



Woodbury County Law Enforcement Center Authority

620 Douglas St., Room 104

Sioux City, Iowa 51101

712 – 279-6525

Ron Wieck - Chair

Dan Moore - Secretary

Rocky De Witt - Treasurer

Agenda

February 3, 2023 9:00 a.m.

First Floor Boardroom, County Courthouse

9:00 a.m. Call Meeting to Order

1. Approval of the agenda
2. Approval of the minutes of the January 20, 2023 meeting
3. Approval of claims
4. Financial Report
5. Approval of conflict waiver regarding second amendment to Lease Agreement with Woodbury County, Iowa
6. Approval of resolution fixing date for a public hearing on the proposal to amend the Lease Agreement with Woodbury County, Iowa
7. Commissioner's concerns
8. Adjourn

ADJOURNMENT

Woodbury County Law Enforcement Center Authority

Minutes

January 20, 2023 8:30 a.m.

Basement Boardroom, County Courthouse

Attendance:

Members: Ron Wieck, Dan Moore, Rocky De Witt

Staff: Karen James, Dennis Butler, Shane Albrecht, Baker Group, Kenny Schmitz, Building Services, Kevin Rost, Goldberg Group Architect

1. Motion by Wieck, second by De Witt to approve the agenda. Carried 3-0
2. Motion by De Witt, second by Moore to approve the minutes of January 3, 2023 meeting. Carried 3-0
3. Shane Albrecht, Baker Group gave information on the Proposed Lease Agreement.
4. Shane Albrecht, Baker Group gave an update on the Woodbury County LEC Main Project.
5. Media Day was held in the Basement Boardroom at 9:30 a.m.
6. No Commissioner's concerns.
7. Motion by Wieck, second by Moore to adjourn. Carried 3-0

Dan Moore, Secretary



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January 27, 2023

Via email only

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

Re: Woodbury County Law Enforcement Center Authority - Conflict Waiver

Dear Board of Commissioners:

Our firm concurrently represents Woodbury County, Iowa ("County") and the Woodbury County Law Enforcement Center Authority ("Authority"). Recently, we were asked by both parties to act as scrivener in the drafting of a Second Amendment to the Lease Agreement by and between the Authority and the County.

We do not believe such representation as scrivener of the parties' agreement presents a direct conflict of interest, but it is our duty to inform you of the nature of the concurrent representation. For the County we provide legal services on a variety of matters, including financing. Our firm is currently representing the Authority in connection with certain Law Enforcement Center general project-related questions. This firm is not representing the County related to the Second Amendment, described above, and it is the firm's understanding that the County Attorney will review the Second Amendment on behalf of the County.

While this transaction does not fall within the scope of our representation of the County, such representation could be perceived as a concurrent conflict of interest under the ethical standards governing the practice of law in Iowa. We do not believe this is an actual conflict of interest, but from a legal perspective, a concurrent conflict of interest exists under Iowa rules if (1) the representation of one client will be directly adverse to another client; or (2) there is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client, or a third person or by a personal interest of the lawyer. We know that the second condition stated above does not apply to this situation, as noted above, but our firm's representation of the Authority related to drafting the Second Amendment will technically be directly adverse to the County.

The state's ethical rules allow a law firm to concurrently represent two adverse parties if (1) the lawyer reasonably believes that the lawyer will be able to provide competent and diligent representation to each affected client; (2) the representation is not prohibited by law; (3) the

representation does not involve the assertion of a claim by one client against another represented by the lawyer in the same litigation or other proceeding before a tribunal; and (4) each affected client gives informed consent, confirmed in writing. We believe confidently that our attorneys will be able to provide competent and diligent representation to each of their affected clients as the matters being addressed are totally unrelated, the representation is not prohibited by law, and there will not be an assertion of a claim as described. The purpose of this letter is to seek the written consent of the County in order to proceed. We are requesting the same from the County.

Please feel free to contact me with any questions or concerns. If you consent to the concurrent representation, please so indicate below and return a copy of this fully executed letter to my attention.

Ahlers & Cooney, P.C.

