authorized representatives thereof harmless from any and all claims, damages, losses, and expense including judgements, costs and including attorney's fees, for personal injuries (including death) or property damage arising or resulting from the activities of the Applicant in connection herewith, now and at all times in the future.
10. It is understood that this permit is issued only insofar as Woodbury County has jurisdiction and does not presume to release the Applicant from fulfilling any existing statutes relating to the installation, construction and operation of said facilities.
11. It is further understood that the facilities covered by this permit shall be constructed or installed within one (1) year after the date of approval of this permit, unless otherwise extended in writing by Woodbury County.
12. Engagement in the operations as herein applied for by the Applicant shall be considered and constitute an acceptance of all the terms and conditions herein set forth.

Frontier IA

Pierson CAF
2476368 Rmt 006

Legend

 R42W



IOWA

Prepared By

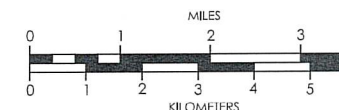


SYSTEMS PLANNING BUREAU
 Phone: (515) 239-1664
WWW.IOWADOT.GOV/MAPS



In Cooperation With
United States
Department of Transport

JANUARY 1, 2020



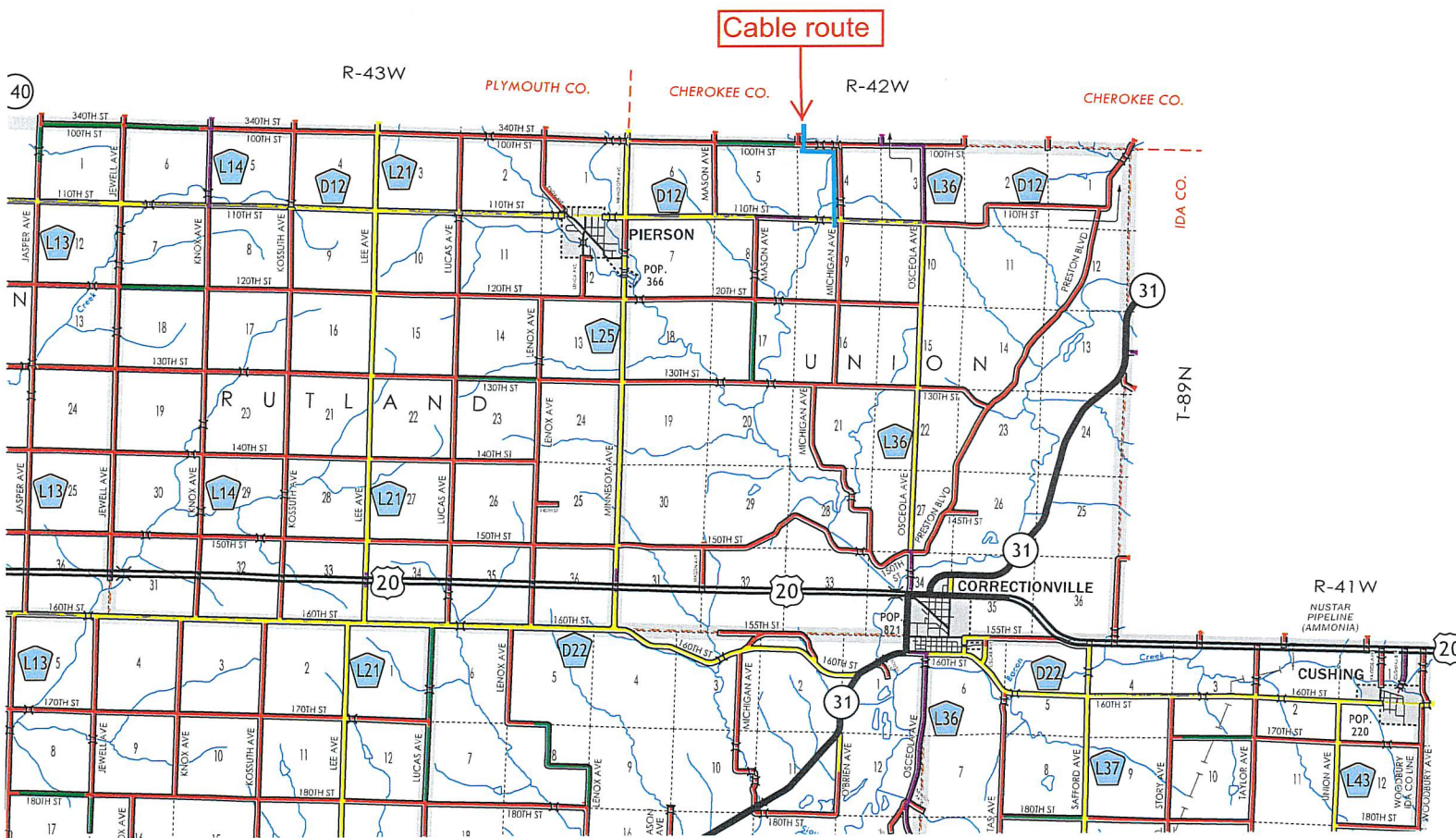
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LEGEND

- INTERSTATE HIGHWAY
- PRIMARY HIGHWAY-DIVIDED
- PRIMARY HIGHWAY
- PORTLAND CEMENT CONCRETE ROAD
- ASPHALT ROAD
- BITUMINOUS ROAD
- GRAVEL ROAD
- EARTHEN ROAD



INTERSTATE HIGHWAY



NOTICE OF APPOINTMENT TO FILL A VACANCY

TO: Patrick F. Gill, Woodbury County Auditor/Recorder & Commissioner of Elections

From: City of Merville School/City/Township/
Jodi Peterson Extension/Soil & Water
3-22-21 Secretary/Clerk
Date

This is to notify you and the Board of Supervisors of Woodbury County that the following person has been appointed until the next regular/general election:

For the office of City Council
Name Nathan A. Bauer
Address 821 Glen Dr.
City/Zip Merville, IA. 51039
Date of appointment 3-3-21

2021 MAR 25 PM 12:42
PATRICK F. GILL
WOODBURY COUNTY
AUDITOR/RECORDER
COMMISSIONER OF ELECTIONS

This appointment is to fill the office previously held by:

Michael Ofert
(Name of previous official)

RETURN TO: Patrick F. Gill
Woodbury County Commissioner of Elections
620 Douglas St, Rm 103
Sioux City, IA 51101

State of Iowa
Oath of Office

Name of Official: Ted Bromander

Office: Woodbury County Soil + Water Commissioner

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Iowa, and that I will faithfully and impartially, to the best of my ability, discharge all the duties of the office in Woodbury County (name of township, city, county, district, or state), as now or hereafter required by law.

Signature of Official: [Signature] Date: 10 Mar 2021

State of IA County of Woodbury

This instrument was acknowledged before me on: 3-10-21 By: Jayme Uhl
Date Print Name of Person

X [Signature]
Signature of Notarial Officer

Conservation Assistant
Title (and Rank)

Notary Stamp/Seal



State of Iowa
Oath of Office

Name of Official: _____

Office: _____

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Iowa, and that I will faithfully and impartially, to the best of my ability, discharge all the duties of the office in _____ (name of township, city, county, district, or state), as now or hereafter required by law.

Signature of Official: _____ Date: _____

State of _____ County of _____

This instrument was acknowledged before me on: _____ By: _____
Date Print Name of Person

X _____
Signature of Notarial Officer

Title (and Rank)

Notary Stamp/Seal



February 4, 2021

Woodbury SWCD
204 First St., Ste C1
Sergeant Bluff, IA 51054

Dear Commissioners:

During their February 4th, 2021, meeting, the State Soil Conservation and Water Quality Committee accepted the appointment recommendation of Ted Bromander as a Woodbury County Soil and Water Conservation District Commissioner, to fill a current vacancy.

This position should appear on the November 08, 2022 General Election Ballot as:

Full-term an UN-expired term

Enclosed is a certificate of appointment for Ted Bromander. The Election Laws of Iowa requires them to qualify by taking the oath of office within 10 days of appointment.

If you have any questions, please contact Will Myers at 515-281-7818 or Will.Myers@iowaagriculture.gov

Sincerely,

Susan Kozak, Director
Division of Soil Conservation and Water Quality, IDALS

SK:ng

cc: Woodbury County Commissioner of Elections

MARCH 30, 2021 — MEETING OF THE WOODBURY COUNTY BOARD OF SUPERVISORS AS TRUSTEES FOR THE WOLF CREEK DRAINAGE DISTRICT IN WOODBURY COUNTY

The Board of Supervisors met on Tuesday, March 30, 2021, as Trustees for Wolf Creek Drainage District in Woodbury County. Board members present were De Witt, Radig, Wright, Monson, and Ung. Staff members present were Karen James, Board Administrative Assistant, Joshua Widman, Assistant County Attorney, Mark Nahra, County Engineer's Office, Dennis Butler, Finance/Operations Controller and Michelle Skaff, Deputy Auditor/Clerk to the Board.

