

# Consent Agenda

August 10, 2021

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 10:00 A.M. All members present. Chairman Belt presiding.

PLEDGE OF ALLEGIANCE

1. CONSENT AGENDA

After discussion was held by the Board, a Motion was made by Grobe, and second by Shea, to approve:

- A. August 3, 2021, Minutes as read.
- B. Publication of Claims allowed for July 2021.
- C. Renewal of Class C Liquor License (LC) (Commercial), granting privileges of Class C Liquor License (LC) Commercial)/Outdoor Service/Sunday Sales for Genevieve Stueve d/b/a Aeroplane Inn, Honey Creek.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Motion made by Shea, second by Schultz, to open Public Hearing on the proposed reallocation of Unspent Proceeds.

Roll Call Vote: AYES: Belt, Wichman, Grobe, Schultz, Shea.

Motion by Wichman, second by Schultz, to close public hearing.

Roll Call Vote: AYES: Belt, Wichman, Grobe, Schultz, Shea.

Motion by Schultz, second by Shea, to approve and authorize Board to sign Resolution No. 83-2021 entitled: RESOLUTION INSTITUTING PROCEEDINGS TO TAKE ADDITIONAL ACTION AND APPROVING THE REALLOCATION OF CERTAIN UNSPENT PROCEEDS OF THE GENERAL OBLIGATION CAPITAL LOAN NOTES, SERIES 2018, OF POTTAWATTAMIE COUNTY, IOWA.

RESOLUTION NO. 83-2021

RESOLUTION INSTITUTING PROCEEDINGS TO TAKE ADDITIONAL ACTION AND APPROVING THE REALLOCATION OF CERTAIN UNSPENT PROCEEDS OF THE GENERAL OBLIGATION CAPITAL LOAN NOTES, SERIES 2018, OF POTTAWATTAMIE COUNTY, IOWA

WHEREAS, pursuant to notice published as required by law, this Board has held a public meeting and hearing upon the proposal to institute proceedings for the reallocation of certain unspent proceeds, in the amount of not to exceed \$389,021.42 (the "Unspent Proceeds") of the General Obligation Capital Loan Notes, Series 2018, of Pottawattamie, Iowa, to provide funds to pay costs of the equipping, remodeling, or reconstruction of public buildings, and has considered the extent of objections received from residents or property owners as to said proposal and, accordingly the following action is now considered to be in the best interests of the County and residents thereof.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF POTTAWATTAMIE, STATE OF IOWA:

Section 1. That this Board does hereby institute proceedings and takes additional action for the reallocation of the Unspent Proceeds of the General Obligation Capital Loan Notes, Series 2018 to pay costs of the equipping, remodeling, or reconstruction of public buildings, is in all respects authorized and approved.

Section 2. The Auditor is authorized and directed to take such action as may be necessary to effect and implement the foregoing reallocation of the Unspent Proceeds as described herein, and to cause the records and accounts of the County to reflect the same.

Dated this 10th Day of August, 2021.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
_____ Scott A. Belt, Chairman	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Tim Wichman	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

_____	○	○	○	○
Lynn Grobe				
_____	○	○	○	○
Justin Schultz				
_____	○	○	○	○
Brian Shea				

ATTEST: \_\_\_\_\_  
Melvyn Houser, County Auditor

**Roll Call Vote: AYES: Belt, Wichman, Grobe, Schultz, Shea.**

Motion made by Wichman, second by Shea, to open Public Hearing on Ordinance No. 2021-02, an Ordinance to amend the Official Zoning Map of Pottawattamie County, Iowa, by changing the district designation of approximately 73.8 acres from a Class R-1 (Ag-Urban Transitional) to a Class A-2 (Agricultural Production) District.

**Roll Call Vote: AYES: Belt, Wichman, Grobe, Schultz, Shea.**

Motion by Shea, second by Schultz, to close public hearing.

**Roll Call Vote: AYES: Belt, Wichman, Grobe, Schultz, Shea.**

Motion by Shea, second by Schultz, to approve First Consideration of **Ordinance No. 2021-04**, an Ordinance to amend the Official Zoning Map of Pottawattamie County, Iowa, by changing the district designation of approximately 73.8 acres from a Class R-1 (Ag-Urban Transitional) to a Class A-2 (Agricultural Production) District and to set date for Second Consideration for Tuesday, August 17<sup>th</sup> at 10:00 A.M.

**Roll Call Vote: AYES: Belt, Wichman, Grobe, Schultz, Shea.**

After discussion was held by the Board, motion by Schultz, second by Shea, to open bids for the Roads Operation Center Project. UNANIMOUS VOTE. Motion Carried.

Motion made by Shea, second by Wichman, to approve Cornerstone Commercial Contractors pay request no. 3 for downtown rehab construction work in Carson/Macedonia. UNANIMOUS VOTE. Motion Carried.

Motion made by Shea, second by Wichman, to approve and authorize Chairman to sign Change Order 003; Addition of Time Extension (211 days) for Courthouse Addition Project to contract. UNANIMOUS VOTE. Motion Carried.

Motion made by Shea, second by Schultz, to Award Elections Building Parking Lot Contract to Bluffs Paving & Utility Co. Inc. in the amount of \$215,611.50. UNANIMOUS VOTE. Motion Carried.

Buildings and Grounds Director Jason Slack appeared before the Board to discuss the hiring of an additional Maintenance Worker. Discussion only. No action taken.

**3. OTHER BUSINESS**

Motion made by Wichman, second by Shea, to approve quote and funding for Tyler Technologies ExecuTime software to be initially funded by Gaming funds while exploring the availability of using ARPA funds. UNANIMOUS VOTE. Motion Carried.

Motion made by Schultz, second by Shea, to approve update Employee Handbook/Credit Card Policy #303; to take effect October 1<sup>st</sup>, 2021. UNANIMOUS VOTE. Motion Carried.

**4. CLOSED SESSION**

Motion by Wichman, second by Shea, to go into Closed Session pursuant Iowa Code 21.5(1)(j), for discussion and/or decision on the purchase or sale of particular real estate.

**Roll Call Vote: AYES: Belt, Wichman, Grobe, Schultz, Shea.**

Motion by Wichman, second by Shea, to go out of Closed Session.

**Roll Call Vote: AYES: Belt, Wichman, Grobe, Schultz, Shea.**

**5. RECEIVED/FILED**

**A. Salary Actions**

- 1) Communications – Payroll Status Change for Rachelle Holt, Matthew Spitznagle, Colleen Sylvis

B. Reports

- 1) Recorder's Fee Book for July 2021.

6. ADJOURN

Motion by Shea, second by Wichman , to adjourn meeting.  
UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 12:10 P.M.

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Scott A. Belt, Chairman

ATTEST:

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Melvyn Houser, Pottawattamie County Auditor

APPROVED: August 17, 2021

PUBLISH: X

# **Scheduled Sessions**

**Appointment of Veteran  
Affairs Commission Member(s)**

**Discussion and/or decision to expand  
Veteran Affairs Commission to seven  
Members to include two Ex Officio  
Members**

**Matt Wyant/Director, Planning &  
Development and/or Pam  
Kalstrup/Acting Director**

**Discussion and/or decision to approve  
second consideration of Ordinance No.  
2021-04, an Ordinance to amend the  
Official Zoning Map of Pottawattamie  
County, Iowa, by changing the district  
designation of approximately 73.8 acres  
from a Class R-1 (Ag-Urban Transitional)  
to a Class A-2 (Agricultural Production)  
District; and to adopt Ordinance No.  
2021-04 into law.**



## **RECORDER'S COVER SHEET**

Prepared by:

Pottawattamie County Office of Planning and Development  
223 South 6<sup>th</sup> Street, Suite 4  
Council Bluffs, IA 51501-4245  
(712) 328-5792

Return Document to:

Pottawattamie County Office of Planning and Development  
223 South 6<sup>th</sup> Street, Suite 4  
Council Bluffs, IA 51501-4245  
(712) 328-5792

Document Title:

Pottawattamie County  
Ordinance #2021-04

**POTTAWATTAMIE COUNTY, IOWA  
ORDINANCE NO. 2021-04**

**AN ORDINANCE** to amend the Official Zoning Map of Pottawattamie County, Iowa, by changing the district designation of approximately 73.8 acres from a Class R-1 (Ag-Urban Transitional) to a Class A-2 (Agricultural Production) District.

**BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF POTTAWATTAMIE COUNTY, IOWA**

**SECTION 1 - AMENDMENTS:** That the Official Zoning Map, as adopted by reference in Section 8.003.020 of the Pottawattamie County, Iowa, Zoning Ordinance, be and the same is hereby amended by changing the district designation from its present designation of a Class R-1 (Ag-Urban Transitional) to a Class A-2 (Agricultural Production) District of certain real estate, as shown on the attached plat and which is legally described as follows:

10-74-42 PT NE NW COMM NE COR TH W546.23' S702.95' NELY621.22' N408.59' TO POB (PARCEL A) and 10-74-42 NE NW EXC COMM NE COR TH W546.23' S702.95' NELY621.22' N408.59' TO POB and 10-74-42 NW NW EXC HWY 92

**SECTION 2 - SEVERABILITY:** That should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not effect that validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

**SECTION 3 - REPEAL OF CONFLICTING ORDINANCES:** That all ordinance or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 4 - EFFECTIVE DATE:** This Ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

PASSED AND APPROVED

**ROLL CALL VOTE**

AYE      NAY      ABSTAIN      ABSENT  
                 

\_\_\_\_\_  
Scott Belt, Chairman

\_\_\_\_\_  
Justin Schultz

\_\_\_\_\_  
Lynn Grobe

Ordinance #2021-04

\_\_\_\_\_  
Brian Shea

\_\_\_\_\_  
Tim Wichman

Attest: \_\_\_\_\_  
Melvyn Houser, County Auditor  
Pottawattamie County, Iowa



NOTICE OF PUBLIC HEARING PUBLISHED:	August 5, 2021
BOARD OF SUPERVISORS PUBLIC HEARING:	August 10, 2021
FIRST CONSIDERATION:	August 10, 2021
SECOND CONSIDERATION:	August 17, 2021
PUBLICATION:	August 26, 2021
RECORD:	August 27, 2021

**TO:** Board of Supervisors  
**FROM:** Pam Kalstrup, Zoning and Land Use Coordinator  
**DATE:** July 29, 2021

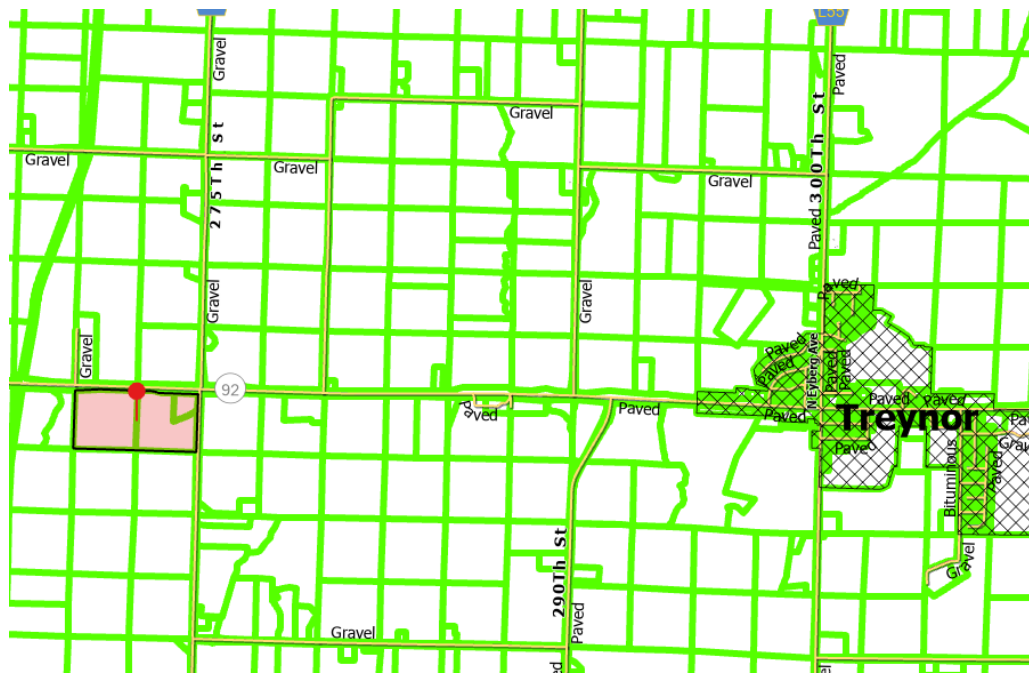
**RE:** #ZMA-2021-02

**REQUEST:** Zoning map amendment to reclassify approximately 73.8 acres from a Class R-1 (Ag-Urban Transitional) District to a Class A-2 (Agricultural Production) District.

