

REGULAR SESSION

JULY 07, 2009

The Union County Board of Supervisors met in regular session on Tuesday, July 07, 2009. The meeting was called to order at 9:00 a.m. with the following members present: Bob Jansen, Ron Riley, Tom McCann and Mike King. Bob Brown was absent.

AGENDA: Motion by Riley and seconded by Jansen to approve the agenda as amended removing Rick Rice from Crossroads as he rescheduled for July 20, 2009. All voting aye, motion carried.

OPEN FORUM: No one was present.

BOARD DISCUSSION: Board members discussed the different meetings that were attended last week.

ENGINEER: Steve Akes, County Engineer, presented and discussed the weekly maintenance and activity report, spray and rock map, and Port and Ryan Roads. **Project Agreement with USDA/NRCS for Stream Stabilization Projects:** Motion by McCann and seconded by Jansen for the chair to sign the Cooperative Project Agreement Locally Led Contracting Operation and the Maintenance Agreement and Plan between the NRCS / US Dept of Agriculture and the Union County Board of Supervisors. The agreement details that NRCS and the Union County Board of Supervisors agree to implement emergency watershed protection measures to relieve hazards created by rainfall events of 2007 and 2008. Initial costs are estimated at \$196,315.00 with the county share being \$49,079.00 All voting aye, motion carried. **Iowa Bridge & Culvert, LC Contracts (Project No. BRS-C088(39)-60-88:** Motion by Riley and seconded by McCann for chair to sign the Contracts and Contractor's Bonds with Iowa Bridge & Culvert, LC – Washington, IA for Bridge Replacement Project No. BRS-C088(39)-60-88. All voting aye, motion carried.

RECORDER: Motion by McCann and seconded by Jansen to accept the Recorder's June 2009 Monthly report that was presented by Paula White, County Recorder. All voting aye, motion carried.

COUNTY ATTORNEY: Motion by Riley and seconded by Jansen to approve Resolution # 1 FY09/10: NOW on this 7th day of July, 2009, the matter of the Union County Attorney's Application for Appointment of a Special Assistant comes before the Union County Board of Supervisors. WHEREAS, the Union County Attorney is regularly required to participate in Juvenile Court proceedings which are regularly scheduled for the second Thursday of each month, and WHEREAS, Juvenile Court proceedings have now been confirmed for the third Thursday (July 16, 2009), when the county attorney will be unavailable as a result of his participation in a community service project outside the State of Iowa, and WHEREAS, Michael D. Maynes, the part-time Adair County Attorney, is knowledgeable and experienced in matters associated with juvenile justice, and WHEREAS, the Union County Attorney and the Union County Board of Supervisors believe that the interest of justice will be protected by the appointment of a special assistant to appear in juvenile court proceedings scheduled for July 16, 2009. BE AND IT IS HEREBY RESOLVED that Michael D. Maynes, Greenfield, Iowa, be and is hereby appointed Special Assistant in and for Union County for purposes of attending to court matters July 16, 2009, and at such other times as may be necessary pursuant to Section 331.756(1). Roll Call Vote: Jansen, aye; McCann, aye; Riley, aye; and King, aye. Brown absent. Motion carried.

PROJECT AGREEMENT FOR EAST FORK OF GRAND RIVER WATERSHED: Motion by Jansen and seconded by Riley for chair to sign the project agreement between Ringgold County Soil and Water Conservation Districts, Ringgold County Board of Supervisors, Union County Soil and Water Conservation District, Union County Board of Supervisors and the US Dept of Agriculture NRCS for construction of eight (8) Floodwater Retarding Structures within the East Fork of the Grand River Watershed. 7 sites are located in Ringgold County and 1 site in Union County. All voting aye, motion carried.

HANDWRITTEN CLAIMS: Motion by Riley and seconded by Jansen to approve the handwritten claims to Union County Health Insurance for \$13, 877.76 and Creston Automotive for \$25,799.50. All voting aye, motion carried.

RESOLUTION: Motion by Jansen and seconded by Riley to approve Resolution #2 FY09/10: CLARIFICATION OF THE SCOPE OF WORK FOR MATTHEW BRICK AND BRICK GENTRY, P.C. THE PURPOSE of this Resolution is for the Board to clarify the scope of work currently being performed for the county by Matthew Brick and the Brick Gentry, P.C. law firm. WHEREAS, the board of Supervisors of Union County met with Mr. Brick in May of 2009 after being informed of employment issues with the Sheriff's Office and learning that the City of Creston was issuing a criminal charge against Chairman of the Board Michael King based on a complaint by a County employee for acts taken within the scope of Chairperson King's official duties. WHEREAS, prior to the initiation of any legal proceedings, the Union County Attorney, Tim Kenyon, informed the board that he had a conflict of interest precluding him from being involved in these matters. WHEREAS, on May 11, 2009, the Board retained Matthew Brick and Brick Gentry P.C. to represent the County in the employment matters involving the Sheriff's Department, to defend Chairperson King in the criminal matter, to represent the County's legal interests in said matters, to address the County's obligations and authority under the law, and to provide legal opinions and perform research requested by the County. WHEREAS, the Board would like to clarify the scope of that representation to state that, at all times material, the board has retained and authorized Mr. Brick and Brick Gentry P.C. to represent the County in the employment matters involving the Sheriff's Department, to defend Chairperson King in the criminal matter, to represent the County's legal interests in said matters to address the County's obligations and authority under the law, and to provide legal opinions and perform research requested by the County. NOW THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Union County hereby clarifies that it has previously retained the services of Matthew Brick and Brick Gentry, P.C. to, among other things, assist the Board in the matters surrounding the Michael King citation. Roll Call Vote: Jansen, aye; McCann, aye; and Riley, aye. King abstained. Brown absent. Motion carried.