The Chair called to order the Wolf Creek Drainage District Trustee meeting.

Bid letting was held for embankment repair and debris cleanup in the Wolf Creek Drainage District. The bids are as follows:

| | |
|--|--------------|
| Holly Brown Construction Inc., Ponca, NE | \$232,626.00 |
| Johnston Excavating, Sloan, IA | \$168,148.00 |
| L A Carlson, Hinton, IA | \$226,079.25 |

Motion by Radig second by De Witt to receive the bids and return them for recommendation. Carried 5-0. Copy filed.

Motion by Radig second by Monson to award the bid for embankment repair and debris cleanup in Wolf Creek Drainage District to Johnston Excavating, Sloan, IA, for \$168,148.00. Carried 5-0. Copy filed.

The Drainage District meeting was adjourned.

1506 Hennepin Street
Sioux City, IA 51105

March 26, 2021

Woodbury County Board of Supervisors
620 Douglas Street, Room 104
Sioux City, IA 51101

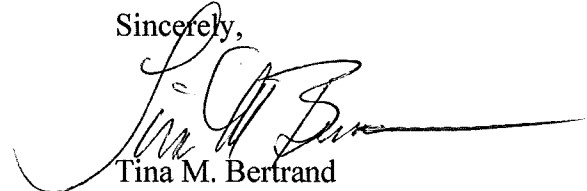
Re: County Treasurer

Dear Gentlemen:

Thank you for the opportunity to submit a letter of interest to the Woodbury County Board of Supervisors for the County Treasurer appointment. Attached is a completed Information for appointment interview to Woodbury County Treasurer form for consideration.

I look forward to an opportunity to participate in interviews during the open session on Tuesday, April 6, 2021.

Sincerely,



Tina M. Bertrand

* THIS INFORMATION WILL BE PUBLIC *

Information for appointment interview to Woodbury County Treasurer

GENERAL INFORMATION

Name Tina Bertrand

Phone 712-899-8196

HomeAddress

1506 Hennepin St., Sioux City, IA 51105

Street City/State Zip

E-Mail Address

tmbertrand100@hotmail.com

Employer CookDZ LLC

Phone Business 602-577-3820

Business Address

556 N. Prospector Road, Apache Junction, AZ 85519

Street City/State Zip Code

PLEASE ANSWER ALL OF THE FOLLOWING QUESTIONS:

Are you a resident of Woodbury County? Yes No

How many years have you been a resident? 15 years

Are you a registered voter? Yes No

Have you reviewed Iowa Code 331.551, 331.552, and 331.553 describing the office, powers, and duties of the County Treasurer? Yes No

SERVING ON A BOARD - Are you currently serving on any other appointed Board, Commission or Committee? Yes No If yes list here:

Have you previously served on any other appointed Board, Commission or Committee?

Yes No If yes list here:

COMMUNITY INVOLVEMENT - Please describe your past and present community involvement including voluntary, social, city, church, school, business, and/or professional associations you have been involved in and are applicable to this application. (Include dates of involvement and any offices or leadership positions held.)

Mater Dei Parish - Immaculate Conception - volunteer for capital campaign drive, nursing home deliveries and visits, COVID-19 community outreach, usher and greeter to weekly Mass, Member of Project Management Institute (PMI).

POLITICAL INVOLVEMENT - The County Treasurer is elected every 4 years, except in cases of a vacancy. It may be the opinion of some of the Supervisors that it would be beneficial to appoint someone with either campaign or fundraising experience. Please list any campaign experience or involvement that you have had, including dates.

Worked on the 2010 and 2014 successful election and re-election Republican State Legislature Senator in Woodbury County. Supported fundraising events, collected signatures, met with Woodbury County constituents, and helped with messaging and community reach.

SPECIAL QUALIFICATIONS - Please list any special qualifications for serving as the Treasurer including skills, training, licenses and certificates that you feel are applicable:

BA/BS in Finance from Bryant University, 1989; CFO at local construction company from May 2010 to August 2014, 20 years experience working with public sector clients

INTEREST - State why you would like to volunteer to serve and what contributions you believe you can make:

Mike Clayton has served this community well over the last 16 years. With the retirement of a fellow republican, I feel it is important that the Board have a strong conservative female candidate to consider. With over 25 years experience working in the private sector, with public clients, on projects that require a strong financial background and understanding of public finances, I can bring this unique experience, diversity, and skill set to Woodbury County constituents at a time when there is a need to support the retirement of our current County Treasurer.

NEPOTISM DISCLOSURE- Please list any County employees and their department that you are related to. (Nepotism will not disqualify an applicant)

None

March 30, 2021

Dear Woodbury County Board of Supervisors,

My name is Mike Headid. I would like to let you all know of my desire to serve Woodbury County in the position of Woodbury County Treasurer. During the most recent election I ran against Michael Clayton and Bruce Garbe. I ran as an Independent without the backing of a political party and although I did not win at that time, I believe the number of votes that I had showed that I have a strong support in the population.

I have worked for the county in the past. I enjoyed working with the public as well as various other county employees to make the county work better. I appreciate the time you, as the Board of Supervisors, are putting into finding the right candidate to finish Michael Clayton's term. I assure you that I am ready to put in every effort to help our county run smoothly for our tax payers. I look forward to meeting with you in the near future in person to share more with you about how I can be an asset to Woodbury County.

Sincerely,

A handwritten signature in cursive script that reads "Mike Headid".

Mike Headid

RECEIVED
MAR 31 2021
WOODBURY COUNTY
BOARD OF SUPERVISORS

* THIS INFORMATION WILL BE PUBLIC *

Information for appointment interview to Woodbury County Treasurer

GENERAL INFORMATION

Name Mike Headid

Phone 712-251-8102

HomeAddress

304 C Street Sergeant Bluff, IA 51054
Street City/State Zip

E-Mail Address

mheadid@yahoo.com

Employer CBRE

Phone Business 712-577-2184 / 213-613-3333

Business Address

400 S. Hope St. 25th floor, Los Angeles, CA 90071

Street City/State Zip Code

PLEASE ANSWER ALL OF THE FOLLOWING QUESTIONS:

Are you a resident of Woodbury County? Yes No

How many years have you been a resident? 50+

Are you a registered voter? Yes No

Have you reviewed Iowa Code 331.551, 331.552, and 331.553 describing the office, powers, and duties of the County Treasurer? Yes No

SERVING ON A BOARD - Are you currently serving on any other appointed Board, Commission or Committee? Yes No If yes list here:

Have you previously served on any other appointed Board, Commission or Committee?

Yes No If yes list here:

COMMUNITY INVOLVEMENT - Please describe your past and present community involvement including voluntary, social, city, church, school, business, and/or professional associations you have been involved in and are applicable to this application. (Include dates of involvement and any offices or leadership positions held.)

I have assisted with Boy Scouts and
club/school sports as my children have been involved.

POLITICAL INVOLVEMENT - The County Treasurer is elected every 4 years, except in cases of a vacancy. It may be the opinion of some of the Supervisors that it would be beneficial to appoint someone with either campaign or fundraising experience. Please list any campaign experience or involvement that you have had, including dates.

I ran as an "Independent" for the elected
position of Woodbury County Treasurer
during the election of 2019

SPECIAL QUALIFICATIONS - Please list any special qualifications for serving as the Treasurer including skills, training, licenses and certificates that you feel are applicable:

Woodbury County Building Services Assistant Superintendent

for 5 years. Managed custodial and maintenance employees. Created an
improved sense of personnel moral between the department and other
County departments

INTEREST - State why you would like to volunteer to serve and what contributions you believe you can make:

I would like to help the Motor Vehicle Department
and the Treasurer's Office become a more user friendly and citizen friendly
environment for tax payers as well as a better work environment for staff

NEPOTISM DISCLOSURE - Please list any County employees and their department that you are related to. (Nepotism will not disqualify an applicant)

N/A

PERSONAL REFERENCES - Please list 2 references, the Supervisors may contact your references:

Name: Roger Waterbury - Owner of Waterbury Funeral Service
Address: 803 Clairmont Circle Sergeant Bluff, IA 51054
Phone: 712-251-2371

Name: Tony Courcy - Owner of Quality Appliance and Old Lakeport Rentals
Address: 4700 Old Lakeport, Sioux City, IA 51106
Phone: 712-281-7707

TREASURER REFERENCE - Have you met with Treasurer Mike Clayton either in person or via telephone to understand the duties and responsibilities of the County Treasurer?

Yes No

Have you been convicted of a crime other than a simple traffic misdemeanor in the last ten (10) years? (A conviction will not necessarily disqualify an applicant from appointment.)

