

CONCERNS REGARDING GROSS MISAPPROPRIATION OF FACTS AT THE AUGUST 19 PRESS CONFERENCE CALLED BY UNITED TODAY, STRONGER TOMORROW

No one is more concerned about how high the construction bid was than the board of supervisors responsible to fund it. We inherited a building that ran over capacity only a few years after being built, over 30 years ago. We tried to do it cheaper, by adding concrete cells upward. But scientific studies told us building integrity and the foundation would not allow it. We tried to do it cheaper by modernizing the design, but the building already saw two major renovations, and a third would not add any bed space. Utilities original to the building and years past normal life cannot be replaced without removing structures and disrupting the entire building, forcing us to pay up to millions of dollars to up to 80 other counties to house our prisoners for several weeks, according to Sheriff's Jail Staff. THE COMMUNITY--not us--the community ultimately looked at our 7 long years of committee meetings and homework and told us to build a new one without all the same mistakes. We took that charge seriously and refused to downsize or reduce quality. They saw that this was the #1 most vetted idea in the last decade of Woodbury County. They saw that the Sheriff's Office gave tours of the jail to citizens advisory committee members. They saw that several county officials and employees spoke about it on the radio. They saw that we scheduled dozens of dedicated public hearings on the design, making every advisor, consultant, engineer, and architect COMPLETELY available to answer public questions.

Everyone saw that except for, apparently, United Today, Stronger Tomorrow. This organization held an August 19 press conference at the courthouse and suddenly considers themselves qualified to host a "Teach-In" on the project. They also rigged their online questionnaire asking people how they want ARPA funds spent. Do you want to know why they're saying no one wants it spent on the jail, law enforcement; public safety, or the justice system? Because those aren't options in their survey. Page 23 of the ARPA IFR, and Pages 21-24 of the Treasury FAQ clearly allow those uses in general, so why aren't they listed? I think we all know the answer.

UTST is represented by Dave Bushaw, Jr. who said Woodbury County "made the decision under cloak and dagger." I would remind Dave that he found out about the decision through public news reports on open meetings, not by bugging our houses and cracking some code.

He also disingenuously emailed me "I want to impress just once more that there is no argument from the community that the new facility is needed," even while his organization invites speakers to the press conference who argue just that, one of them claiming the jail represents the "school to prison pipeline."

Giving a platform to such ignorance will make this community less safe. Public minutes from the citizens advisory group in 2019 quote comments from a local judge thusly: "Judges currently meet every week to decide which inmates to let out to avoid overpopulation. It is a public safety issue--either provide more space or compromise public safety. We are getting away from punishment due to lack of bed space." When we say we don't have a choice, we mean it. We aren't building an opera house. We're thinking of our children and grandchildren.

It was not a county action alone that accepted the low bid. The Sioux City Council appointed their member (and attorney) Dan Moore to the LEC Authority, and he also voted for it, knowing full well the Authority would submit an ARPA plan to pay for it. Is the Council unhappy with Dan Moore? Does Bob Scott want to put himself back on the LEC Authority?

And then there is Ernie Colt with the carpenter's union. No matter how many times he's told Iowa law does not allow for local preference on this project, Ernie just keeps on slamming the county supervisors for the LEC Authority following the law and accepting the low bid.

Ernie Colt says of the LEC Authority meetings, "All these things are being done behind closed doors, trying to keep it from public knowledge." And yet, of the 35 county committees, the LEC Authority is the ONLY one with a direct link from the county website's homepage. It also publishes its tentative meeting schedule for the entire calendar year. This isn't North Korea, Ernie. If you want to participate in the LEC Authority meetings, you just open the door and open your mouth, as you have done several times.

I'm not upset that others are upset—that's their right. I'm not upset people are fighting over a federal funds airdrop—that's expected. I'm upset because misinformation is needlessly dividing this community. I intend to call it out from this board table, right now.

Because I have concerns too.

I'm concerned about the gross mischaracterization of what the voters voted for. The voters voted for a \$50.3 million bond in March 2020 for the building as designed. Way before the construction bid, in October 2020, we borrowed half of that, upon which we owe \$7.6 million in interest over time. We owe this no matter what. We owe it because the voters voted for us to owe it. The second half will be borrowed in September, and we're hoping the interest charge is less than \$7.6 million due to low interest rates. But let's assume it's the same, and the total is \$15 million. We are being asked to wait our way to a \$15 million price decrease which no one can guarantee, when we already owe \$15 million in interest, which is guaranteed. This request is grossly irresponsible to the taxpayers.