**LOCATION:** Keg Creek Township  
Hwy 92 and 275<sup>th</sup> Street

10-74-42 PT NE NW COMM NE COR TH W546.23' S702.95' NELY621.22' N408.59' TO POB (PARCEL A) and 10-74-42 NE NW EXC COMM NE COR TH W546.23' S702.95' NELY621.22' N408.59' TO POB and 10-74-42 NW NW EXC HWY 92

The subject properties are located approximately 2 miles east of the Treynor city limits on Highway 92.



**PROPERTY OWNERS:** Courtney L McIntosh and Steven Trede

**GENERAL INFORMATION:**

The applicants have requested that approximately 73.8 acres (three parcels), which are currently zoned R-1 (Ag Urban Transitional), be rezoned to A-2 (Ag Production). Prior to 2004, the properties were zoned A-2. In 2004, the areas of Keg Creek, Norwalk and Hardin Townships, beyond ½ mile of any communities and west to the Loess Hills Landform were primarily reclassified to a Class R-1 (Agricultural-Urban Residential) District, except for a portion within the 2-mile limit of Council Bluffs, were reclassified to R-2 (Urban Transitional).

To the board members:

I am writing on behalf of Steve Trede (my father) and myself. We farm together on our century farm located on 27297 Hwy 92 in Treynor Iowa. We are neighbors and would like to rezone our land. We are requesting a rezone to A-2.

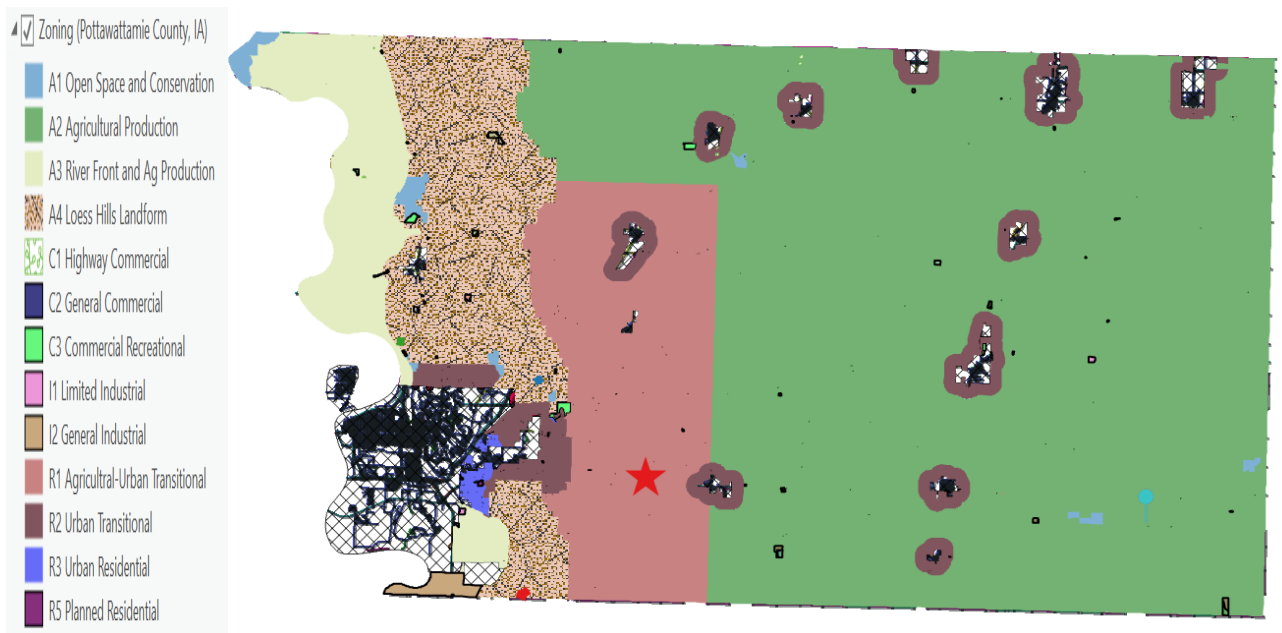
In addition to farming I would like to apply for a Conditional Use permit for a dog boarding kennel (4-10 dogs). This is not an allowable conditional of use in an R-1 Zoning District. This will be a perfect fit to be able to continue to farm and make some additional money.

Thank you for your time

Courtney McIntosh

And Steve Trede

*Courtney McIntosh*  
*Steve R. Trede*



**ZONING:**

The Class A-2 District is intended to preserve the land best suited for agricultural production by protecting prime agricultural lands in farmable tracts from the encroachment of scattered residential, commercial and industrial development; to promote efficiency and economy in the delivery of public services by restricting non-farm development in unincorporated areas of the County, which are without existing or planned services, and to encourage development in areas where services are provided or can efficiently be provided.

**SITE & AREA REVIEW:** The majority of the properties in the immediate area are agricultural ground with few rural residential acreages.



**SITE REVIEW:** One parcel currently contains one single family dwelling, a septic system, well and outbuilding. The parcel is 5.62 acres.





One parcel currently contains one single family dwelling, a septic system, well several outbuildings and grain bins. The parcel is 30.48 acres.



One parcel is undeveloped ag land. The parcel is 37.7 acres.



**LAND USE PLAN:**

This proposed Zoning Map Amendment aligns with the Comprehensive and Land Use Plan.

**ROADS & TRAFFIC:** Access to two of the subject properties is gained from Highway 92, a paved state highway. The 2016 Iowa Department of Transportation Traffic Flow Map indicated an average traffic flow of 2,900 vehicles per day. Access to the other subject property is gained from 275<sup>th</sup> Street, a gravel county road. The 2016 Iowa Department of Transportation Traffic Flow Map indicated an average traffic flow of 10 vehicles per day.

**COMMISSION**

**RECOMMENDATION:** On July 21, 2021 the Planning Commission conducted their public hearing on this request and made the following recommendation:

Motion: to recommend that the request of CourtneyL McIntosh and Steven Trede, as filed under Case #ZMA-2021-021, be approved as submitted.

Motion by: Leaders.

Second by: Wede.

Vote: Ayes – Leaders, B. Larson, Wede, Silkworth, R. Larson. Motion Carried.



**Debi Redmon/ Community Services  
Supervisor**

**Discussion and/or decision to approve  
update to General Assistance Policy  
Manual for rental assistance maximum  
payments.**

**General Assistance Policy Manual – ~~July 2017~~ Aug 2021**

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General Assistance is available through the Community Services Department located at ~~515 5<sup>th</sup> Ave.~~ 227 S 6<sup>th</sup> St., Suite 128 Council Bluffs in Pottawattamie County, Iowa to families and individuals who are poor or in need, when such persons are not supported by their own means, relatives, or other public or private resources, in accordance with the policies specified below. General Assistance shall be administered promptly, humanely and equitably when eligible so as to assist in providing decent and healthful living to poor and needy persons within the scope of monies appropriated.

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## Section I. General Provisions

- A. **Legal Authorization:** The guidelines and procedures set out in this Manual implement and carry out the duties imposed upon the County by Chapter 252 of the Code of Iowa.
- B. **Definitions:** For the purpose of this Manual, the following terms and words are hereby defined:
1. “Assistance”: County payment to vendors on the behalf of an eligible individual for shelter, utilities, prescription medications and burial.
  2. “Countable Property”: Real and personal property and liquid assets of the person and family unit, including all income, savings in any form and cash value of life insurance. There are provisions within the General Assistance Manual to exclude certain basic assets for countable property (see Section IV-Personal and Family Resources).
  3. “Earned Income”: Compensation from participating in a business, including wages, salary, tips, commissions, and bonuses.
  4. “Family Unit”: The Applicant, spouse, children under 18 years of age, older children who are dependent on parents due to school attendance or incapacity and anyone else domiciled with the Applicant and dependent upon the Applicant per Law or reside with the Applicant as part of the family unit.
  5. “Household living unit”: All persons who live in a residence where there are shared common kitchen, dining or bedroom facilities or there are shared utilities or rental payments or lease. Sleeping rooms are considered to be separate living units.
  6. “Indigent”: Person who is so poor and needy that he/she cannot provide the necessities of life that include food and shelter for himself or herself.
  7. “Legally Responsible Relatives”: The father, mother and children of any person. In the absence or inability of nearer relative, the

same liability shall extend to grandparents and grandchildren as per Chapter 252 of the Iowa Code.

8. "Liquid Assets": Cash or other items of net worth of the family unit that can be readily converted to cash within seven (7) days.
9. "Lawful Permanent Resident": Status is obtained after residing in the United States for 5 years and earned 40 quarters of coverage for social security purposes. Quarters worked after December 31, 1996, in which the alien received any federal means-tested public assistance shall not be considered to be a qualifying quarter. (in accordance to the Department of Human Service Title 8: Medicaid guidelines for eligibility). Lawful permanent resident must provide verification regarding their status. Examples of lawful permanent resident include: refugees, asylees as per Section 207 and 208 of the INA (Immigration and Naturalization Act). An example of a person who is not a lawful permanent resident is a person with a work permit as they are only authorized to be in the U.S. for work purposes not to receive assistance.
10. "Needy" and "Needy Person/Household": A person or family unit of that person who needs immediate assistance because of circumstances which are not attributable to that person.
11. "Poor" and "Poor Person": Those who have no property, exempt or otherwise and are unable, because of physical or mental disabilities, to earn a living by labor. Person must be unable to do any type of work.
12. "Relative": Any person related to the Applicant by blood or marriage.
13. "Residence": The person's principal home for legal purposes is within Pottawattamie County, Iowa and the person's verbalized intent is to remain within Pottawattamie County, IA. Incarceration in prison or residential correctional facility and time in a facility or institution does not count towards residency.
14. "Unearned Income": Income derived from a source other than employment, such as interest, dividends, income from rentals, Social Security, retirement funds, 401K, inheritance, tax return, rental reimbursement, money received from donating plasma, money earned through the selling of property, alimony, child support and money received from family.
15. "Vendor Payment": A County Treasurer's check to the supplier of services.