Yes No

If **yes**, please explain and include the type of offense and the place and date of conviction.

I understand the role and responsibilities of the County Treasurer, and I am willing to serve.

Yes No

Signature Mike Geadis

Date March 31st 2021

RECEIVED

APR 01 2021

WOODBURY COUNTY
BOARD OF SUPERVISORS

Kolby DeWitt
1329 Martha St.
Sioux City, IA 51105

3/31/2021

Woodbury County Board of Supervisors Office
Woodbury County Courthouse
620 Douglas St.
Sioux City, IA 51101

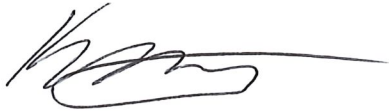
Dear Woodbury County Board of Supervisors Office:

Please find enclosed my application for the position of Treasurer of Woodbury County. I would be honored to be considered for the position. I look forward to interviewing alongside any other applicants next week.

This letter also sets forth my intent to complete the unexpired term of Treasurer Clayton if I am appointed to this position.

What all of my experiences have in common are an intent to serve my community and those around me. If chosen, I would continue that trend and aim to lead a responsive and transparent office in service to the citizens and taxpayers of Woodbury County.

Sincerely,



Kolby DeWitt

Kolby DeWitt's application for appointment to Woodbury County Treasurer

GENERAL INFORMATION

Name: Kolby DeWitt

Phone: 712-301-8917

Home Address: 1329 Martha St, Sioux City, IA 51105

E-Mail Address: Kolby.r.dewitt@gmail.com

Employer: United States Senate, Office of US Senator Joni Ernst

Phone Business: 712-252-1550

Business Address: Federal Building, 320 6th St, Room 194, Sioux City, IA 51101

PLEASE ANSWER ALL OF THE FOLLOWING QUESTIONS:

Are you a resident of Woodbury County? Yes

How many years have you been a resident? 30 years, 9+ months (lifelong)

Are you a registered voter? Yes, since age 18

Have you reviewed Iowa Code 331.551, 331.552, and 331.553 describing the office, powers, and duties of the County Treasurer? Yes

SERVING ON A BOARD - Are you currently serving on any other appointed Board, Commission or Committee? Yes

- Western Iowa Tech Alumni Association, Board Member (2011-Present)

Have you previously served on any other appointed Board, Commission or Committee? Yes

- State of Iowa Architectural Examining Board, Public Member (2013-2019)
- City of Sioux City Effective Fiscal and Public Policy Committee (2011-2013)
- National Council of Architectural Registration Boards (NCARB), Advocacy Work Group (2018-2019)

COMMUNITY INVOLVEMENT - Please describe your past and present community involvement including voluntary, social, city, church, school, business, and/or professional associations you

have been involved in and are applicable to this application. (Include dates of involvement and any offices or leadership positions held.)

- Knights of Columbus Chapter #743, Advocate
- Siouxland Magazine, Regular Contributor to cuisine section (2009-2019)
- Created and presented "Advancing Regulation in the Public Interest" for Continuing Education Credit for Licensed Architects at NCARB National Convention in Detroit, Michigan (2018)
- Western Iowa Tech Community College: Student Ambassador (2008), Student Body President (2010)

POLITICAL INVOLVEMENT - The County Treasurer is elected every 4 years, except in cases of a vacancy. It may be the opinion of some of the Supervisors that it would be beneficial to appoint someone with either campaign or fundraising experience. Please list any campaign experience or involvement that you have had, including dates.

- State Central Committeeman (elected), Republican Party of Iowa (2018-2020)
- Nominated Presidential Elector/Electoral College (elected, 2020)
- Advance Associate, Office of the Vice President of the United States (2018-2019)
- Republican Party of Iowa Regional Political Director (2014-2018)
- Statewide Election Day Operations Director/Election Integrity Director, Donald J. Trump for President (2016)
- Woodbury County Republican Party, various
- *Further campaign experience is available upon request*

SPECIAL QUALIFICATIONS - Please list any special qualifications for serving as the Treasurer including skills, training, licenses and certificates that you feel are applicable:

- Since 2018, I have served the public as a regional director for a Member of Congress covering a wide territory. I currently represent Iowans in a 22-county territory. Much of what I do involves working with government bodies and citizens to make government and the official I represent more accessible to the constituency, regardless of political persuasion. I interface with municipalities, community organizations, stakeholders, elected officials, constituents, and others at all levels in effort to update them on current legislation, and receive their concerns on potential action. I often assist in brokering communication and resolution of issues between citizens and federal government agencies.
- From 2014-2018, I worked as a Regional Political Director with political party volunteers. These volunteers are required by law to fulfill different duties set forth in Iowa law relating to our First-in-the-Nation caucuses and political conventions. I was responsible for explaining the processes to them and ensuring that they followed through and complied with these requirements in accordance with law in a 30-county territory.

INTEREST - State why you would like to volunteer to serve and what contributions you believe you can make:

- My political and governmental involvement stems from a desire to serve those around me and make a positive difference in the community and state in which I live. I aim to continue to build upon the solid foundation that Treasurers Clayton and Knowler have already established, and be an active watchdog and jealous defender of taxpayer

dollars. I would also endeavor to continue the high level of customer service the prior Treasurers have achieved.

- I would aim to "roll up my sleeves" alongside the staff, and keep both morale and standards within the office high, and judiciously account for the receipts and disbursements of Woodbury County. I would also like to become involved with ISAC and the ISCTA, in effort to advocate for any changes or efficiencies with the processes I may identify of the various offices the Treasurer oversees (i.e. motor vehicle division and more).
- I would thoughtfully consider changes and updates to the systems and processes used by the Treasurer's Office taking into account costs and efficiencies and benefits for the taxpayers of Woodbury County.

NEPOTISM DISCLOSURE: Please list any County employees and their department that you are related to. (Nepotism will not disqualify an applicant): Uncle, Rocky De Witt, Board of Supervisors/Woodbury County Sheriff's Office Reserve Deputy

PERSONAL REFERENCES - Please list 2 references, the County Supervisors may contact your references:

1. Name: Jacob Bossman

Address: 2650 S Cedar St, Sioux City, IA 51106

Phone: 712-251-4541

2. Name: Chris McGowan

Address: 33533 S Ridge Rd, Sioux City, IA 51108

Phone: 712-898-8056

TREASURER REFERENCE - Have you met with Treasurer Mike Clayton either in person or via telephone to understand the duties and responsibilities of the County Treasurer? Yes

Have you been convicted of a crime other than a simple traffic misdemeanor in the last ten (10) years? (A conviction will not necessarily disqualify an applicant from appointment.) No

I understand the role and responsibilities of the County Treasurer, and I am willing to serve. Yes

Signature



Date

4-1-2021

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

Date: 03/31/21 Weekly Agenda Date: 04/06/21

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Auditor Pat Gill and HR Director Melissa Thomas

WORDING FOR AGENDA ITEM:

Approve and received for signature a Tyler Contract Amendment

ACTION REQUIRED:

- | | | |
|--|---|--|
| Approve Ordinance <input type="checkbox"/> | Approve Resolution <input type="checkbox"/> | Approve Motion <input checked="" type="checkbox"/> |
| Public Hearing <input type="checkbox"/> | Other: Informational <input type="checkbox"/> | Attachments <input checked="" type="checkbox"/> |

EXECUTIVE SUMMARY:

The Tyler contract included an annual fee for NeoGov intended to import new hire employee information into Tyler InCode. The consultants have been unable to provide a successful import.

BACKGROUND:

In working with NeoGov and Tyler consultants for several months, a successful import file was not created. Due to the amount of time needed to format the import file, it has been determined that this is not a resource that will be a benefit to Woodbury County at this time.

FINANCIAL IMPACT:

A credit of \$1,500.00 will be issued by Tyler to reimburse for 3 years of the subscription that has been paid at \$500.00 per year.

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:

Approve and receive for signature the amendment to the Tyler contract.

ACTION REQUIRED / PROPOSED MOTION:

Approve and receive for signature the amendment to the Tyler contract.



AMENDMENT

This amendment ("Amendment") is effective as of the date of signature of the last party to sign as indicated below ("Amendment Effective Date"), by and between Tyler Technologies, Inc. with offices at One Tyler Drive, Yarmouth, Maine 04096 ("Tyler") and Woodbury County, with offices at 620 Douglas St. Rm 103, Sioux City, IA 51101 ("Client").

WHEREAS, Tyler and the Client are parties to an agreement dated June 27, 2018 ("Agreement"); and

WHEREAS, Tyler and Client desire to amend the terms of the Agreement as provided herein.