I'm concerned to hear Western Iowa Labor Federation, AFL-CIO President Jeff Shudak say the purported cost of upgrades of the current jail being in the tens of millions is "overexaggerated hogwash." \$30 million is the cost of the replacements & renovation assuming the same 33% increase shown by the construction bid. I'm concerned that he may not have read the dozens of pages of graphs, tables, memos, and calculations done earlier through the LEC Citizens Advisory Group, because that cost is itemized therein. Again, an estimated \$30 million today to fix all the issues, stay in the current jail, but fail to address the capacity problem. This was a choice the voters had. They didn't choose it.

I'm concerned that everyone at the press conference is so sure what a "gross misappropriation" is with only an interim final rule and no definitive answers from the authorities. The motion passed by the Board said, "if applicable." What's so hard about waiting for the final rule and definite answers?

One purpose of ARPA is to mitigate present and future pandemics. The largest proposed use of the \$15.6 million is for HVAC improvements in the most cramped county building, which will also mitigate the spread of airborne diseases through filtration, segregated air handling units, and negative pressure. The second largest proposed use is for new program space and staff to serve inmates with mental health deficiencies, which make up around half of the jail population. These are both explicitly mentioned in the ARPA IFR. One must be willfully ignorant to tell people what we're doing has nothing to do with COVID relief.

I'm concerned multiple speakers said Woodbury County is violating treasury guidelines by submitting a plan. U.S. Treasury's user guide FAQ 1.5 states the following:

Should recipients submit a Recovery Plan if they are awaiting approval by legislative or other governance entities on the proposed projects, and such approval is not received as of the end of the reporting period?

The answer is yes, provided an updated plan is submitted within 60 days of approval.

I'm concerned that Sioux City Mayor Bob Scott stated, "If the county is found to be in error, the taxpayers of Sioux City and Woodbury County will be asked to pay on our tax bills a large portion of this \$15 million cost." U.S. Treasury FAQ 3.1 states the following:

In the event that something is funded/purchased using the Recovery Funds and reported, and then subsequently it is realized that the funding/purchase does not qualify for use of the Recovery Funds, can that report be amended and a correction be made?

ANSWER: Yes. Recipients can make corrections.

If ARPA funds are denied for one use but allowed for any other existing Woodbury County budget line item anywhere within the roughly \$60 million annual budget, then those dollars are freed up for the jail regardless.

I'm concerned that an August 19 Sioux City Journal front page article says the jail project has come in at over \$78 million, and that Woodbury County has already committed \$20 million in federal funds dedicated for COVID relief. Those numbers are off by over \$10 million, and \$5 million, respectively. I appreciate that this was corrected afterwards in the online version, but it sure doesn't make our job easier.

I'm concerned that WILF President Jeff Shudak purports to represent workers, yet insults our hardworking building services employees by saying, "I also question the ability of the people who have maintained this building. This equipment goes bad usually because maintenance is overlooked or ignored." I'm concerned with how nonchalantly he throws Woodbury County's local laborers under the bus, when I bet (right now) he couldn't name or price even a tenth of what our building services department and Sheriff's Office have already done with hard-earned taxpayer dollars to keep the current jail functioning.

I'm concerned that Dave Bushaw does not believe the use of ARPA funds towards the jail represents "deliverable gains" to the community, simply because the project will be done in part by non-local labor. The new jail provides a safer work environment for our corrections officers from a health, transport security, and supervision standpoint. It provides more efficient spaces for judges to clear through court cases. It allows space to segregate inmates suffering from psychological issues, rather than have them present a danger to the general population. It allows more separation and classification, helping our officers mitigate and respond to violent threats to themselves and others. It increases medical care space, rather than rely on more expensive and more dangerous solutions outside. Again, I'm concerned that Dave doesn't believe vastly improved working conditions for our CWA Civilian Jailers union doesn't qualify as a "deliverable gain."