**C. General Eligibility:** To be eligible for General Assistance, an Applicant must comply with the following established requirements:

1. Be a U.S. citizen or a lawful permanent resident. Household members must also meet this requirement as they are receiving benefits from the assistance provided. For the Interim Disability program, the applicant must be able to apply for SSI.
2. Be at least 18 years of age or a legally emancipated minor.
3. Agree to use the Applicant's own potential resources as specified in Section IV of this Manual. Exhaust the resources of those persons charged by law to provide for the Applicant's support (see 252.2 and 252.5, Code of Iowa).
4. Complete an application form to the satisfaction of the Director or designee (including General Assistance Specialist and/ or General Assistance Supervisor).
5. Apply for and pursue with due diligence, all other public assistance programs (i.e. food stamps, FIP, SSI, SSDI, Title XIX, and any appeals, etc).
6. Access all other resources or programs available in the community including but not limited to Interfaith, West Central Development, Red Cross, Salvation Army, [Connections](#), Together, Inc., Iowa Health and Wellness Plan, Heartland Family Service programs, All Care Health Center etc).
7. Reside in Pottawattamie County to be eligible for assistance. An applicant must reside in Pottawattamie County for a minimum of thirty (30) days before receiving assistance. General Assistance does not pay for deposit nor first-month's rent to establish residency. Assistance will not be granted to applicants receiving public assistance on an ongoing basis from another state.
8. Entire household net income will be considered when Applicant is domiciled with a non-relative.

## **Section II. Administration**

### **A. Personnel:**

1. The General Assistance program shall be administered by the Community Services Director who is appointed by, and responsible to, the Board of Supervisors. Designees of the Director include the General Assistance Specialist and/or Community Services Supervisor.

### **B. The Director or his/her designee shall:**

1. Accept applications for General Assistance from persons residing within Pottawattamie County, and shall supply standard application forms for this purpose.
2. Investigate the factual statements presented on each application for General Assistance to determine accuracy and reliability as appears

necessary to the Director under the guidelines of Section III of this Manual.

3. Determine eligibility of each Applicant according to the guidelines set out in this Manual.
4. Arrange for Vendor Payments to be given on behalf of the Applicants determined to be eligible for General Assistance.
5. Present appeals to Board of Supervisors.

### **Section III. Guidelines for Investigation / Reasons for Denial**

A. The Director or designee shall investigate the factual statements made on an application if it reasonably appears from either the application or from other information available to the Director that:

1. Applicant's situation indicates potential unused resources.
2. Applicant's property or cash reserves are near or equal to the limitation allowed.
3. Applicant knowingly provides false information on an application for assistance, the application review form or provides false information during the determination of the Applicant's request for assistance. Fraudulent activity may result in permanent loss of eligibility or be ineligible for not less than one year. Pottawattamie County may prosecute persons for providing false information to the extent of the law.
4. Applicant is transient or someone who changes his/her address frequently or who has no permanent place of residence. Pottawattamie County does not help establish residency (ie. Deposit nor first month's rent).
5. Applicant fails to provide written documentation verifying their inability to obtain employment due to a documented disability.
6. Applicant has failed to provide requested information or to otherwise cooperate in the application process.
7. Applicant's situation is due to reasons attributable to that person, including but not limited to: drug/ alcohol abuse, not filing timely appeals or submission of paperwork, not cooperating with treatment, quit, fired or on strike from a job within the last 90 days unless the ~~applicant quit~~ circumstances were due to a documented unlawful working condition or medical circumstance (verification provided by Unemployment Compensation or physician).
8. All programs stipulate the applicant is to be drug/alcohol free. Indication of usage are grounds for denial. If substance abuse is suspected, Applicant may be required to submit to a drug test. A positive drug test may result in ineligibility for not less than six months. Noncompliance with the requested drug testing is grounds for an

automatic denial from General Assistance program. ~~Police involvement~~ **Criminal charges** regarding drug/alcohol use while working with the General Assistance program is also grounds for denial.

9. Applicant or household members whom have been cancelled from the Family Investment Program (FIP) due to meeting the sixty (60) month limit per Iowa Administrative Code Chapter 441, Section 41.30 (1) & (2). The Federal Government Welfare Reform Act of 1996 created an expectation that a person receiving welfare would work with their DHS worker to become self-sufficient within five years. Pottawattamie County will not have policies that are in conflict with the Federal Government.
10. General Assistance will not be authorized to supplement Family Investment Program (FIP). Since FIP cash amounts have been determined by the State to meet all the needs of the individual, persons on FIP are ineligible for General Assistance. No assistance will be provided to FIP applicants or members of the family unit who withdraw or are terminated from the FIP program.
11. Applicant is a Veteran of the armed services or a spouse of a veteran and may be eligible for Veteran's services but has not followed through with the application process to Veteran's Affairs. Verification of denial due to not being service connected for Veteran's benefits must be provided.
12. Applicant has been denied disability at the Administrative Law Judge level. (Interim Disability Program) Consideration will be provided upon review of Administrative Law Decision and medical documentation if applicant claims they have a new or significantly worsened condition.
13. Applicant or Family Unit who has voluntarily decreased work hours in order to pursue an education is not eligible for General Assistance. In addition if a person is not working due to being a student they are not eligible for General Assistance.
14. Applicant agreed to re-pay Pottawattamie County by signing a repayment agreement but has not made a good faith effort to pay the previous assistance. Applicant may not be eligible for additional assistance until repayment has been made or inability to repay previous assistance has been established. Assistance can only be provided once a year even if the full amount has been repaid.
15. Failure to use income and/or resources for the purpose of providing for his/her family unit's basic needs (rent or electric/gas). Examples of this may include but are not limited to: temporary and permanent employment, donating plasma for money, borrowing capacity, such as loans, student loans, etc.

16. Applicant has created a need for General Assistance by use of income/resources for non-basic needs, including but not limited to cell phone, cable, and vehicle.
17. Applicant does not have a plan to ensure future bills will be paid by the Applicant or another source.
18. Applicant does not follow through with recommended treatment by his/her physician or the General Assistance Program.
19. Applicant has transferred property or assets within one (1) year of the date of the application, such transfer done with the intent to establish eligibility herein.
20. Employment is unlikely at the end of the three (3) months participation in the Back to Work Program. This may be determined by recent/past work history, applicant verbalizing no intention to work, indicating he/she has a medical or mental health disability and feels unable to work, etc.

## Section IV. Program Requirements

### A. Interim Disability Program

1. Applicant is eligible for rental and/or utility assistance not to exceed ~~\$500.00~~ \$600.00 per month. Utility payment is the current month's usage or the current budget plan amount. If applicant has a prior month's usage due then this amount must be paid or statement by the utility company that they have agreed upon a payment plan for the prior month's utility amount
2. Applicant is eligible for medication assistance not to exceed \$200.00 per month.
3. Applicant must comply with the General Eligibility criteria (see Section I(C)).
4. Applicant must meet the definition of a Poor person as defined in Section I of this manual. In addition, the Applicant or household of the Applicant:
  - a. Shall own no property other than the home in which they reside.
  - b. Shall own no stocks, bonds, or other securities, including 401k or other retirement accounts.
  - c. Shall have zero income during month of assistance requested, including earned and unearned income of any type.
  - d. Shall have no funds in Savings or Checking accounts.
  - e. Shall have no earning capacity.
  - f. Shall have no borrowing capacity.



- g. Shall have no liquid assets, other than normal possessions which could be liquidated in order to meet this obligation.
5. Inability to work: Applicant and Family Unit must be diagnosed with a mental or physical illness which prevents any employment. A General Assistance Medical Report Form will be completed by his/her Physician for verification. Current drug and/or alcohol use is a basis for denial of assistance. The Medical Report form will be reviewed periodically by his/her physician as noted on the Medical Report form or at least annually.
  6. Personal and Household Resources: All real and personal resources of the household, including net income from any source shall be considered as countable property in making determinations for granting assistance with the following exceptions:
    - a. The Applicant's homestead valued at \$50,000 or less.
    - b. Personal possessions and household furniture.
    - c. Tools and equipment used for home and household maintenance or support.
    - d. One motor vehicle valued at \$3,500 or less.
  7. Applicant is required to participate in the Interim Assistance Reimbursement Program, if applicable. Applicant must sign a General Assistance repayment agreement.
  8. Applicant must apply for subsidized housing and remain eligible for subsidized housing as well as utilize reduced housing once eligible. Applicant shall not remove themselves from the subsidized housing program for any reason. If Applicant declines a subsidized housing option, rental assistance will not be available at any other non-subsidized residence options.
  9. If need exceeds General Assistance approved amount, Applicant shall submit verification that the remaining amount will be covered by another source or a payment agreement with landlord regarding the balance.
  - 9-10. Applicant will meet with the General Assistance Specialist at least monthly to ensure program requirements are met.
  - 10-11. Applicant with a signed Interim Assistance Reimbursement Agreement and proper verification and who diligently pursue SSI or SSDI benefits may continue to receive assistance until their application receives a determination at the Administrative Law Judge (ALJ) level. Upon dismissal of an application for SSDI or SSI benefits for failure to diligently pursue the application or unfavorable determination decision at the ALJ level, assistance under this section shall terminate. A reapplication for benefits or appeal after the Administrative Law Judge level for the same disability does not entitle the applicant to additional assistance under this section. Only chronic, new or significantly worsened current diagnosis since the date of the ALJ hearing will be

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considered. Applicant must provide all requested documentation (such as past and current SSI paperwork, verification of disability via hospital/physician) to be considered for assistance.

**B. One Time Assistance Program**

This Program is contingent upon the availability of funds.

1. Applicant is eligible for assistance one (1) time within a twelve (12) month period with the amount of rental and/or utility or medication assistance not to exceed \$400.00.
2. Applicant must comply with General Eligibility criteria (see Section I(C)).
3. Household income: Applicant must have a net income at or below the 100% Federal Poverty guideline. (updated annually by the U.S. Department of Health and Human Services) for the prior 30 days.
  - a. Allowable paid out of pocket deductions :
    - i. Health insurance premiums.
    - ii. Medical expenses that have been paid within thirty days prior to the date of application.
4. All family members 18 years or older and who are not needed in the home to care for pre-school age children or a person with a disability must be registered with Iowa Workforce Development.
5. If physically or mentally unable to work due to a temporary illness (not lasting longer than one month), the Applicant must provide physician's verification.
6. Applicant must sign a General Assistance repayment agreement.
7. Applicant must have a plan in place to ensure future bills will be paid by the Applicant or another source. Verification is required regarding the reason assistance is being requested. Examples: Applicant indicates that they have obtained a job so they must provide proof of employment; Applicant indicates having paid a substantial amount for car repair/hospital bill, receipt must be provided.
8. Applicant may own a home that is within reasonable value as decided by the General Assistance Specialist.
9. Applicant may own a vehicle that is within reasonable value as decided by the General Assistance Specialist.
10. If need exceeds GA approved assistance amount, the Applicant shall submit verification that the remaining amount will be covered by another source or a payment agreement with landlord regarding the balance. When a single person who is eligible for assistance has a roommate who may also be eligible for assistance, each person must

apply for General Assistance for their portion of rent. The total amount of assistance cannot exceed maximum.

11. General Assistance ~~will~~ may assist with the current month's usage or up to maximum assistance amount of the current utility bill contingent upon the Applicant completing community volunteer hours. The number of community volunteer hours are determined by amount of assistance needed divided by 10. Example: Utility bill is \$240.00 so the applicant must complete 24 hours of community volunteer hours. Approval of assistance must be completed prior to disconnection of utilities. If assisting with current usage no community volunteer hours are required. The expectation of repayment is required.