NOW THEREFORE, in consideration of the mutual promises hereinafter contained, Tyler and the Client agree as follows:

1. The following Tyler Subscription is hereby removed from the Agreement as of the Amendment Effective Date:
 - a. Applicant Tracking Interface (NeoGov)
2. Client's annual Subscription fees payment obligation commencing July 1, 2019 is hereby terminated. As a result of the changes made to the Agreement pursuant to this Amendment:
 - a. Annual Subscription Fees commencing July 1, 2021, for the Incode Personnel Management Suite, shall be reduced by \$500; and
 - b. In recognition of Subscription fees paid for the Applicant Tracking Interface (NeoGov) for the period July 1, 2019 through June 30, 2021, Tyler hereby issues a credit of \$1,000, to be applied at Client's direction, to any fees due to Tyler under the Agreement.
3. This Amendment, upon execution, shall serve as Client's documentation for the credit issued herein (the executed Amendment is your credit invoice from Tyler).
4. This Amendment shall be governed by and construed in accordance with the terms and conditions of the Agreement.
5. Except as expressly indicated in this Amendment, all other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the dates set forth below.

Tyler Technologies, Inc.

Woodbury County

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

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

Date: 4/1/2021 Weekly Agenda Date: 4/6/2021

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Mark J. Nahra, County Engineer

WORDING FOR AGENDA ITEM:

Receive and consider quotes for gravel pit excavation

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

The county engineer has requested quotations for the excavation of gravel for processing at the RR Pit north of Correctionville that will be presented for Board consideration.

BACKGROUND:

Increasing costs for gravel excavation and processing have resulted in the county engineer looking at cost saving alternatives. We are requesting quotes from general excavation contractors to create stockpiles of raw, unsorted gravel material for later processing by a crushing and production plant. The county will contract for processing the material at a later date.

FINANCIAL IMPACT:

The project is paid for with local Woodbury County secondary road funds.

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:

- 1) I recommend that the Board receive bids for gravel excavation and return them to the county engineer for review and recommendation.
- 2) If quotes show a clear low quote, the engineer may recommend award at the Board meeting after opening the quotes.

ACTION REQUIRED / PROPOSED MOTION:

- 1) Motion to receive bids for gravel excavation and return them to the county engineer for review and recommendation.
- 2) Motion to award bid if low quote is clearly determined by bid results.

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

Date: 4/1/2021

Weekly Agenda Date: 4/6/2021

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: County Attorney/Dennis Butler

WORDING FOR AGENDA ITEM:

Discussion and Action on County Funding of Not-for-Profit Organizations

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

The Board of Supervisors should review the current process for awarding non-profit funding and determine whether changes are needed.

BACKGROUND:

Recently, statewide there has been a renewed emphasis on the process for public entities to provide funding to not-for-profit organizations. Public entity donations to non-profits are prohibited by Section 31, Article III of the Iowa Constitution. In addition, the Iowa Attorney General and State Auditor have both weighed in on the issue and concluded that gifts or donations to non-profits from a governmental entity are not permissible. The guidance from those officials is attached in the supporting materials. A governmental entity may, however, expend funds for public purposes. In accomplishing those public purposes, the County may enter into agreements with private or non-profit organizations. The agreements must include control measures to ensure that any public funds provided are indeed used for those public purposes.

In fiscal year 2016, the Board of Supervisors implemented an application process for the Woodbury County Board of Supervisors Gaming Revenue Grant. The application is attached. It does not appear that recent applicants for County funding have utilized the application process.

FINANCIAL IMPACT:

Please see the attached summary of Local Option Sales Tax and Gaming fund expenditures for FY 21 as of March 1, 2021.

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:

The Board should discuss non-profit funding and determine how to move forward.
One option is to discontinue non-profit funding.
Another option is to continue non-profit funding and implement a process that clearly identifies the public purpose for each expenditure and provides for oversight of the use of the funds.

ACTION REQUIRED / PROPOSED MOTION:



OFFICE OF AUDITOR OF STATE
STATE OF IOWA

State Capitol Building
Des Moines, Iowa 50319-0004

Telephone (515) 281-5834 Facsimile (515) 281-6518

Rob Sand
Auditor of State

ADVISORY ON PUBLIC FUNDS GOING TO PRIVATE NON-PROFITS

May 2020

The Office of Auditor of State has received questions regarding public entities providing donations to private non-profits to help with community needs such as food, housing and utilities. This communication is to remind elected officials that the Iowa Constitution prohibits such donations, and inform them of proper methods of supporting pandemic relief efforts.

The Constitution of the State of Iowa prohibits governmental bodies from making a gift to a private non-profit corporation. Article III, Section 31 of the Iowa Constitution states, in part, "...no public money or property shall be appropriated for local, or private purposes..."

An official Iowa Attorney General Opinion from 2008 states, in part, "Past opinions of this office have consistently concluded that a governmental body may not donate public funds to a private entity, even if the entity is established for charitable or educational purposes and performs work which the government could perform directly." The Opinion further states, "Even if the function of a private non-profit corporation fits within the scope of activities generally recognized as serving a public purpose, a critical question exists regarding whether funds or property transferred to a private entity will indeed be used for those public purposes."

While donations to a private entity are not allowable, there are acceptable routes for a public entity to contemplate a long-term public/private relationship. A public entity could enter into an agreement for joint or cooperative action with the private entity under Chapter 28E of the Code of Iowa. Agreements properly established under Chapter 28E of the Code of Iowa establish safeguards to protect the interest of the public which the aforementioned donation does not provide. Generally speaking, any sort of allowable agreements would be better described as contracts with obligations upon and benefits to both parties as a public entity may have with a for-profit company, rather than donations or contributions.

While a governmental body cannot donate or make a contribution of public funds to a private non-profit organization, local governments are not prohibited from expending public funds to encourage the public to *generally* support nonprofits, such as purchasing advertisements that state the same, or to patronize local businesses in ways that comply with section 15A.1 of the Code of Iowa as a method of retaining jobs. Proper procedures to document compliance include advance public notice, the public purpose served by the expenditure(s) should be recorded prior to expenditure(s) being made, the communication should not show favoritism to particular businesses or nonprofits, and conflicts of interest should be avoided.

- (1) Donations – During the fiscal year, the County donated \$10,000 to ABC non-profit.

The Constitution of the State of Iowa prohibits governmental bodies from making a gift to a private non-profit corporation. Article III Section 31 of the Iowa Constitution states, “...no public money or property shall be appropriated for local or private purposes, unless such appropriation, compensation, or claim, be allowed by two thirds of the members elected to each branch of the General Assembly.”

Recommendation – We are not aware of any statutory authority for the County to provide public funds to a private non-profit organization. The County should seek reimbursement of current and past donations and should cease providing donations in the future, in compliance with the Iowa Constitution.

Situations in published audit reports:

- Donation to Special Olympics
- Donations to Community Club
- Donation to University of Iowa Children’s Hospital
- Donation to ABC Day Care, Inc, organized as a Chapter 504 non-profit corporation
- Transfer of County property to a Conservation Foundation
- Free use of County owned property (farmland) for private purpose
- City library donation of library fines to the local area food pantry.

- (2) Questionable Disbursement –The Constitution of the State of Iowa prohibits governmental bodies from making a gift to a private non-profit corporation. Article III Section 31 of the Iowa Constitution states, “...no public money or property shall be appropriated for local or private purposes, unless such appropriation, compensation, or claim, be allowed by two thirds of the members elected to each branch of the General Assembly.”

Chapter 15A of the Code of Iowa states, “Economic development is a public purpose for which the state, a city, or a county may provide grants, loans, guarantees, tax incentives, and other financial assistance to or for the benefit of private persons.” Chapter 15A also defines economic development as “...private or joint public and private investment involving the creation of new jobs and income or the retention of existing jobs and income that would otherwise be lost.” Further, the City must document the public purpose served before dispensing or using the funds.

The City approved a \$5,000 donation to the Sample City Day Care, Inc., a Chapter 504 non-profit corporation. According to the December 12 meeting minutes, the purpose of the annual donation is to support the employees of the small businesses in Sample City that utilize the Day Care. The City has not clearly documented the public purpose or how the disbursement meets the definition of economic development as required by Chapter 15A of the Code of Iowa.

Recommendation – The City should clearly document the public purpose and how the disbursement meets the definition of economic development as required by Chapter 15A of the Code of Iowa. The City should consult legal counsel to determine the appropriateness of this disbursement and whether any or all funds should be returned to the City.



THOMAS J. MILLER
ATTORNEY GENERAL

Department of Justice

ADDRESS REPLY TO:
HOOVER BUILDING
DES MOINES, IOWA 50319
TELEPHONE: 515/281-5164
FACSIMILE: 515/281-4209

To: Susan D. Battani, CPA
Director, Financial Audit Division
Office of the Auditor of State

From: Christie J. Scase *C. Scase*
Assistant Attorney General

Date: April 22, 2008

Re: Transfer of public funds to private non-profit organization

You have requested my advice regarding the disposition of gifts received by governmental entities. You explain that governmental agencies periodically receive gifts from individuals either through bequest or other means. Such gifts are often given with a stipulation that the funds or property be used for a specific purpose or purposes. We have recently discussed two separate situations in which testators willed funds to a city library or to a city to be used for library purposes and, upon receipt of the bequests, the city library board of trustees transferred the gifts to local nonprofit foundations.