I'm concerned that Jeff Shudak claimed "small upgrades can help the current jail get by until the building cost decreases." I heard Chief Deputy Tony Wingert say once, "Corrections is the unsung hero of law enforcement. They don't get the credit that they deserve as part of the law enforcement family and they have a very tough job to do." It's grossly disrespectful for Jeff Shudak and Ernie Colt to recommend more band-aid, short-term, cheap, low-quality fixes to their working conditions.

I'm also concerned about the accuracy of Jeff Shudak's crystal ball. Fact: The new jail needs over a million pounds of steel for cellblock. Fact: At the time of the construction bid, we bought it for 46 cents per pound from SteelCell of North America. Fact: Two weeks ago, their going rate was up to \$1.42/pound. Fact: SteelCell is preparing for \$2.00/pound by the end of the year. Fact: 46 cents is less than \$2.00.

I'm concerned by the repeated claim from Ernie Colt that 90-95% of the work will not be local. Of the \$58 million construction bid, CW Suter is over \$13 million. Thompson Electric is almost \$6 million. Not even counting the local ironworkers to be hired by Pauly Jail Company, you only need to bring up two subs to show this for what it is: A lie.

I'm concerned that Pastor James Mosley, Jr. forgets Romans 13:4 when he says it's "ridiculous" to spend the money on the jail rather than help the needy. A foundational function of a God-fearing government is to punish evil. Exactly how do you do that in the 21st Century with a jail that's over capacity? I applaud Pastor James for doing his God-given duty to provide for the needy in the community. But if he's trying to get in the way of the government doing its God-given duty, then in his words, "that's not good."

I'm concerned by comments made by Jen Pellant, representing 38 Iowa unions with WILF, in which she conflated private for-profit prisons with public prisons. She stated, "we all know that the biggest problem in this country is prisons that run for profit" and that if the new jail would be completed, that the last thing our local officials would want is empty beds, saying "they want them full." No Jen, we don't want people to break the law and go to jail and overcrowd it, but they do. What I want is for our jail to last for 50 years, not 30. And if federal inmates can benefit Woodbury County taxpayers in the meantime, why should we tax them more just to make you happy?

I'm concerned that the UTST organization is misinforming our local residents of the holding process for the U.S. Marshals and ICE. In his call to action, Dave Bushaw said "we don't have the kind of rehabilitation infrastructure we need once these folks get out of prison into these communities that they're not familiar." Any outside federal inmates held locally are released back to their original jurisdiction, NOT in Sioux City.

I'm concerned with Winnebago Tribe of Nebraska member Tricia Etringer saying "I'm tired of being targeted" and claiming that funding a legally mandated jail is "targeting BIPOC community members." Crimes are committed by individuals. I'm a second generation immigrant, my father is Chinese and escaped Laos. Given the fact that's the strongest part of my ancestry, if I told you I'm a person of color, you'd have no right to say otherwise. My wife is 100% Honduran. In my formative years, I spent a lot of time with the Sugpiaq tribe in Nanwalek, Alaska, and the Havasupai tribe at the bottom of the Grand Canyon. None of that matters if I go and rob a liquor store. If I commit a crime, I do it as Matthew Ung, not as a BIPOC community member. It's the same for Tricia and everyone with the Winnebago tribe she represented last Thursday.

I'm concerned that Tricia Etringer asked why Woodbury County leaders are trying to "communicate underneath the table" and "trying to keep it hush hush" without any evidence of that whatsoever. If Woodbury County was keeping it "hush hush," would supervisors have driven to over a dozen of Woodbury County's rural city councils to present the issue and answer questions, and ultimately receive overwhelming written support from rural city leaders? Because Supervisor Keith Radig did that.

I was concerned when I saw Ernie Colt nodding behind the podium in approval as a woman told him they are going to target Native Americans like her to put into the new jail. As Ernie stands behind a working microphone, where's the backbone to stand up for our local law enforcement?

I'm concerned by comments from Native Americans in Sioux City saying, "where's our cut?" when Sioux City received more ARPA funds, and ARPA allocates \$20 billion to Tribal governments, which even have a superior arrangement, where all funds obligated to tribes are available indefinitely, until expended.

We just had another homicide here. **If you want to start a call to action to actually help the community and lower our jail costs to zero, then tell people to follow the 10 Commandments and the American derivatives of that. Tell people to stop breaking the law.**

Matthew Ung
Vice-Chairman, Woodbury County Board of Supervisors