**WOODBURY COUNTY, IOWA**
ORDINANCE NO. 21

**TITLE:** An ordinance authorizing Woodbury County to lease property to a private enterprise competing against other private enterprises doing business in the telecommunications industry.

**WHEREAS**, Siouxland Tri-State Area Radio Communications System ("STARCOMM") provides public safety radio services to Woodbury County, Iowa, Dakota County, Nebraska, Union County, South Dakota, the City of Sioux City, Iowa, the City of Sergeant Bluff, Iowa, the City of North Sioux City, South Dakota, and the City of South Sioux City, Nebraska;

**WHEREAS,** Woodbury County owns telecommunications towers and shelters located on five different sites as part of the communications system operated by STARCOMM;

**WHEREAS,** Section 331.301(1) of the Code Iowa provides that Woodbury County may exercise any power or perform any function it deems appropriate to preserve and improve the peace, safety, health, welfare, comfort and convenience of its residents;

**WHEREAS**, Section 331.361(2) of the Code of Iowa grants Woodbury County the power to dispose of interests in real property by lease;

**WHEREAS**, Section 23A.2 of the Code of Iowa allows counties to engage in the offering for sale, rental, leasing, delivery, dispensing, distributing or advertising of goods or services to the public which are also offered by private enterprise if such county is specifically authorized by ordinance; and

**WHEREAS**, Woodbury County desires to have specific authorization to lease space on the telecommunications towers for telecommunications equipment and lease space for equipment in the shelters located at the five different sites to a private enterprise competing against other private enterprises in furtherance of the County's interest to preserve and improve the peace, safety, health, and welfare of its residents.

**BE IT ENACTED BY THE BOARD OF SUPERVISORS OF WOODBURY COUNTY, IOWA:**

SECTION 1. Woodbury County, Iowa is hereby authorized to offer to a private telecommunication enterprise, which competes with other businesses in the telecommunications industry, the opportunity to lease space on the telecommunications towers owned by Woodbury County and operated by STARCOMM for telecommunications equipment and lease space for equipment in the shelters owned by Woodbury County and operated by STARCOMM.

SECTION 2. The authorization granted in Section 1 of this ordinance is hereby declared to be in satisfaction of Section 23A.2 of the Iowa Code.

SECTION 3. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. Severability Clause. Should any section, phrase, or provision of this ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, that decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid or unconstitutional.

SECTION 5. When Effective. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

This Ordinance passed and approved by the Board of Supervisors of Woodbury County, Iowa, on this 30th day of May, 2006.

First Hearing: May 16, 2006

Second Hearing: May 23, 2006

Third Hearing: May 30, 2006

WOODBURY COUNTY BOARD OF SUPERVISORS

Larry D. Clausen, Chair

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ATTEST:

Patrick Gill
County Auditor