In one case, in excess of \$ 1,000,000.00 was received and immediately transferred by the library board to a local private nonprofit foundation to form an endowment. According to the foundation's audited financial statement for the year ended June 30, 2006: the foundation was formed to raise funds to benefit the city public library; cash and certificates of deposits are maintained at several financial institutions and at times may exceed federally insured limits; and a majority of the foundation's net assets are invested in marketable securities. In the other case, approximately \$ 250,000.00 was bequeathed to a city to be used to "purchase books, periodicals and journals." The funds were given by the library board to a local private nonprofit foundation which serves a broad range of educational and charitable interests. At this time you do not know if the foundation has earmarked the funds received from the library board so that it can demonstrate compliance with the terms of the bequest.

In light of this background, you ask whether gifts received from private donors by a governmental body may be given by the governmental body to a private non-profit organization and, if so, whether the private non-profit organization must adhere to the terms of the gift and statutory requirements governing the deposit and investment of public funds found in Iowa Code

chapters 12B and 12C. It is my view that a governmental body may not simply donate funds received from private donors to a private non-profit organization, even if the organization intends to use the funds for the same purpose for which they were given to the governmental body. Although a governmental body can not irrevocably transfer public funds to a private non-profit organization, it can enter into a true joint or cooperative undertaking with a private agency under Iowa Code section 28E.4, as long as the government body retains the ability to oversee and control expenditure of the funds and ensures that use of the funds complies with any restrictions placed upon use of the gift and that the funds are managed in a manner consistent with the limitations on the deposit and investment of public funds contained in Code chapters 12B and 12C.

Past opinions of this office have consistently concluded that a governmental body may not *donate* public funds to a private entity, even if the entity is established for charitable or educational purposes and performs work which the government could perform directly. See Iowa Op. Att’yGen. #00-8-2(L) (Kempkes to Bjomstad) [2000 WL 1576488] (concluding court might void transfer of funds by county board of supervisors to nonprofit organization created to serve as advisory group to county conservation board); 1990 Iowa Op. Att’yGen. 10 (#89-2-6(L)) [1989 WL 264884] (county hospital board may not transfer assets to a foundation if the effect is to deprive future boards of trustees of control over hospital assets); 1980 Iowa Op. Att’yGen. 701 (#80-5-7(L)) [1980 WL 25979] (county could not make appropriation to be used by private nonprofit historical society to construct building to house museum); 1978 Iowa Op. 369 (#78-1-3) [1978 WL 17335] (board of regents lacked authority to transfer funds to a non-profit foundation the board was statutorily authorized to create for the support of the institutions governed by the board); 1976 Iowa Op. Att’yGen. 31 (#75-2-2) (board of trustees of a municipal utility could not donate city funds to a private hospital clinic); 1976 Iowa Op. Att’yGen. 634 (#76-7-11) (city hospital could not directly contribute funds to a private corporation for purposes of providing medical education and clinic services within another city in the county); 1972 Iowa Op. Att’yGen. 395 (#72-3-16) (city council could not make a donation from city funds to a recreation center operated by private citizens). These opinions are based upon several legal principles.

Public nature of the fund: As you note in your letter to me, private gifts and bequests of money to a city or county, upon receipt and acceptance, “become public funds under the stewardship of the [city or] county.” Op. #00-8-2(L) at p. 2, citing 10 E. McQuillan, *The Law of Municipal Corporations*, § 28.15, at 39-40 (1999). In addition to any restrictions or limitations imposed by the donor on use of the funds, all of the constitutional and statutory requirements regarding accounting for, depositing, investing, and expending public funds apply equally to funds received through taxation and funds received from private donors. “To paraphrase an earlier opinion, ‘What cannot be lawfully done by a public agency cannot be delegated to a private entity.’” Op. #00-8-2(L) at p. 4, citing 1988 Iowa Op. Att’yGen. 112 (#88-10-2(L)) [1988 WL 247803] and 15 E. McQuillan, *The Law of Municipal Corporations*, § 39.47, at 164 (1995) (legislature may regulate the holding of public funds and local ordinance cannot change such regulation).

Political subdivisions and municipalities, including cities, counties, schools, and townships are municipal – governmental – entities. As governmental entities they are governed by elected bodies, are directly responsible to the public as a whole, and are subject to the limitations imposed on them by the state. Although a private organization may be formed to provide and support “public” services which are the same or similar to the services provided by government, the private organizations are not subjected to the same degree of public accountability and oversight as governmental entities. Whether a gift or bequest intended to support public services will be subject to the control of a government agency or a private organization is a choice made by the donor. A private donor can choose to leave gifts of money to a governmental entity or to a private organization. When a donor opts to give a monetary gift to a governmental entity, the funds become public funds and the governmental body receiving the funds must account for the deposit, investment, and expenditure of the funds.

Public purpose: The Iowa Constitution prohibits governmental bodies from making a gift to a private non-profit corporation. Article III, section 31 states: “No public money or property shall be appropriated for local, or private purposes, unless such appropriation, compensation, or claim, be allowed by two thirds of the members elected to each branch of the General Assembly.” This provision has been found by the Iowa Supreme Court to be applicable to appropriations by city councils. 1986 Iowa Op. Att’yGen. 113 (#86-8-8) [1986 WL 79961], citing Love v. City of Des Moines, 210 Iowa 90, 101, 230 N.W. 373, 278 (1930); Willis v. City of Des Moines, 357 N.W.2d 567, 570, 572 (Iowa 1984).

Even if the function of a private non-profit corporation fits within the scope of activities generally recognized as serving a public purpose, a critical question exists regarding whether funds or property transferred to a private entity will indeed be used for those public purposes. If adequate oversight provisions are included, a transfer of funds or property to a private non-profit entity may be allowable. See Iowa Op. Att’yGen. #98-1-3 [1998 WL 213719] (addressing restrictions placed upon use of fund transferred to non-profit Iowa Housing Corporation by the Iowa Finance Authority); 1996 Iowa Op. Att’yGen. 38, #95-10-1 [1995 WL 792842] (finding that a lease for ten dollars per year by city to a private non-profit corporation was not prohibited gift because the lease provisions required the corporation to provide health care services, to maintain the property, to provide services in consideration of the lease to the city, and provided for reversion of the property to the city upon termination of the lease); 1980 Iowa Op. Att’yGen. 701 (#80-5-7(L)) [1980 WL 25979] (concluding that a county could appropriate money to support a private historical society only upon conditions that assured that the property would continue to be used for the public purpose). Code chapter 28E authorizes a wide range of joint or cooperative public and private undertakings, but imposes significant public accountability measures to ensure that public funds contributed to the undertaking are used for the intended public purposes. Iowa Code §§ 28E.4, 28E.5, 28E.7 (2007); Iowa Code Supp. §§ 28E.6, 28E.8 (2007); see Goreham v. Des Moines Metropolitan Area Solid Waste Authority, 179 N.W.2d 449, 455 (Iowa 1970) (“The creation of a new body corporate and politic to jointly exercise and perform the duties and responsibilities of the cooperating governmental unit would not be unconstitutional so long as the new body politic is doing only what its cooperating members

already have the power to do.”); Iowa Op. Att’yGen. #98-1-3 [1998 WL 213719]; 1976 Iowa Op. Att’yGen. 634, 636 (#76-7-11); (“Section 28E.4 provides that any public agency may enter into an agreement with a private agency for joint or cooperative action pursuant to that chapter. . . . However, the city should have a hand in the management of the action and should received some benefit from it.”).

As the 1998 opinion concluded it is not *per se* unlawful to transfer public funds to a private entity, if adequate safeguards are built into the transaction. In the absence of adequate safeguards, a pure gift or donation to a private entity will not meet the public purpose requirements of Iowa law.

Delegation of control: The transfer of public funds to a private non-profit corporation also raises concerns regarding the delegation of the discretion of the governing body of the government entity over the use and expenditure of the funds. The cases underlying your inquiry each involve funds given to cities for support of the city libraries. Assuming, for purposes of this advice, that the libraries are established as city administrative agencies under Code chapter 392, they are governed by a library board of trustees.¹ The library trustees are explicitly authorized to “accept and control the expenditure of all gifts, devises, and bequests to the library.” Iowa Code § 392.5 (2007).² Control of library assets, including funds received by gift or bequest, is a duty of the board of trustees. They may not turn over future control of library assets to a private foundation to administer and control. As we stated with regard to a transfer of county hospital funds to a private foundation for the purpose of providing health care scholarships, “because control of the hospital assets was a duty of the hospital board and the exercise of a government function, the current board lacked authority to bind future board from

¹ Iowa Code section 392.5 provides that “[a] city library board of trustees functioning on the effective date of the city code shall continue to function in the same manner until altered or discontinued” upon approval of the voters of the city. Iowa Code § 392.5 (2007), as enacted by 1972 Iowa Acts, 64th G.A., ch. 1088, § 196 (pursuant to section 9 of the act, this provision was effective July 1, 1972, if adopted by resolution of city council, otherwise effective July 1, 1974).