Sincerely,

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

Jason L. Comisky
FOR THE FIRM

JLC:ks

cc: Ron Weick (via email)
Karen James (via email)

The Woodbury County Law Enforcement Center Authority Board of Commissioners hereby waives and consents to any actual, potential, or perceived conflict of interest associated with Ahlers & Cooney, P.C.'s representation of the Woodbury County Board of Supervisors and the Woodbury County Law Enforcement Center Authority with respect to the above referenced transactions.

Dated this ___ day of _____, 2023.

WOODBURY COUNTY LAW ENFORCEMENT CENTER AUTHORITY
BOARD OF COMMISSIONERS:

Chair

Attest:

Secretary



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January 27, 2023

Via E-mail Only

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

Re: Woodbury County Law Enforcement Center Authority, Iowa
Resolution Fixing Date of Hearing on the Second Amendment to the Lease
Agreement

Dear Dennis:

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

Publication Requirement - Notice of Hearing.

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

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

Please return a completed copy of the proceeding, via email followed up by a hard copy, filled in as the original and certified back to us. **We are also enclosing an extra copy of the**

notice of hearing to be delivered to the newspaper for publication purposes. A certificate to attest the proceeding is attached as well.

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

Ahlers & Cooney, P.C.

Sincerely,

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

Jason L. Comisky
FOR THE FIRM

JLC:ks

Enclosures

cc: Ron Weick (via email)
Karen James (via email)

ITEMS TO INCLUDE ON AGENDA FOR FEBRUARY 3, 2023

WOODBURY COUNTY LAW ENFORCEMENT CENTER AUTHORITY

Woodbury County Law Enforcement Center Authority.

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

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

February 3, 2023

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

Absent: _____

* * * * *

Commissioner _____ introduced the following resolution entitled "RESOLUTION FIXING DATE FOR A PUBLIC HEARING ON THE PROPOSAL TO AMEND THE LEASE AGREEMENT WITH WOODBURY COUNTY, IOWA", and moved that the resolution be adopted. Commissioner _____ seconded the motion to adopt. The roll was called and the vote was,

AYES: _____

NAYS: _____

Whereupon, the Resolution was duly adopted as follows:

RESOLUTION FIXING DATE FOR A PUBLIC HEARING ON
THE PROPOSAL TO AMEND THE LEASE AGREEMENT
WITH WOODBURY COUNTY, IOWA

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

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

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

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

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

WHEREAS, neither Section 346.27 nor any other Code provision sets forth any procedural action required to be taken before said Second Amendment can be approved, and the Authority hereby deems it sufficient if the action hereinafter described be taken and the Secretary of the Board of Commissioners causes to be published notice of the proposal and of the time and place of the meeting at which the Board of Commissioners proposes to take action thereon and to receive oral and/or written objections to such action; and

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

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

Section 1. That this Board of Commissioners meet in the First Floor Supervisors' Board Room, Woodbury County Courthouse, 620 Douglas St., Room 105, Sioux City, IA, at __:00 __.M. on February 17, 2023, for the purpose of taking action on the matter of the proposal to amend the Lease with Woodbury County, Iowa.

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

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

(One publication required)

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

PUBLIC NOTICE is hereby given that the Board of Commissioners of the Woodbury County Law Enforcement Center Authority, will hold a public hearing on February 17, 2023, at 9:05 A.M. in the First Floor Supervisors' Board Room, Woodbury County Courthouse, 620 Douglas St., Room 105, Sioux City, IA, at which meeting the Board of Commissioners proposes to take action on the proposal to authorize a Second Amendment to the Lease Agreement (the "Second Amendment") with Woodbury County, Iowa (the "County") said Lease Agreement originally dated September 1, 2020, as amended and substituted (the "Lease").

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

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

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

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

Dated this _____ day of _____, 2023.

Secretary, Woodbury County Law Enforcement
Center Authority

(End of Notice)

PASSED AND APPROVED this 3rd day of February, 2023.

Chairperson, Board of Commissioners

ATTEST:

Secretary, Board of Commissioners

CERTIFICATE

STATE OF IOWA)
) SS
COUNTY OF WOODBURY)

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

WITNESS my hand and the seal of the Board of Commissioners hereto affixed this _____ day of _____, 2023.

Secretary, Woodbury County Law Enforcement
Center Authority