### C. Back-to-Work Program

This Program is contingent upon the availability of funds.

1. Applicant is eligible for assistance for up to three (3) consecutive months with benefits not to exceed \$400.00 for rental and/or utility or medication assistance in a one month period.
2. The Back-to-Work program is not meant to be a supplement to income.
3. Applicant must comply with the General Eligibility criteria (see Section I(C)).
4. Applicant must meet the requirements of the One Time Assistance program (see Section IV (B))
5. Applicant must apply at Vocational Rehabilitation and Iowa Workforce Development, if applicable.
6. Applicant must actively seek employment by filling out at least eight (8) employment applications per month.
7. Applicant must complete forty (40) hours of community volunteer work per month. Community Service can not be provided to family members or a part of requirements for another program.
8. If the rental assistance amount requested is less than \$400.00 then the number of hours required for assistance is of amount requested divided by 10.
9. If need exceeds General Assistance approved assistance amount, the Applicant must provide verification that the remaining amount will be covered by another source or payment agreement with landlord regarding the balance.
10. General Assistance ~~will~~ may assist up to maximum assistance amount of the current utility bill contingent upon the Applicant completing community volunteer hours. The amount of community volunteer hours are determined by amount of assistance needed divided by 10.

Example: Utility bill is \$240.00 so the applicant must complete 24 hours of community volunteer hours. Approval of assistance must be completed prior to disconnection of utilities. ~~The expectation of repayment is required.~~

11. Applicant must attend financial/budgeting/job seeking class or other approved educational classes as available.
12. Applicant must sign a General Assistance repayment agreement.
13. Applicant will be required to sign a contract which states that they understand the requirements and expectations of the Program. Program requirements must be completed in a timely manner as determined by the General Assistance Specialist.
14. Applicant will meet with the General Assistance Specialist at least monthly to ensure program requirements are met.
15. Applicant shall comply with treatment recommended by their medical practitioner.
16. Applicant will follow through with treatment and any other requirements that General Assistance deems appropriate to the Back-to-Work program.

## Section V. Disbursement of General Assistance

After eligibility is established and verified, disbursement of any General Assistance may be granted according to the following categories of need and their listed guidelines:

### A. Rent:

1. Rent shall not be paid to any relative of the applicant or a member of the household living unit.
2. Rent shall not be paid to a facility or hotels/motels.
3. Assistance is not provided for security deposits, first month's rent or any landlord deemed move in expenses or funds for relocation for convenience, other than for a case of domestic violence in which the Applicant contacts and cooperates with a domestic violence prevention or law enforcement agency.
4. Rent shall only be paid for housing that is currently being occupied by the Applicant except for temporary absence of the Applicant for health reasons.
5. When a single person who is eligible for assistance has a roommate who may also be eligible for assistance, each person must apply for General Assistance for their portion of rent. The total amount cannot exceed program maximum.

5-6. Landlord/property owner must complete required documentation, such as W-9 form or rental verification agreement. Refusal to comply will result in denial of assistance.

**B. Utilities:**

1. Utility assistance includes gas, electric, water and propane.
  - 1.) The County does not provide for the following:
    - a. Utility deposits
    - b. Reconnect or disconnect charges
    - c. Disconnected utility
    - d. Cable bills
    - e-e. Telephone bills
2. Propane Tank: General Assistance will assist with the minimum amount required for a delivery by the propane company up to \$400.00.
3. Between October 1 and April 15, applicants must apply for Low Income Heating Energy Assistance Program (LIHEAP) and Applicants will be deferred to this program for utility assistance during the dates listed above.
4. Applicant must be able to show he/she has made payments on the utility bill.
5. Utilities must be in the name of the Applicant or another member of the household.

**C. Food and Vouchers:**

Applicants will be referred to the Department of Human Services, food pantries or other sources. Vouchers for thrift stores will only be provided to persons whom are current clients of General Assistance, Community Services or Southwest Iowa MHDS Region.

**D. Medication:**

1. Applicants must apply for Iowa Medicaid/Iowa Health and Wellness Plan and provide necessary documentation to gain eligibility. Proof of the completed application shall be provided to General Assistance. One month supply of medications may be approved while Wellness application is pending.
2. A Certificate of Eligibility for County Medication Assistance Card will be issued for prescription medication after all other community resources, including any medication assistance programs, have been exhausted unless the community resource is being utilized for a higher or immediate need as determined by the Director or Designee.

3. A Certificate of Eligibility for County Medication Card will not be issued for over-the-counter medications, narcotics, smoking cessation, weight reduction medications, or medications not paid by Medicaid.

## **Section VI. Funeral Expenses**

1. The County shall provide payment to designated funeral homes for burial services when the following circumstances are met: Assistance may consist of the burial and/or cremation of Pottawattamie County resident who is indigent and the payment of the reasonable cost of burial, not to exceed four hundred dollars (\$400.00).
2. The Pauper's Cemetery may be utilized at the discretion of the Community Services Director or designee (Community Services Supervisor). Unidentified deceased persons will not be cremated for potential future ability to identify remains.

**\*\*Note:** Iowa Code Chapter 142 requires that usable bodies be donated to the medical college of the state university unless the deceased expressed a desire to be buried or the deceased's family expresses a desire to have deceased buried.

## **Section VII. Reimbursement From Those Receiving General Assistance.**

Applicant will sign a re-payment agreement and will be required to reimburse the General Assistance program for rent, utilities and medications expenses. If repayment or good faith effort to repay any previously provided assistance is not completed, any future requests for assistance will be denied. Entire adult household is obligated to the repayment agreement and held to same reimbursement policy.

1. When General Assistance benefits have been provided, Section 252.13, of the Code of Iowa is applicable for repayment of said benefits to Pottawattamie County and the Applicant will acknowledge the same in writing.
2. Upon the failure of legally responsible relative to assist or maintain a Poor person, the County will apply to the District Court for an order to compel the assistance or maintenance as per Section 252.6 of the Code of Iowa or as otherwise provided by law.

## **Section VIII. Appeal**

The Applicant may appeal denial of benefits by filing a written appeal to the Community Services Director. The written appeal must be presented by hand delivered or first class mail within ten (10) working days from the date of the notice of decision or within ten (10) working days of the alleged event or action which is being appealed. The written appeal/petition must include the following:

1. The name, address and telephone number of the petitioner.
2. The name, address and telephone number of the person on whose behalf the petition is being filed.

3. A concise statement of issue, the reason for the petition, pertinent facts, and people involved, and efforts made to resolve the dispute prior to the appeal.

Send To: Community Services Director  
Pottawattamie County Community Services  
~~515 5<sup>th</sup> Ave, Room 113~~ 227 S. 6<sup>th</sup> St., Suite 128  
Council Bluffs, IA ~~51503~~ 51501

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After receipt of the appeal, the Community Services Director will investigate the allegation(s) and will reach a tentative conclusion and proposed solution to the appeal or grievance. The Applicant will be contacted within ten (10) working days after the receipt of the initial appeal.

Any party aggrieved by the Director's decision shall then appeal by written notice to the Board of Supervisors within ten (10) working days of the dated written report and decision of the Director. It should be noted that no appeals or grievances will be heard by the Board of Supervisors, unless the Director has already conducted an investigation and issued a written decision or it is the request of the Director for the Board of Supervisors to enter into the mediation process at any point. The Board shall set the appeal on their agenda for hearing within twenty (20) working days from the date of receipt of said written appeal notice.

Any appeal from the Board's decision to the District Court shall be allowed within the time and by the manner and procedures established under the Iowa Administrative Procedures Act, Chapter 17A, Code of Iowa.



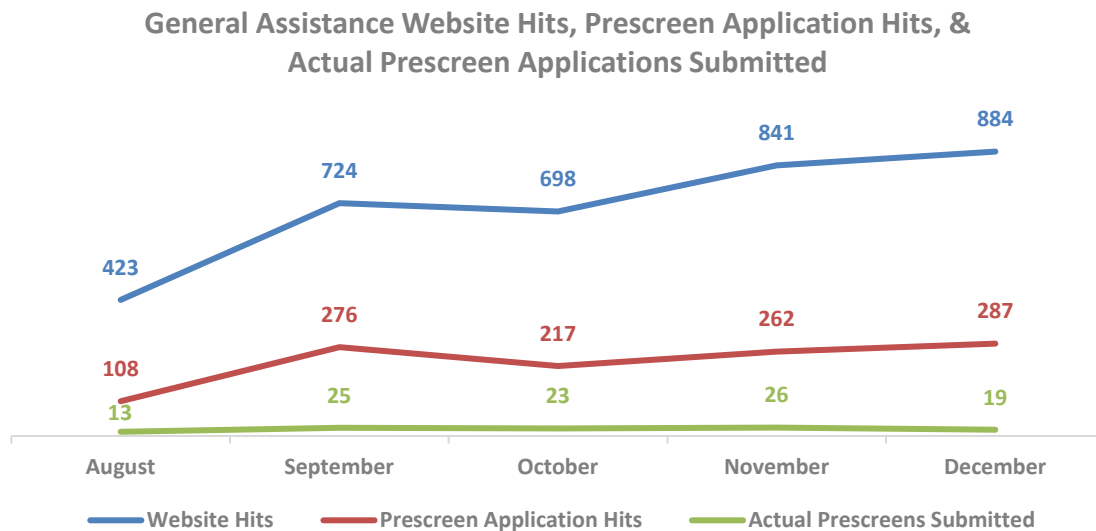


## General Assistance

### 2020 Prescreen Denial Statistics

Information in this report was obtained from the Pottawattamie County General Assistance (GA) Prescreen denial forms accumulated from January 1, 2020 to December 31, 2020. Prescreen forms are obtained through calls or walk-in applicants for the General Assistance program. While General Assistance receives many voice messages these are persons that the General Assistance Specialist was able to make contact with and obtain information for demographic statistics. Some calls are fielded without the completion of a prescreen form due to the person needing resource information or immediate knowledge of needing non-GA items such as hotel, household repairs, etc. The COVID pandemic had a significant impact on the referrals this past year. The County offices were open and communication was complete via phone but there was a significant reduction in these calls. In 2020, there were 1,259 phone calls and 27 walk-in inquiries. In 2019, there were 1,835 phone calls received and 40 walk-in inquiries for General Assistance. While one would think the numbers would have been increased, but there was actually a marked decrease in the 'lock down months'. It is likely that the CARES Act eviction moratorium, which began on March 27, 2020, was a major factor in the decreased number of calls. For example, in April 2019 there were 138 calls and in April 2020 there were only 62. In May 2019, there were 150 calls and in May 2020 there were only 44 calls.