² In many cases, city ordinances incorporate the functions afforded library boards under the statutes existing in 1972, as contemplated by the transition provisions in that act. These statutes vested control over budgeting and the allocation and spending of library funds with the board of trustees. Iowa Code § 378.10(8) (1973) (the “board of library trustees shall have and exercise the following powers: . . . [t]o have exclusive control of the expenditures of all portions of the municipal enterprises fund allocated for library purposes by the council, and of the expenditure of all moneys available by gift or otherwise for the erection of library buildings, and of all other moneys belonging to the library fund, including fines and rentals collected under the rules of the board of trustees”), see also Iowa Code § 378.10(5) (1973) (empowering the board of library trustees to “select and make purchases of books, pamphlets, magazines, periodicals, papers, maps, journals, furniture, fixtures, stationery, and supplies for [the] library”).

controlling these assets by placing them in a foundation.” 1990 Iowa Op. Att’yGen. 10 (#89-2-6(L)) [1989 WL 264884]; see also Iowa Op. Att’yGen. #98-1-3 [1998 WL 213719].

Donor restrictions: “It is well established that the donor of [a] gift may impress upon [the] gift such conditions and limitations as the donor sees fit.” 1972 Iowa Op. Att’yGen. 303 (#71-11-21) (addressing school board obligation to comply with restrictions imposed by donor of gift to school district); see also 1986 Iowa Op. Att’yGen. 134 (#86-12-13) [1986 WL 79966]. With the statutory authority to accept and expend gifts afforded to library trustees comes the responsibility to ensure that the proceeds of the gift are spent in a manner consistent with any restrictions places upon use of the gift by the donor. 1972 Iowa Op. Att’y Gen. at p. 304 (“The funds must be earmarked and spent for the purpose for which the gift was made.”).

Deposit and investment restrictions: The statutory restrictions upon the deposit and investment of public funds act as a further barrier to the unrestricted donation of public funds to a private foundation. This office most recently addressed issues regarding the transfer of public funds to a private nonprofit corporation in an opinion addressing gifts received by a county to be used for conservation purposes. Iowa Op. Att’yGen. #00-8-2(L) [2000 WL 1576488] (copy attached). In that opinion we were asked whether a county board of supervisors could directly transfer money given by private donors for conservation purposes to a nonprofit organization which would use the funds for substantially the same functions as the county conservation board, but would invest the money in ways the county could not lawfully invest it. This opinion focused primarily upon the statutory provisions found in Code chapters 12B and 12C, which regulate the deposit and investment of public funds held by political subdivisions. As we stated, these statutes are part of

“a long standing state scheme [which] restricts the investment authority of counties and other political subdivisions.” 1988 Op. Att’yGen. 87, 88 (#88-4-5) [1988 WL 247774]. The investment options available under this state scheme can be fairly describes as conservative in nature and protective of principal. See generally Iowa Code chs. 12B, 12C. Although these investments normally generate a relatively low rate of return, they further a presumably more important legislative purpose: guarding against a loss, great or small, of public funds.

Iowa Op. Att’yGen. #00-8-2(L) at p. 3.

Code section 384.20 provides, in relevant part, that each “[c]ity shall keep accounts which show an accurate and detailed statement of all public funds collected, received, or expended for any city purpose, by any city officer, employee, or other person , and which show the receipt, use, and disposition of all city property.” Iowa Code § 384.20 (2007) (unnumbered par. 2). “A city may establish trust and agency funds for the [purpose of] . . . accounting for gifts received by the city for a particular purpose.” Iowa Code § 384.6(2) (2007). Cities are directed

to “keep all funds invested to the extent practicable and may invest the funds jointly with one or more cities” or other listed government entities. Iowa Code § 384.21 (2007). However, “[a]ll investments of funds shall be subject to sections 12B.10 and 12B.10A and other applicable law.” Id.

Code section 12B.10 establishes investment standards applicable to public funds held by political subdivisions.

2. . . . political subdivisions of the state, when investing or depositing public funds, shall exercise the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use to attain the goals of this subsection. This standard requires that when making investment decisions, a public entity shall consider the role that the investment or deposit plays within the portfolio of assets of the public entity and the goals of this subsection. The primary goals of investment prudence shall be based in the following order of priority:

- a. Safety of principle is the first priority.
- b. Maintaining the necessary liquidity to match expected liabilities is the second priority.
- c. Obtaining a reasonable return is the third priority.

3. Investments of public funds shall be made in accordance with written policies. A written investment policy shall address the goals set out in subsection 2 and shall also address, but is not limited to, compliance with state law, diversification, maturity, quality, and capability of investment management.

The trading of securities in which any public funds are invested for the purpose of speculation and the realization of short-term trading profits is prohibited.

Iowa Code § 12B.10(2), (3) (2007). Political subdivisions of the state may purchase and invest in only the types of investments which are listed within subsection 12B.10(5). Similar parameters for the deposit of public funds, designed to prevent “the loss of public funds on deposit in a depository” are set forth in Code chapter 12C. Iowa Code § 12C.1(4) (2007).

The deposit and investment standards carefully defined within chapters 12B and 12C, could be readily circumvented if a governmental body was allowed to give public funds to a private nonprofit corporation, which in turn were not subject to the standards.

Investment of public funds must strictly follow legislative commands, 63C Am. Jur. 2d *Public Funds* §§ 5, at 229 (1997), and a court, mindful of the public protections underlying chapter 12C, would likely scrutinize such a direct transfer to a county's apparent alter ego, see 1998 Op. Att'y Gen. ___ (#98- 1-3); see also 1980 Op. Att'y Gen. 317 (#79-8-2(L)) (quasi-state agencies "may often find themselves bound by restrictions prescribed in laws affecting state agencies"). Cf. Dyer v. City of Des Moines, 230 Iowa 1246, 300 N.W. 562, 566 (1941) (city forced to take custody of funds possessed by private entity, who, on city's behalf, collected fees for automobile testing and placed them in bank of its own choice: such city-owned funds must be "handled in the same manner as in which all other funds of the city are handled"). We point out that public funds do not necessarily lose their public character merely because a private entity happens to possess them. See 1994 Op. Att'y Gen. 71 (#93- 12-3(L)); see also 1998 Op. Att'y Gen. ___ (#98-1-3).

Iowa Op. Att'yGen. #00-8-2(L) at p. 4. We concluded with regard the county conservation funds at issue in the 2000 opinion, "[a] court might void a county's direct transfer of county-owned funds to a nonprofit organization that, in addition to expending them on the county's behalf, would invest them in ways the county could not lawfully invest them." Id. at p. 5.

Conflict of interest: The donation of public funds to a private non-profit organization also raises concerns regarding conflicts of interest if members of the board governing the governmental agency, which opts to transfer the funds, also serve on the board of directors of the private organization. Whether a conflict actually exists is a fact-based determination which does not lend itself to easy resolution, but consideration should be given to potential conflicts of interest in any transaction of this nature. As discussed in our 1988 opinion, the transfer of funds from a governmental agency to a private corporation could be void if the public duties of the board members who developed and approved the transfer proposal were in conflict with their interests in the private corporation. 1988 Iowa Op. Att'yGen. 112 (#88-10-2(L)) [1988 WL 247803], citing Wilson v. City of Iowa City, 165 N.W.2d 813, 820 (Iowa 1969). "By contrast, a government official who represents a governmental body on a separate 28E entity's governing board does not have an impermissible conflict of interest, at least absent litigation between the two entities." Id., citing Goreham v. Des Moines Metropolitan Area Solid Waste Agency, 179 N.W.2d 449, 462 (Iowa 1970).

Summary: Based upon examination of these authorities, I do not believe that a city library board may simply donate funds received from private donors to a private non-profit organization to use and invest as the nonprofit organization sees fit. Unless the library board retains the ability to oversee expenditures and to demand return of the funds in the event that future trustees do not agree with the delegation of control over the funds, the transaction violates the public purpose and non-delegation principles discussed above. Further, even if safeguards are put in place to assure ongoing oversight and control, I believe that the funds continue to be "public funds," subject to the deposit and investment standards contained in Code sections 12B and 12C and that the funds must be earmarked and spent for the purpose for which the gift was given.. A 28E agreement may provide a vehicle to facilitate joint public and private influence over the use of gifts received by a governmental body, by incorporating ongoing public oversight and accountability to the joint undertaking.