VETERAN'S AFFAIRS APPOINTMENT: Motion by Riley and seconded by Jansen to reappoint Sharon Moffitt for a 3 year term. All voting aye, motion carried. Motion by Jansen and seconded by McCann to re-appoint Robert Jungst for a 3 year term. All voting aye, motion carried. Board of Supervisors also received a letter of retirement for August 28, 2009 for Veterans Administrator Nancy Sears, with regret and appreciate her 16 year of service.

Recess for lunch at 11:40 a.m.
Reconvened at 3:30 p.m.

CAPITAL LOAN NOTES: Larry Burger, Speer Financial, discussed the sale of the General Obligation County Purpose Bonds Series 2009A (Build America Bonds – Direct Payment to Issuer) and the General Obligation County Purpose Bonds, Series 2009 B No. 4380.32-6.

RESOLUTION AWARDING THE SALE OF THE BONDS: Motion by Jansen and seconded by McCann to approve the Resolution #3 FY09/10: Resolution awarding the sale of \$4,245,000 General Obligation County Purpose Bonds, Taxable Series 2009 A (Build America Bonds-Direct Payment to Issuer), and \$510,00 General Obligation County Purpose Bonds, Series 2009B. WHEREAS, the Board of Supervisors of Union County, Iowa (the "County"), has heretofore proposed to enter into a loan agreement (the "Urban Renewal Road and Bridge Improvements Loan Agreement") in a principal amount not to exceed \$4,050,000 pursuant to the provisions of Sections 331.402 and 331.441 of the Code of Iowa for the purpose of paying the cost, to that amount, of carrying out projects in the Union County Road and Bridge Improvements Urban Renewal Area consisting of reconstruction of and improvements to county roads and bridges, and, in lieu of calling an election upon such proposal, has published notice of the proposed action and has held a hearing thereon, and

no petition was filed with the County asking that the question of entering into the Urban Renewal Road and Bridge Improvements Loan Agreement be submitted to the registered voters of the County; and WHEREAS, the Board of Supervisors has also heretofore proposed to enter into another loan agreement (the "County Purpose Loan Agreement") in a principal amount not to exceed \$950,000 pursuant to the provisions of Sections 331.402 and 331.441 of the code of Iowa for the essential county purposes of paying the costs of repairs to a County secondary road building, acquisition of a geographic information system for County mapping purposes and of County litigation, and has published notice of the proposed action and has held a hearing thereon; and WHEREAS, the county has determined to issue \$4,245,000 General Obligation County Purpose Bonds, Taxable Series 2009A (Build America Bonds – Direct Payment to Issuer) (the "Series 2009A Bonds") in evidence of the County's obligations under the Urban Renewal Road and Bridge Improvements Loan Agreement and in evidence of the county's obligations to pay costs of repairs to a County secondary road building and acquisition of geographic information system for County mapping purposes under the County Purpose Loan Agreement; and WHEREAS, the County has determined to issue \$510,000 General Obligation County Purpose Bonds, Series 2009B (the "Series 2009B Bonds") in evidence of the County's obligation to pay costs of litigation under the County Purpose Loan Agreement; and WHEREAS, the County has received a proposal from Banker's Bank, Madison, Wisconsin (the "Purchaser"), for the purchase of the Series 2009A Bonds: and WHEREAS, the County has also received a proposal from the Purchaser for the purchase of the Series 2009B Bonds; NOW, THEREFORE, Be it Resolved by the Board of Supervisors of Union County, Iowa, as follows:

Section 1. The County hereby determines to enter into a loan agreement with the Purchaser with respect to the sale of the Series 2009A Bonds, in substantially the form as will be provided to the County, providing for a loan to the County in the principal amount of \$4,245,000, for the purpose set forth in the preamble hereof. Section 2. The County hereby determines to enter into a loan agreement with the Purchaser with respect to the sale of the Series 2009B Bonds, in substantially the form as will be provided to the County, providing for a loan to the County in the principal amount of \$510,000, for the purposes set forth in the preamble hereof. The Chairperson of the Board and the County Auditor are hereby authorized and directed to sign the Loan Agreements for the Series 2009A and Series 2009B Bonds on behalf of the County, and the Loan Agreements are hereby approved. Section 3. The proposals of the Purchaser referred to in the preamble are hereby accepted, and the Series 2009A Bonds and the Series 2009B Bonds are hereby awarded to Purchaser at the prices specified in such proposals, together with accrued interest. Section 4. The forms of agreement of sale (the "Sale Agreements") of the Series 2009A Bonds and the Series 2009B Bonds to the Purchaser are hereby approved, and the Chairperson and County Auditor are hereby authorized to execute the Sale Agreements for and on behalf of the County. Section 5. All resolutions and orders or parts thereof in conflict with the provisions of this resolutions, to the extent of such conflict, are hereby repealed. Passed and approved July 7, 2009. Roll Call Vote: McCann, aye; Riley, aye; Jansen, aye; and King, aye. Motion carried.

ADJOURNMENT: There being no further business, the meeting adjourned at 4:40 p.m.

ATTEST: _____
SANDY HYSELL, AUDITOR

BY: _____
MICHAEL J. KING, CHAIRMAN, BOARD OF SUPERVISORS