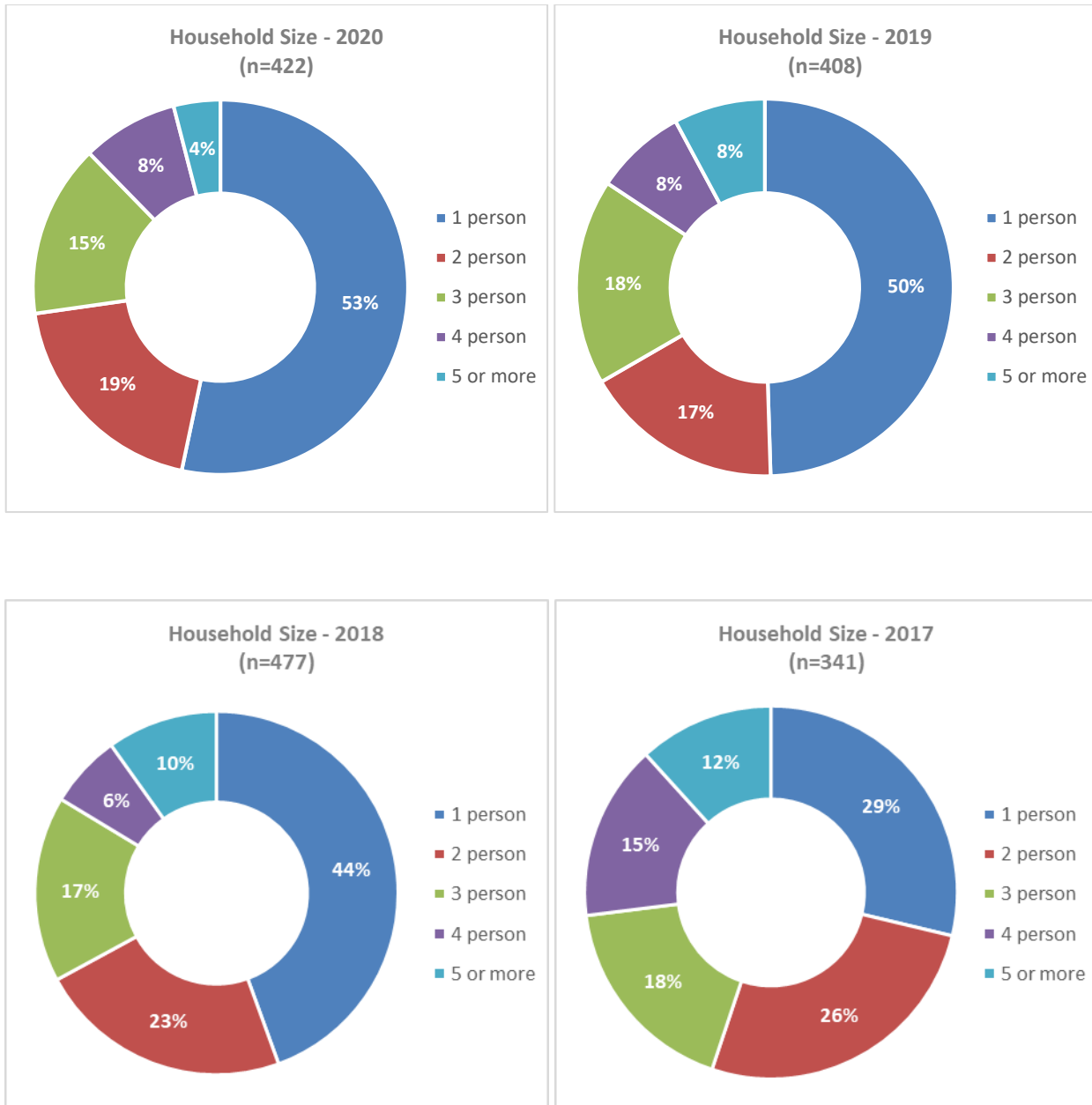
In August 2020, the Pottawattamie County website was revamped to include the ability to complete a General Assistance prescreen request for assistance. The number of hits on the website has been significant. There were a total of 106 prescreen applications submitted to General Assistance from August – December 2020.



Beginning in 2019, additional information regarding the applicant's address was being tracked to learn which community in Pottawattamie County the assistance has been requested. This was an area of

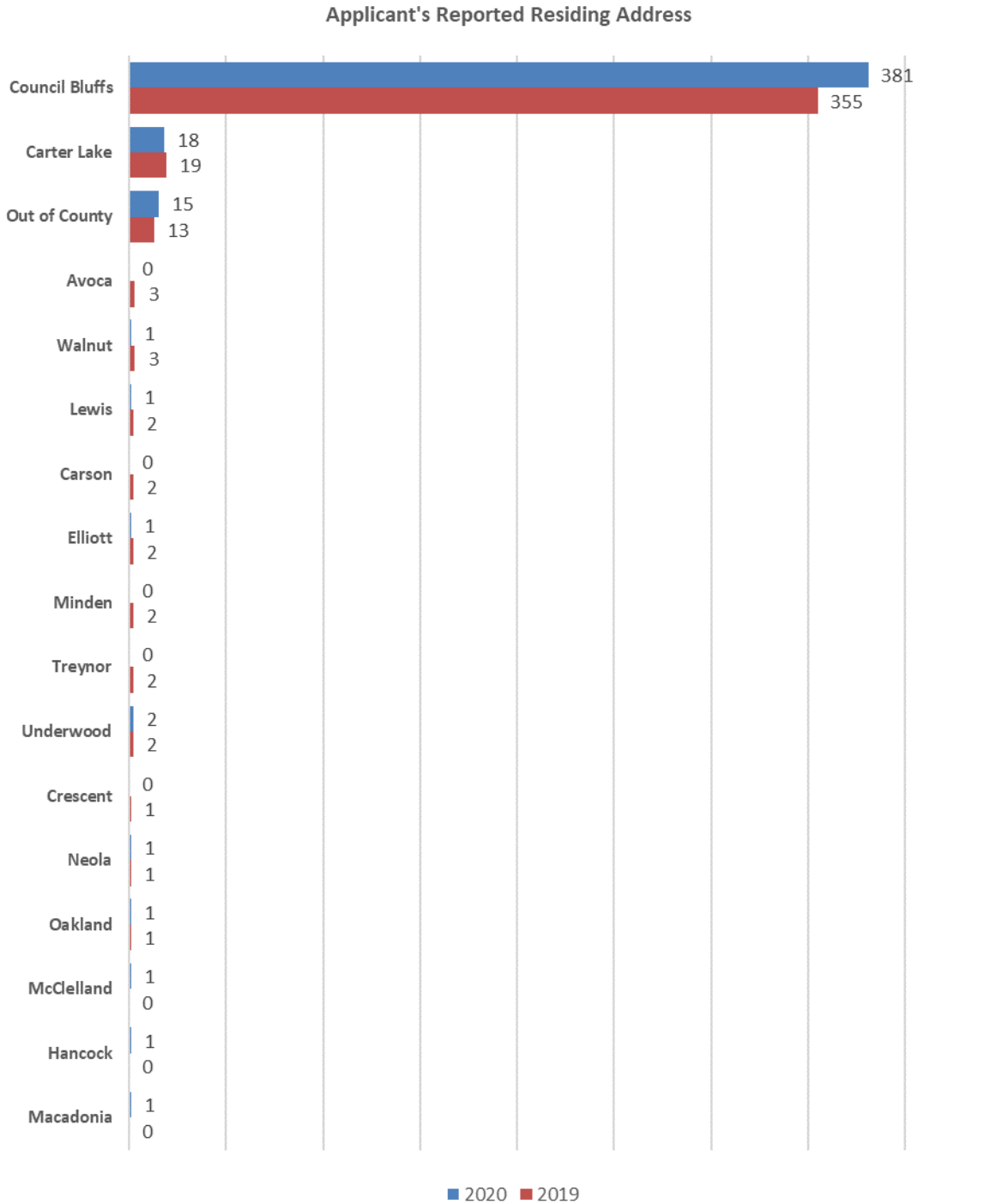
interest necessary for a grant obtained in 2020 and determined to be relevant information for statistical purposes. If a person is homeless, the town in which they primarily reside is being selected. During the 2020 calendar year, there were 425 prescreen applications completed. A side-by-side comparison with the 2020, 2019, 2018 & 2017 numbers is provided.