I am hopeful that this advice is useful to you in addressing issues related to the transfer of public funds. Please note, however, that this memorandum represents my own analysis of these sections and is not an opinion of the Attorney General. Feel free to contact me if you would like to discuss the issues further.

Local Option Sales Tax (Infrastructure/Economic Funds)

March 1, 2021

Income & Expense Report for FY 21

| | |
|---|----------------|
| Fund Cash Balance on Hand March 1, 2021 | 265,689 |
| Estimated Revenue for FY 2021 | |
| L.O.S.T From State (514,130) | 156,892 |
| Sgt. Bluff Eyecare (1,276.74 per month) or (15,320) | 5,106 |
| IJR Reimbursements: | |
| Sioux City (171,387) | |
| Sergeant Bluff (8,759) | |
| Siouxland Initiative (40,200) | 29,157 |
| Salix (754) | |
| DOT (198,000) | |
| Total Revenue | <u>456,844</u> |

Obligated Funds:

FY 20 (Carrvoer)

Interstate Justification Report County Share (648,409) - FY 16 15,811

FY 21

| | |
|---|----------------|
| Transfers: Rural Basic - Economic Development Department - FY 21 Approved | 278,404 |
| Rural Basic - W.C. Soil Conservation - FY 21 Approved | 39,000 |
| Ag Center (3 of 10 Payments) - FY 21 Approved | PAID |
| The Siouxland Initiative (25,000) - FY 21 Approved | PAID |
| Western Iowa Tourism (500) - FY 21 Approved | PAID |
| County Fair (12,000) - FY 21 Approved - Amended | PAID |
| Senior Community Service Employment Program (7,854) - FY 20 Approved | PAID |
| Sioux City Regional Convention & Visitors Bureau 1 of 3 (60,000 Total) | PAID |
| Joint City/County SIMPCO Memberships (7,292) - FY 20 Approved | 7,279 |
| SIMPCO Improvement Regional Housing (12,167) - FY 21 Approved | PAID |
| Appraisal Services County Farm | PAID |
| CAT Grant Supporty/Riverfront Project (2 of 3 Payments) - FY 21 Approved | <u>PAID</u> |
| | <u>340,494</u> |

Funds Unallocated for FY 2021 116,350

Gaming Revenue Funds

March 1, 2021

Allocations for FY 21

| | |
|---|---------|
| Fund Cash Balance on Hand March 1, 2021 | 311,011 |
| Estimated Revenue for FY 21 (336,000 or 28,000 per month) | 112,000 |
| Gaming Revenue - MRHD FY 20 (75,000) | 25,000 |
| Less Obligated Funds: | |

FY 21

Transfers:

| | | |
|---|---------|---------|
| Sheriff's Training Center - 1st Full FY Payments | PAID | |
| Tax Reduction - General Basic | 137,680 | |
| Tax Reduction - General Supplemental | 8,322 | |
| Tax Reduction - Rural Basic | 111,285 | |
| Siouxland Initiative 1 of 2 (Total 30,000) | PAID | |
| Meals on Wheels (12,760) - FY 21 Approved | 3,190 | |
| United Way Campaign | PAID | |
| Christy Road Project | PAID | |
| County Auditor's Remodeling (Approved 3-9-21, \$10,000) | 10,000 | |
| EOC Matching (19,983) - FY 21 Grant Approved | 19,983 | |
| SRTS (34,986) - FY 21 Approved | 17,494 | |
| | 307,954 | |
| Funds Unallocated for FY 2021 | | 140,057 |

Hard Rock average revenue by the month to obtain \$336,000 which averages \$28,000 per month:

Actual revenues by month

| <u>Month</u> | <u>Amount Received</u> | <u>Gain or Loss</u> |
|----------------|----------------------------|---------------------|
| July | 28,232.75 | 232.75 |
| August | 34,116.42 | 6,116.42 |
| September | 33,487.36 | 5,487.36 |
| October | 31,962.95 | 3,962.95 |
| November | 33,216.48 | 5,216.00 |
| December | 30,917.39 | 2,917.39 |
| January | 34,318.00 | 6,318.00 |
| February | 35,605.61 | 7,605.61 |
| March | 31,798.08 | 3,798.08 |
| April | | |
| May | | |
| June | | |
| Total Received | 293,655.04 | 41,654.56 |

The Woodbury County

Board of Supervisors

Gaming Revenue Grant

Grant Application Guidelines

Fiscal Year 2016

Thank you for your interest in the fiscal year 2016 Woodbury County Board of Supervisors gaming revenue grants. Woodbury County receives funds from the Hard Rock Casino & Hotel during each fiscal year. Each year, a portion of these funds will be distributed to area non-profit organizations through a competitive grant process.

READ THE APPLICATION GUIDELINES CAREFULLY AND USE THE GUIDELINES CHECKLIST

Your compliance with the specifications is important. **To ensure fairness for all, applications that are incomplete, do not include the required number of copies, do not follow guidelines, or miss the deadline, will not be reviewed. Your application will be considered final when it is submitted. You will not be given an opportunity to make changes or additions after submittal.** Programs funded from the FY 2015 grant cycle must be complete by November 1, 2016. If you would like your application reviewed for completeness prior to submission, contact Dennis Butler at 712-234-2910 or dbutler@sioux-city.org before 4:30 p.m. December 23, 2014.

ELIGIBILITY CRITERIA

Who is eligible for gaming funds grants?

Gaming fund grants will be made only to non-profit organizations that are located in Woodbury County, Iowa or that have a branch location in Woodbury County and whose work benefits Woodbury County residents. Proof of non-profit status is required. Grant funds must be used for programs or projects that benefit Woodbury County residents. Due to legal restrictions, Iowa Code Sections 331.901(5), organizations under ecclesiastical or sectarian management are not eligible for Woodbury County grant funds.

What types of programs/projects are eligible for gaming funds?

Grant funds must be for programs or projects that benefit Woodbury County residents. Requests for programmatic and capital projects are eligible: requests for operating support, including salary/wages/benefits of staff, are not. Grants must be for expenses that have not yet been incurred.

Formatting requirements and attachments

Applications narratives cannot exceed four pages, must be double-spaced, and must use font no smaller than 12-point Times New Roman. The program budget page cannot exceed one page (this is in addition to the four pages allowed for the narrative). The program page can be single-spaced. The required attachments (explained under "Required Attachments") must be included with the grant application. Failure to follow these requirements will make your application in-eligible for funding.

May I submit more than one proposal?

No. Only one application is allowed per organization. If an organization submits more than one grant application, all applications submitted by that organization will be deemed ineligible for grant funds and will not be reviewed.

May I submit more than one project in one proposal?

No. Only one proposal is allowed per organization, and only one program/project is allowed per proposal. If an organization submits a proposal requesting funding for more than one program/project, the proposal will be deemed ineligible and will not be reviewed.

FREQUENTLY ASKED QUESTIONS

What is the gaming grant program?

Each fiscal year Woodbury County receives gaming revenues from gambling activities. Starting in FY 2016 the Woodbury County Board of Supervisors will set aside \$80,000 as a way to give back to the community in perpetuity. Each year, the County will award these funds to local non-profit organizations through a competitive grant process. The funds must be used to benefit Woodbury County residents.

How do I get a grant application?

Applications are available on Woodbury County's website at www.woodburyiowa.com.

What is the deadline?

Applications are accepted once a year. The application cycle begins on November 1 of each year, and applications must be received by December 23. If the 23rd falls on a weekend, the applications are due the following Monday by 4:30 p.m. Woodbury County does not accept grant applications by email or facsimile.

What is the review process and timetable?

Grant applications are screened for completeness by Woodbury County staff. Incomplete grant applications and applications that do not meet eligibility or guidelines are ineligible for grant funds and will not be reviewed. Complete grant applications and those meeting the grant eligibility criteria and guidelines are reviewed and scored by the Woodbury County Board of Supervisors. Funding decisions are made in February.

How much funding is available?

The total amount of funding available for all grant applications is \$80,000. There is no cap for grant requests. However, please use common sense in making your requests. Please keep this in mind as you develop your budget and grant request. The Woodbury County Board of Supervisors will receive more funding requests than it can possibly grant. If support of a worthwhile program/project is declined, this decision does not reflect on the value of the group or service, but rather on the need to be selective because of limited resources.

Are matching funds required?

Matching funds are not required, but it is necessary to show the full cost of your program/project and the other sources of funds.

What is Required of Grantees?

1. Grant funding must be used for the program/project described in your application. If you find you need to use the funding for other purposes, you must request permission in writing prior to doing so. Requests should be submitted to Woodbury County Finance/Operations Controller which will forward the request to the Woodbury County Board of Supervisors.
2. The Board of Supervisors may request a representative from your organization attend a public meeting to relate progress toward completion of your program/project at any time.
3. Press releases, annual reports, and materials printed with grant funds should credit the Woodbury County Board of Supervisors Gaming Funds. Please contact the Board of Supervisors office for a logo for such materials.

What is Required of Grantees?

Grant applications will be scored based on how well they try to meet the following objectives:

1. Has potential for long-term impact
2. Serves a broad segment of the population or those at risk
3. Address an emerging need, or provides a solution to an existing community and/or organizational need
4. Clearly describes project goals
5. Demonstrates sound financial plans for future funding of the program/project
6. Program/project developed in collaboration with other organizations rather than duplicate services

The Woodbury County Board of Supervisors gaming fund receives more funding requests than it can possibly grant. If support of a worthwhile program is declined, this decision does not reflect on the value of the group or service, but rather on the need to be selective because of limited sources.

Required Attachments

Applications must include the following attachments:

1. Application Cover Page
2. Organizational Budget
3. Assurances
4. Proof of Non-Profit Status
5. Board of Directors

FAILURE TO FOLLOW THE FOLLOWING REQUIREMENTS WILL MAKE YOUR PROPOSAL INELIGIBLE FOR FUNDING. AN AFFIRMATIVE ANSWER TO THE QUESTIONS FOLLOWING EACH GUIDELINE WILL ENSURE ELIGIBILITY.

Application Guidelines / Checklist

1. Only one application is allowed per organization. If an organization submits more than one application, all applications submitted by the organization will be deemed ineligible for grant funds and will not be reviewed. Additionally, only one program/project is allowed per proposal.
_____ *Have you submitted only one (1) application/Program/Project for your organization?*

2. Respond to all questions on the cover page, narrative and budget form.
_____ *Have you responded to each question on the cover page?*
_____ *Have you addressed each narrative guideline in the order listed?*
_____ *Have you followed the budget guidelines?*

3. Use only the space allowed – up to four double spaced pages for narrative; one page for program/project budget and program/project budget narrative (budget and budget narrative may be single spaced but cannot exceed one page total).
_____ *Is your narrative double-spaced?*
_____ *Is your narrative four pages or less?*
_____ *Is your program/project budget and program/project narrative one page or less?*

4. Applications must be typewritten in Times New Roman 12-point font or larger.
_____ *Is your entire application submittal typewritten in Times New Roman 12-point font or larger?*

5. Applications must have at least one-inch margins on all sides.
_____ *Does your application have at least one-inch margins on all sides?*

6. Sign and attach Assurances page.
_____ *Is the Assurances page signed and attached?*

7. Attach proof of non-profit status, such as an IRS letter of determination
_____ *Have you attached proof of non-profit status?*

8. Attach a list of your board of directors and their affiliations?
_____ *Have you attached a list of your board of directors and their affiliations?*

9. Attach your organizational budget (including revenue and expenditures).
_____ *Have you attached your organizational budget?*
10. Do not include any attachments, brochures, or materials other than those required (as listed above).
_____ *Have you only attached only the required attachments (as listed above)?*
11. Submit an original and five copies of your application (6 total).
_____ *Have you submitted one (1) original and five (5) copies of your application?*
12. Staple or paperclip each copy of the application.
_____ *Is each copy of your application either stapled or paper clipped?*
13. Assemble your application in this order:
- i. Application Cover Page
 - ii. Narrative
 - iii. Program/Project Budget Form and Narrative
 - iv. Organizational Budget
 - v. Assurances
 - vi. Proof of Non-Profit
 - vii. Board of Directors
- _____ *Is your application assembled in the above order?*
14. Applications must be received no later than Tuesday 4:30 p.m., December 23, 2014 (this is not a postmark date) at the following address:
- Dennis Butler, Finance/Operations Controller or
Karen James, Board Administrative Coordinator
620 Douglas Street, Room 104
Sioux City, Iowa 51101
15. Faxed or e-mailed submission will not be accepted.
_____ *Did you mail or hand-deliver your application to the correct address?*

PROPOSAL GRANT

- **GRANT APPLICATION COVER PAGE**

- **NARRATIVE PROPOSAL** (using the outline & headings below, the narrative proposal must not exceed four double spaced typed pages, Times New Roman 12-point font or larger, 1-inch margins).

1. Organization Description

- What is your organization's mission?
- How long has your organization been of service to the local community?
- What are your organization's current programs / activities / services?

2. Definition of Problem / Statement of Need

- Define and document the problem or need addressed by this program/project.

3. Program/Project Purpose / Impact

- Describe the program/project and what will be accomplished.
- Describe the target population, how many will be served or affected and for how long.

4. Program/Project Objectives

- List the project goals and objectives.

5. Coordination

- Are these services offered elsewhere in this county? If so, what warrants funding of this program/project?
- Identify any program/project partners.

6. Implementation

- Who will be responsible for performing the work and achieving the goals?
- What are that person's qualifications?
- Provide a brief timeline with starting and ending dates (gambling revenues funded grants must be complete by November 1, 2016).

7. Funding

- Does your organization receive other forms of funding from Woodbury County? State yes or no, and if yes, explain the type of funding and its uses.

- **PROGRAM/PROJECT BUDGET** (Budget and budget narrative cannot exceed one page. Single-spaced is acceptable).

1. Budget Form

- Use the following budget form as a guide.
- Itemize your budget for this program/project.
- Show the full cost of your program/project and other sources of funds (matching funds are not required).
- Round to the nearest whole dollar.

Sample Program/Project Budget

| Line Item Expenditures | Other Funding Sources (Identify Sources) | Project Total |
|------------------------|---|---------------|
| Supplies | \$ | \$ |
| Equipment | | |
| Other (be Specific) | | |
| Totals | \$ | \$ |

2. Program/Project Narrative

- Provide a brief explanation of each budget item.
- Provide quantity and cost for all items (e.g., 30 workbooks @ \$ 12 each; etc.).
- Specifically identify which line items relate to the grant amount requested from the gaming revenue grant.
- Identify other sources of funding and amounts. Specify if the funding is pending or committed.
- **NOTE: Operating support, including salary/wages/benefits is not for grant funding.**

- **ORGANIZATIONAL BUDGET**

- Provide a brief overview and/or spreadsheet of your organizational budget.
- Include primary sources of revenue and expenses.

**If you have questions, contact:
Dennis Butler, Finance/Operations Controller
721-234-2910 or dbutler@sioux-city.org.**

ASSURANCES

This signed page must accompany your application

The applicant hereby agrees and acknowledges that:

- (1) If awarded funds, the applicant will conduct operations in accordance with Title VI and the Civil Rights Act of 1964, as amended, and the Rehabilitation Act of 1973, as amended, which prohibits discrimination against any employee, applicant for employment, or any person participating in a sponsored program on the basis of race, creed, color, national origin, religion, sex, age, sexual orientation, or physical or mental disability, and require compensation for employment at no less than the minimum wage requirements and will provide safe and sanitary working conditions;
- (2) the applicant will expend funds received as a result of application solely on the described program/project;
- (3) all unexpended funds received pursuant to this grant shall be returned to Woodbury County;
- (4) If awarded funds, the applicant will include in all appropriate promotions, publicity, advertising, and in printed material the following credit line: **“This program/project was funded in part by a grant from the Woodbury County Board of Supervisors gaming revenues.”**
- (5) The filing of this application has been approved by the legally authorized governing body of the applicant, if applicable;
- (6) The facts, figures, and information contained in this application, including all attachments, are true and correct; and
- (7) Failure to comply with the rules for this program will result in the penalty of grant forfeiture.
- (8) If awarded funds, applicant will, upon request by Woodbury County, provide an accounting of all expenditures of grant funds.

Name of Organization

Signature of Board President

Date

Signature of Executive Director

Grant Application Fiscal Year 2016

Cover Page

Submit this completed form with the original and five copies of your application and attachments to Dennis D. Butler, Finance/Operations Controller, 620 Douglas Street, Sioux City, Iowa 51104. **The complete application must be received by 4:30 p.m., Tuesday, December 23, 2014.**

Due to legal restrictions, Iowa Code Section 331.901(5) organizations under ecclesiastical or sectarian management are not eligible for Woodbury County grant funds.

Organization Name: _____

Organization Mailing Address _____

Project Name _____

Contact Person _____
Title _____

Telephone: _____ E-Mail _____

Is your organization under ecclesiastical or sectarian management or control, as specified in Iowa Code 331.901(5). If yes, your organization is not eligible for funding.

Yes _____ No _____

Dollar Amount Requested _____

Total Program/project Cost: _____

2-4 Sentence Summary of Request: _____

Gaming Revenue Grant

Index

(1) Grant Application Guidelines

(2) Application Checklist

(3) Proposal Grant

(4) Assurances

The Woodbury County Board *of* Supervisors
Gaming Revenue Grant Program
FY 2015 - 16