### Household Size Year-Over-Year Comparison

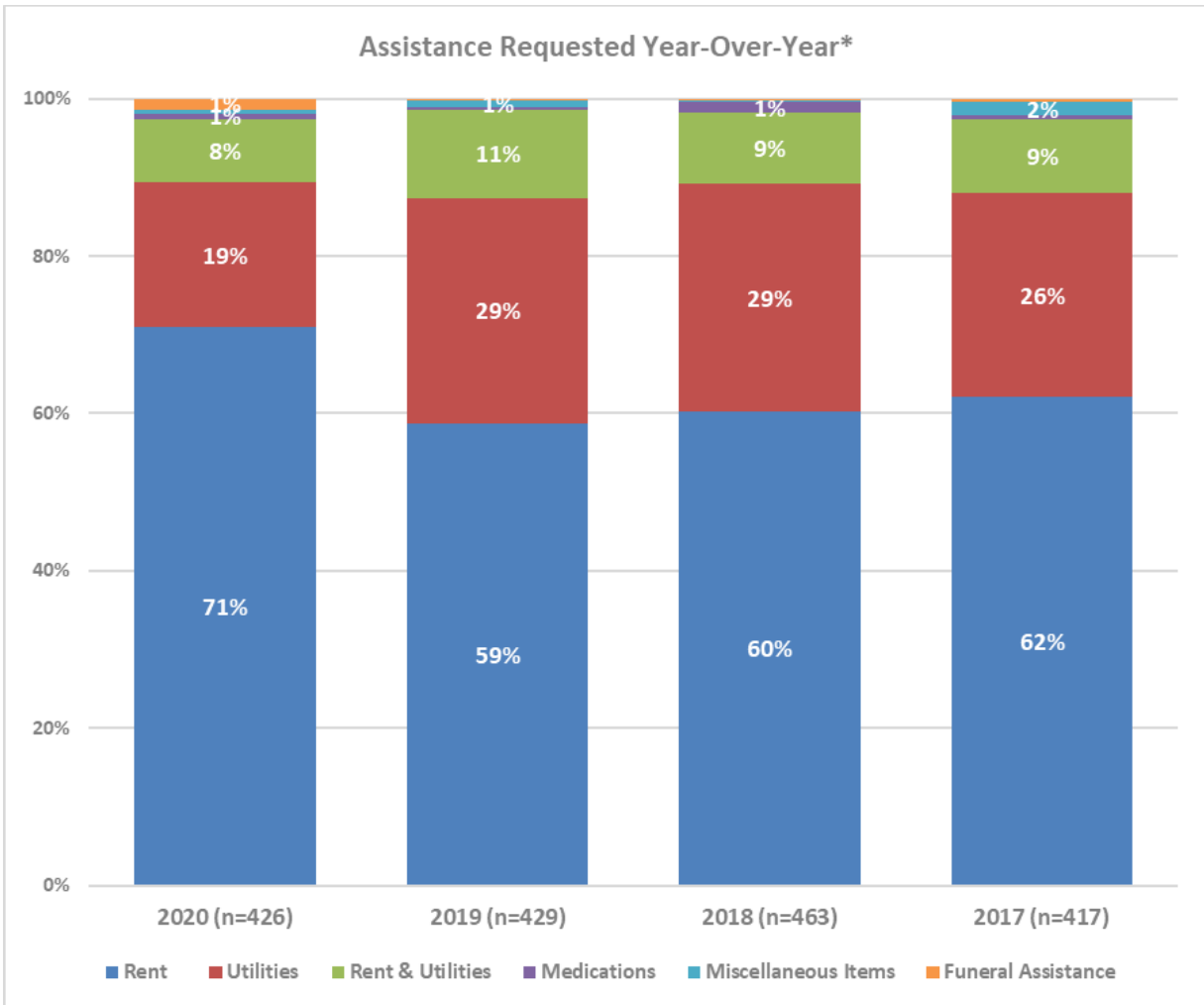


### Age of Applicant Year-Over-Year Comparison



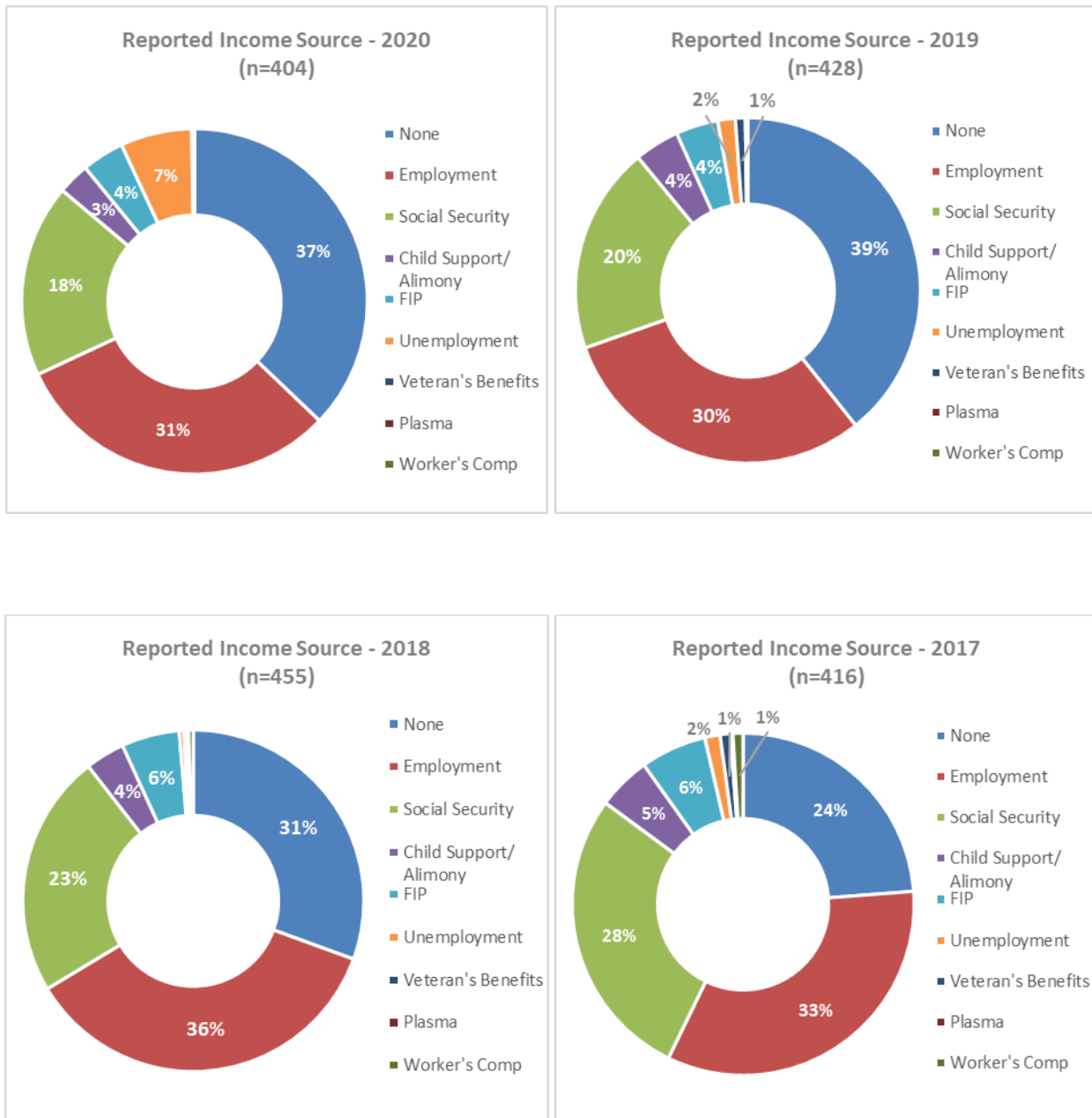


The totals in the following section may not equal the number of prescreens reviewed as they are counted in two areas if more than one selection is identified. For example, a person may request assistance with rent and paying for credit cards. This would fit in the category of Rental and Miscellaneous. With regard to income, a household may have income from employment as well as Social Security, so both areas are identified.

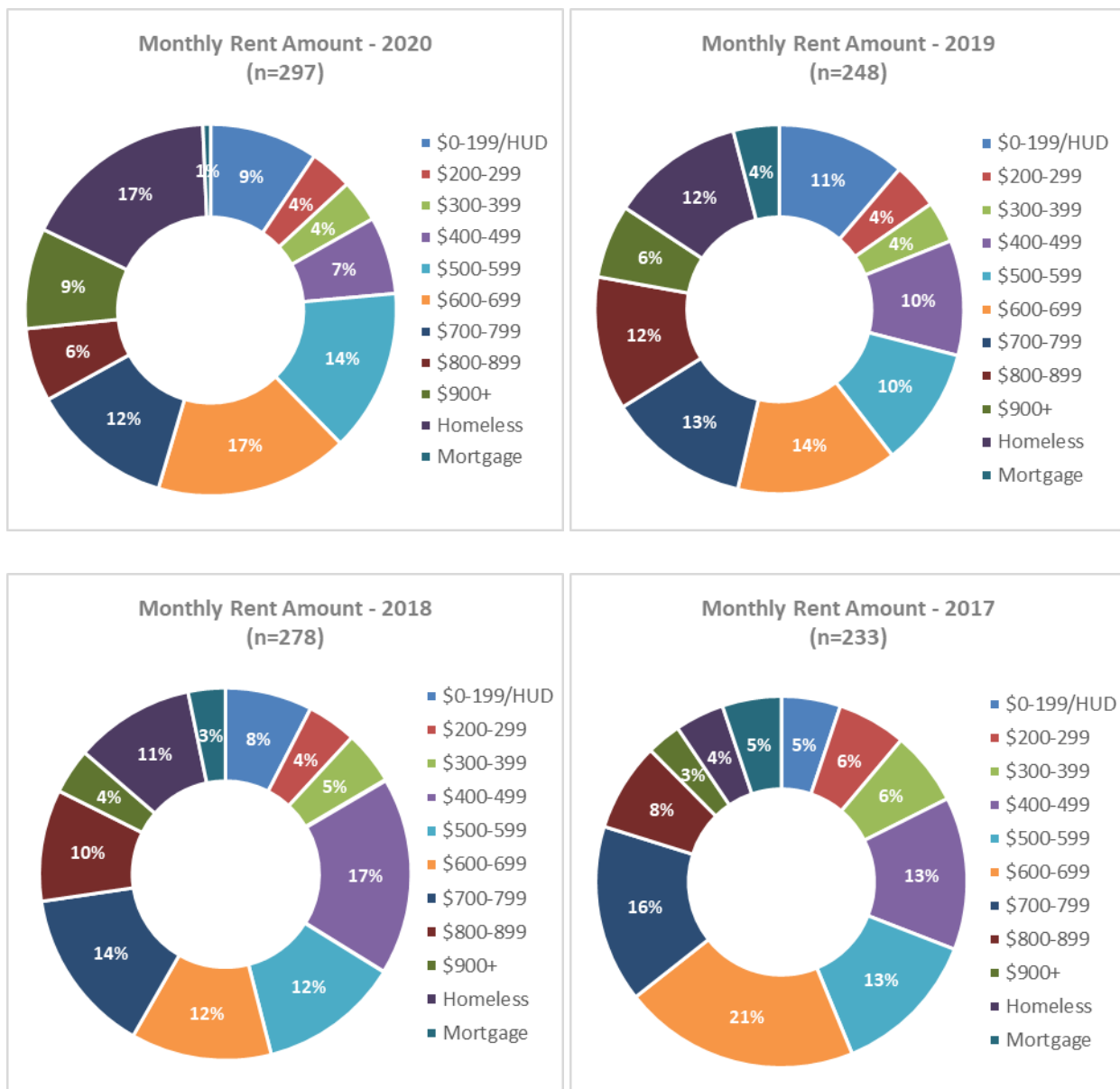


\*Applicants may request more than one type of assistance

### Reported Income Source Year-Over-Year Comparison



### Monthly Rent Amount Year-Over-Year Comparison



#### Points of Interest Regarding Demographics:

The number of persons under the age of 25 requesting assistance remained steady from last year. This population was directed to contact another agency, Project Everlast, which has funds specifically directed towards persons under the age of 25 for rent and utilities. Persons over the age of 65 were directed to contact Connections as they have funds for rent and utilities for persons over the age of 65. Referrals to other assistance agencies is made, as General Assistance is to be the agency of last resort.

The source of income saw an increase in households that reported unemployment, very likely the result of the COVID pandemic. The number of people with no income had a slight decrease. These individuals were either applying for disability, seeking employment, were needing to apply for the Family

Investment Program (FIP) or were waiting for unemployment. There were several individuals that had quit or been fired from their jobs, which reflects the increase in this reason for denial. General Assistance does not provide assistance if a person is fired from their job or quits unless it is due to a medical condition, in which medical documentation has to be submitted.

The highest reported amount of rent was for apartments with the \$600-699 price range, which is consistent with last year's stats. It is not certain though the size of household and the type of apartment this amount of rent provides. The number of reported homeless individuals was significantly increased from prior years.

<b>Denial Reason</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>	<b>2017</b>
No Return Call	201	178	196	153
COVID Related	47	NA	NA	NA
Over Income	36	43	47	57
Eligible for other programs (FIP, LIHEAP, VA)	33	33	38	29
No Show for appointment with GA	19	23	19	21
Resides outside Pottawattamie County	17	13	6	7
Receives FIP Benefits	15	17	16	23
Deposit/1st month's rent requested	12	50	38	47
Applicant otherwise paid bill – assistance not needed	12	9	13	0
Didn't follow through with requested info	12	8	20	15
Budgeting issues	11	5	24	27
Quit/Fired from job	9	20	8	18
Student	9	12	12	15
Prior assistance by GA not repaid	5	18	26	10
Reason needing assistance due to their own fault	5	12	3	12
Requested item not paid by GA	2	16	4	12
Past Due Bill/Disconnected	2	4	1	7
Not US Citizen	1	3	5	NA
Not indigent (cremation)	1	1	1	2
Pays rent to family member	0	2	3	0

**Denial Explanation and Summary:**

During the prescreen application review process, the applicant is questioned on whether they have attempted to contact the other assistance agencies. The reason for this inquiry is that General Assistance is meant to be the agency of last resort due to County tax monies being used to support the program. If the applicant has not tried to contact or follow through with a call to the other agencies their information is obtained and told that they can call back if the other agencies are not able to assist (if they otherwise meet qualification requirements). It is hoped that those that did not call back for follow up appointments with GA were able to handle their bill either on their own or through other



agencies. This past year, the COVID pandemic resulted in grant monies being distributed to numerous area agencies and many requests associated with COVID. These individuals were directed to access the grant funds as Pottawattamie County General Assistance did not have grant funds for this purpose. There were 201 cases that no return call occurred this past year compared to 178 the year prior. All the COVID related cases were referred to other agencies that have programs that the person should be able to utilize. If a person qualified for other programs they were also referred. Return calls are typically done within 1-3 days of the initial call and there have been a number of occasions when the person indicates that they were able to pay their bill. There were 12 cases this year that reported they ended up being able to pay the bill prior to getting the call back, which is comparable to the prior year.

To be eligible for the One Time Assistance program, the monthly net household has to be below the 100% Federal Poverty Guideline. The only costs that are excluded from the income total are for any medication, medical copay and medical costs that the applicant paid during the past month. There were 36 requests for assistance that were over the income guideline amount. This is slightly down from 43 the year prior and has been a downward trend since 2017.

Of the other assistance agencies in Pottawattamie County, Interfaith and Family Service Homeless Links provides assistance on deposit and/or first month's rent. Current Iowa Code indicates that assistance cannot be provided to assist in a person moving. A grant from the Pottawattamie County Housing Trust Fund was acquired in April 2020 to be able to provide deposit/1<sup>st</sup> month's rent. This grant provided a much needed additional avenue for persons needing housing stability. There were 12 denials prior to acquiring the grant compared to the 50 denied cases last year. There have been 20 cases approved for the deposit/1<sup>st</sup> month's assistance from this grant in 2020. The grant will hopefully be reacquired in Feb. 2021 so General Assistance can continue providing deposit/1<sup>st</sup> month's rent.

There were 19 no shows for appointment this year, which is fairly consistent with the prior years of 19 and 21. There was a big decrease from last year for the denial reason of being fired or quitting a job from 20 cases to 9 cases. This denial reason is due to the person voluntarily placing themselves in a situation in which they need assistance or have caused the income loss. The only exception is if there is medical certification that they had to leave the job or if worker's comp deems the firing inappropriate. General Assistance policy specifies that if a person receives FIP that they would not be eligible for assistance through General Assistance. This number has been fairly consistent with prior years.

There were 2 cases this year of items being requested of which General Assistance does not pay for. These items were for a hotel room payment and for a furnace. This number is a significant decrease compared to 16 last year. For situations that a denial was provided due to the applicant not following guidelines the stipulations were pertaining: not following up with doctor's appointment (for the Interim Disability program), being denied at Administrative Law Judge Level (for the Interim Disability program) and not police report (when claims of stolen money). There were 12 calls that fell into this category, which close to the prior year.

There were 17 cases this past year that requested assistance even though they did not live in Pottawattamie County. This is an increase from the prior year. This likely was due to an increase in the

number of requests for deposit assistance to move into Pottawattamie County upon learning that funds were available for deposits. General Assistance is only able to provide help if a person is a citizen of the United States or has established permanent legal residence (not green card status). There was 1 case this year, compared with 3 from 2019. The number of denials based on the person being a student has had a slight decrease since 2017 with 9 this year. The reason a person is denied due to being a student is that they could access loans for the cost of living expense and that they are voluntarily taking themselves out of the job market in which if they were employed they could pay their own bills.

When a person indicates their income should be enough to meet their expenses and are not able to provide an explanation regarding why they cannot pay their basic needs it is considered a budgeting issue. Often times, the person may only state that they ran out of money and just didn't have enough to pay. Upon further review, it is often learned they are paying for their phone bills, credit card, car payments, giving money to other family members and paying other bills but neglecting the basic necessities of rent and/or utilities. In those circumstances, General Assistance does not cover their budgeting oversight. As the majority of the population received Federal stimulus money this was also accounted for as the intention was to be used for basic needs, such as rent and utilities. There were 11 cases of the situation being a budgeting issue this year, which is an increase from the prior year.

#### Final Summary and Recommendations for Future Policy Development

A review of the reasons for denial of General Assistance complies with the Pottawattamie County Policy Manual, which provides detailed parameters for assistance. The Pottawattamie County General Assistance Manual was updated in 2017. The main change that occurred in the Policy Manual in 2017 was an increase in rental assistance from \$450.00 to \$500.00 for the Interim Disability program and from \$350.00 to \$400.00 for the One Time Assistance and Back to Work program. I wanted to provide recommendations based on noted gaps in the community and possible implementation for the next revision. The following recommendations were provided in the 2019 summary as well.

Upon review of the increasing cost of rent in Pottawattamie County, it is recommended that this amount being increased from \$500 per month to \$600 per month in the Interim Disability program. The Interim Disability program provides ongoing assistance for individuals with no income/resources and are applying for Social Security. Clients that qualify for the Interim Disability program are having an increasingly difficult time finding rent/utilities that is at or below \$500. Individuals are directed to apply at Municipal Housing Apartments but due to their past legal history they may not qualify. The competitive rental rate in Council Bluffs is currently over \$500, with some apartments being at \$500 or slightly above but they also have to pay utilities. If the rent maximum was \$600, then the clients would be able to locate housing sooner versus going through months of homelessness while searching. There are currently 19 clients in the Interim Disability program, of which five live in Municipal Housing (ie rent is \$50 or less per month) or have Section 8. Three individuals are still seeking housing and currently homeless. While the number of clients has fluctuated from 12 to 25 over the years, it would be anticipated that the varying rental amounts would balance out. There is also continual efforts to enroll clients with Section 8 to further lower the cost to the County. An additional effort to acquire a quicker approval for Social Security is the client's involvement in the SOAR program, which is a program through

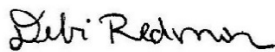
Southwest Iowa MH/DS Region. This program provides assistance through the Social Security process to expedite the process.

It should be noted that the County is reimbursed from Social Security regarding clients of the Interim Disability program once they receive an approval for SSI. Granted, the funds that are acquired from Social Security are not put directly back into the General Assistance account, they are placed in the General Fund and available for County use. It could be anticipated that the increase in rental amount will be reimbursed upon their approval.

The line item budget for the Interim Disability program was \$95,000 in FY 2020 of which in the Dec 2020 budget summary there was 67% remaining. In FY 2019, the budget for the Interim Disability program ran over due to an increase of clients served but it should again be noted the reimbursement amount from Social Security. For FY2019, the Social Security total deposit amount was \$39,671. For FY 2018, the total deposits from Social Security was \$75,705. The amount of reimbursement depends on many factors, including if the client is approved, how long the assistance was provided for, and the amount of disbursement of funds on their behalf.

It is recommended that the One Time and Back to Work rental assistance maximum remain at \$400 as these programs primarily are helping with a client's temporary financial shortfall. These individuals would be able to work out payment arrangements with their landlord, work with another agency or pay the remaining amount themselves for the portion that General Assistance is not able to cover. No additional changes in the Pottawattamie County Policy Manual are needed at this time.

I hope that this report has been beneficial to provide insight into the General Assistance program and the population that Pottawattamie County assists. If you have any additional questions, feel free to contact me to inquire. Thank you for your consideration.



Debi Redmon, MPA

Pottawattamie County General Assistance Supervisor

**John Rasmussen/County Engineer**

**Award contract for Pottawattamie  
County Roads operation Center Grading  
Project to Lee Construction, Inc. for the  
amount of \$265,337.40.**



August 12, 2021

**Mr. John Rasmussen, PE**  
**County Engineer**  
**Pottawattamie County, Iowa**  
222 S. 6<sup>th</sup> Street  
Council Bluffs, Iowa 51501

Subject: **Pottawattamie County ROC – Grading Project**  
Council Bluffs, Iowa  
HGM Project No. 105120A

Dear John,

We have checked and tabulated the bids received on Tuesday, August 10, 2021, regarding the above referenced project, and there were no discrepancies. A total of eight bids were received.

Lee Construction, Inc. had the lowest bid, and we hereby recommend award of the subject project to Lee Construction, Inc. of Glenwood, Iowa for the total bid amount of \$265,337.40.

Attached is a copy of the bid tabulation.

Sincerely,  
HGM ASSOCIATES INC.

A handwritten signature in blue ink, appearing to read "John E. Jorgensen".

John E. Jorgensen, PE  
Project Manager

Attachment: Bid Tabulation

**BID TABULATION**

**POTTAWATTAMIE COUNTY ROADS OPERATION CENTER**

**ROUGH GRADING AND EROSION CONTROL PLANS**

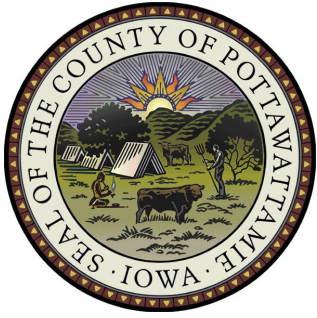
HGM Project No. 107420A

Letting Date: 8/10/2021

ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	ENGINEER'S OPC		MFD		JAPP BROS		LEE CONSTRUCTION		RING CONST		LEICK CONST		PCI		D & D CONST		HEIMES		
			UNIT	PRICE	TOTAL AMOUNT	UNIT	PRICE	TOTAL AMOUNT	UNIT	PRICE	TOTAL AMOUNT	UNIT	PRICE	TOTAL AMOUNT	UNIT	PRICE	TOTAL AMOUNT	UNIT	PRICE	TOTAL AMOUNT	UNIT
1.	Stockpile and Respread Top Soil	9,000	CY	\$4	\$36,000	\$3.00	\$27,000.00	\$3.31	\$29,790.00	\$1.75	\$15,750.00	\$1.80	\$16,200.00	\$2.13	\$19,170.00	\$7.75	\$69,750.00	\$6.00	\$54,000.00	\$4.00	\$36,000.00
2.	Remove CMP Culvert	200	LF	12	2400	10.00	2,000.00	60.00	12,000.00	12.50	2500.00	5.00	1000.00	10.00	2,000.00	30.00	6,000.00	22.50	4,500.00	21.58	4,316.00
3.	Filter Sock	2,190	LF	3	6570	2.50	5,475.00	5.39	11,804.10	2.30	5037.00	2.35	5146.50	4.90	10,731.00	2.30	5,037.00	3.50	7,665.00	5.73	12,548.70
4.	Silt Fence	2,340	LF	3	7020	2.50	5,850.00	6.00	14,040.00	2.00	4680.00	2.43	5686.20	2.70	6,318.00	2.40	5,616.00	2.90	6,786.00	4.09	9,570.60
5.	Stabilized Construction Entrance	123	SY	20	2460	151.00	18,573.00	25.00	3,075.00	12.80	1574.40	9.00	1107.00	28.50	3,505.50	27.00	3,321.00	28.00	3,444.00	16.02	1,970.46
6.	CMP Culvert, 36-Inch	324	LF	80	25920	110.00	35,640.00	215.00	69,660.00	115.00	37260.00	181.45	58789.80	86.75	28,107.00	230.00	74,520.00	179.30	58,093.20	225.50	73,062.00
7.	Metal Pipe Apron, 36-Inch	2	EA	2500	5000	700.00	1,400.00	1375.00	2,750.00	1875.00	3750.00	600.00	1200.00	1252.71	2,505.42	2000.00	4,000.00	1078.70	2,157.40	1842.00	3,684.00
8.	Metal Pipe Apron Guard	2	EA	800	1600	900.00	1,800.00	1375.00	2,750.00	2000.00	4000.00	710.00	1420.00	3400.00	6,800.00	2250.00	4,500.00	958.75	1,917.50	2990.00	5,980.00
9.	Earthwork, Move On-Site	90,000	CY	3	270000	2.10	189,000.00	4.50	405,000.00	1.55	139500.00	2.19	197100.00	4.20	378,000.00	3.25	292,500.00	3.15	283,500.00	3.99	359,100.00
10.	Seeding, Fertilizing and Mulching	12.2	AC	2000	24400	1100.00	13,420.00	2110.00	25,742.00	1200.00	14640.00	2450.00	29890.00	1912.00	23,326.40	1100.00	13,420.00	1250.00	15,250.00	3450.00	42,090.00
11.	Erosion Control Mat	2,640	SQ	20	52800	10.50	27,720.00	18.31	48,338.40	6.40	16896.00	11.00	29040.00	16.65	43,956.00	10.50	27,720.00	4.50	11,880.00	17.50	46,200.00
12.	Rip Rap, IDOT Class D Revetment	189	TON	40	7560	43.00	8,127.00	99.00	18,711.00	50.00	9450.00	61.00	11529.00	55.00	10,395.00	52.00	9,828.00	42.62	8,055.18	104.00	19,656.00
13.	Detention Basin Riser and Outlet	1	LS	10000	10000	7200.00	7,200.00	16000.00	16,000.00	10000.00	10000.00	6500.00	6500.00	4325.75	4,325.75	7500.00	7,500.00	13000.00	13,000.00	15990.00	15,990.00
14.	Inlet Protection Device	3	EA	250	750	150.00	450.00	250.00	750.00	100.00	300.00	175.00	525.00	225.00	675.00	150.00	450.00	200.00	600.00	190.00	570.00
<b>ROUGH GRADING AND EROSION CONTROL TOTAL:</b>					<b>\$452,480</b>		<b>\$343,655.00</b>		<b>\$660,410.50</b>		<b>\$265,337.40</b>		<b>\$365,133.50</b>		<b>\$539,815.07</b>		<b>\$524,162.00</b>		<b>\$470,848.28</b>		<b>\$630,737.76</b>

**John Rasmussen/County Engineer**

**Approve update to the Road  
Improvement Policy**



## **Pottawattamie County Secondary Roads**

**223 South 6<sup>TH</sup> Street  
Council Bluffs, Iowa, 51501**

**Tel: 712.328.5608  
Fax: 712.328.4751**

Date: August 11, 2021  
To: Board of Supervisors  
From: John Rasmussen, County Engineer  
RE: Updating the Road Improvement Policy

I put an item on the agenda to allow for some discussion and updating of the Road Improvement Policy. The policy was written to just create some transparency to the process and provide for some County participation in a logical manner.

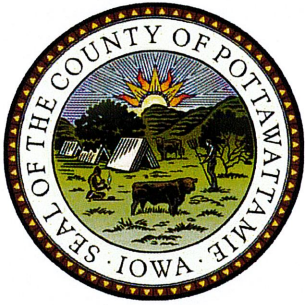
There are a couple challenges. We've only done a couple projects in nearly a decade, so the County portion isn't much of an incentive. I like that the incentive is based on traffic count and I think it is fair; but it isn't really working.

Another challenge is 100% voluntary participation. Iowa Code allows you implement the Special Assessment at 75% participation; the Board can lower the policy to 75% to help the system to develop. Keep in mind those that oppose to the Special Assessment Tax will get invited to a Public Hearing to oppose the actions.

Those are probably the two biggest obstacles to seeing Seal Coat Roads develop by Special Assessment. I also attached the Iowa Code Section 311 for your review. I'm really leaving out a ton of detail to just drill into our application of the Code Section.

Pottawattamie County in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders or consultants that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids and proposals as appropriate in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.





**Pottawattamie County Secondary Roads**  
**223 South 6<sup>TH</sup> Street**  
**Council Bluffs, Iowa, 51501**

**Approved**  
**June 26, 2012**

**Road Improvement Policy – Oil Stabilized Seal Coat (OSSC)**

Pottawattamie County desires to uniformly participate with those who seek to improve their road with special assessment or by lump sum donation for such work. The residents may participate with the initial construction; however the County shall assume the future maintenance costs.

The conditions or participation by the County are as follows:

$$\text{County Participation (\%)} = (\text{VPD} \times .001) \times 100 (\%)$$

1. The traffic count in Vehicles Per Day (VPD) shall be the published count provided by the Iowa Department of Transportation, which is published every 4<sup>th</sup> year.
2. For budgetary purposes the Department shall limit participation to \$250,000 per year.
3. The Road improvement shall terminate at a public road intersection or dead-end
4. This program shall not be used to create new roads; it may only improve existing roads.
5. Improved roads shall be of significant structure to avoid seasonal weight restrictions; or otherwise meet SUDAS Specifications as directed by the County Engineer.
6. The County may increase the contribution by 10% for existing commercial or industrial use.
7. Lump sum payment shall be made on the estimated amount prior to work commencing; final cost adjustments will be made after construction is completed.
8. The County Engineer shall review the construction methods and materials for compliance with those in effect for Pottawattamie County and Iowa DOT Local Systems, and use his/her professional discretion in carrying out their duties and responsibilities.
9. ~~Special Assessments shall not be made with less than 100% voluntary participation.~~
10. If Right Of Way is needed, it shall be voluntarily given.
11. If a Roadway changes Classification, the necessary structural changes shall be costed to the project.
12. Blind Driveways and driveways that excessively drain onto the Roadway may require repair.
13. The County shall assume the costs of survey, design, inspection and contract administration.

This policy does not limit the ability of the County to improve or create roads that serve the needs of the County Road Network; communities; or for economic development.

## CHAPTER 311

## SECONDARY ROAD ASSESSMENT DISTRICTS

Referred to in [§307.24](#), [§331.362](#), [§331.552](#)

311.1	Definitions.	311.18	Assessment delinquent — interest.
311.1A	Power to establish.	311.19	Assessment five hundred dollars or less.
311.2	Width of district.	311.20	Variation between estimated and actual cost.
311.3	Amount of assessment.	311.21	Procedures.
311.4	County line road.	311.22	Road graded and drained.
311.5	Project in city.	311.23	Payment of construction costs.
311.6	Petition — information required.	311.24	Appeal from assessment.
311.7	Improvement by private funds.	311.25	Appeal docketed.
311.8	County engineer's report.	311.26	Assessments certified to county treasurer.
311.9	Publicly owned real estate.	311.27	Each district separate unit.
311.10	Estimate and apportionment — presumption.	311.28	Certificates anticipating assessments.
311.11	Hearing — notice.	311.29	Sale of certificates.
311.12	Publication of notice.	311.30	Certificates registered — payment.
311.13	Errors in notice or apportionment report.	311.31	Repealed by 87 Acts, ch 115, §83.
311.14	Appearance.	311.32	Administration and maintenance of roads.
311.15	Hearing — adjournment — order.		
311.16	Final hearing — assessment levied.		
311.17	Assessments over five hundred dollars — waiver.		

**311.1 Definitions.**

As used in [this chapter](#), unless the context otherwise requires, “book”, “list”, “record”, or “schedule” kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in [section 445.1](#).

[2000 Acts, ch 1148, §1](#)

**311.1A Power to establish.**

In order to provide for improvements such as grading, draining, bridging, aggregate surfacing, paving, or resurfacing of secondary roads, the board of supervisors may, on petition, establish secondary road assessment districts.

[C24, 27, 31, 35, 39, [§4746](#); C46, §311.3; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.1]

[85 Acts, ch 143, §1](#)

C2001, §311.1A

**311.2 Width of district.**

Any such secondary road assessment district shall be not more than one-half mile wide on each side of the road or roads to be improved by said district.

[C24, 27, 31, 35, 39, [§4746](#); C46, §311.3; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.2]

**311.3 Amount of assessment.**

Special assessments in the aggregate amount of not less than fifty percent of the total estimated cost of improvement of a road included in a secondary road assessment district project shall be apportioned and levied on the lands included in the secondary road assessment district.

[C24, 27, 31, 35, 39, [§4753](#); C46, §311.10; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.3]

[85 Acts, ch 143, §2](#)

**311.4 County line road.**

When it is desired to improve a secondary road on a county line, as a secondary road assessment district project, the board of supervisors of any county may establish an assessment district in its county, and levy and collect special assessments for the payment of that portion of the estimated cost of the project assessable against lands in that county. Each

county shall pay its share of the cost of the project as provided in [this chapter](#), in the same manner as though the project were located wholly within that county.

[C24, 27, 31, 35, 39, §4746; C46, §311.3; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.4]  
[85 Acts, ch 143, §3](#)

### **311.5 Project in city.**

A road or street which is a continuation of a secondary road within a city and which the county board desires to improve, may by resolution of the county board and concurrence by the council of the city be improved as a secondary road assessment district project or part of a project as provided in [this chapter](#). The lands within the city abutting on or adjacent to the street or road may be included within the secondary road assessment district and assessed for the improvement upon the same basis and in the same manner as though the lands were located outside of a city.

[C24, §4754; C27, 31, 35, §4745-a1; C39, §4745.1; C46, §311.2; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.5]  
[85 Acts, ch 143, §4](#)

### **311.6 Petition — information required.**

The petition for a secondary road assessment district proposing to establish the district shall intelligibly describe the road or roads proposed to be improved, the nature of the proposed improvement, the percentage of the estimated cost of improving the road proposed to be assessed against the property in the district and the lands proposed to be included in the district.

The petition shall be signed by fifty percent of the owners of the lands within the proposed district, or by fifty percent of the owners of the land within the proposed district who reside within the county.

[C24, 27, 31, 35, 39, §4746; C46, §311.3; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.6]  
[85 Acts, ch 143, §5](#)

### **311.7 Improvement by private funds.**

1. a. The owner or a group of owners of not less than seventy-five percent of the lands adjacent to, or abutting upon any secondary road may, on or before October 1 of any year, petition the board of supervisors of their county for the improvement of the road, and for the assessment of not less than fifty percent, or a greater portion as provided in the petition, of the cost of the improvement, to the lands adjacent to, or abutting upon the road. When the petition has been filed, the board of supervisors shall review the project proposed by the petition and may accept or reject the proposed project. If the board of supervisors accepts the petition, the board shall include the project in the secondary road construction program of the county and establish a priority for the completion of the project.

b. The board of supervisors shall proceed with the construction and completion of the project in accordance with its assigned priority and under the same procedure as is prescribed generally for the improvement of secondary roads by assessment, and shall establish a special secondary road assessment district and assess against the lands included in the district not less than fifty percent, or a greater portion as provided in the petition, of the engineer's estimated cost of the improvements of the road included in the project against all the lands adjacent to or abutting upon the road.

c. However, if the owners of all the lands included in any special secondary road assessment district under [this section](#), subscribe and deposit with the county treasurer an amount not less than fifty percent, or a greater portion as provided in the petition, of the engineer's estimated cost of the improvement of the road included in the project, the board of supervisors shall not establish the special assessment district, but shall accept the donations in lieu of an assessment, and shall otherwise proceed to the improvement of the road.

2. The total expenditure of secondary road funds of the county in any year for or on account of special secondary road assessment district projects on local secondary roads under [this section](#) shall not exceed the total secondary road funds legally expendable for construction on local secondary roads in the county in the year.

3. Upon the completion of the road, and the satisfaction of all claims in relation to the road, any balance then remaining of the funds provided by the sponsors shall be returned to them according to their respective interests, providing all guarantees made by the sponsors have been fulfilled.

[C24, 27, 31, 35, 39, §4747, 4753; C46, §311.4, 311.10; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.7]

[83 Acts, ch 123, §112, 209](#); [85 Acts, ch 143, §6](#); [86 Acts, ch 1024, §1](#); [2010 Acts, ch 1061, §180](#)  
Referred to in [§331.429](#)

### **311.8 County engineer's report.**

Upon the filing of the petition with the county engineer proposing the establishment of a secondary road assessment district, the county engineer shall prepare a report on the proposed district, which report shall include:

1. An estimate of the cost of the improvement proposed on the road included in the proposed district.

2. A plat of said proposed district which plat shall show the road or roads proposed to be improved, the various tracts and parcels of real estate included in said proposed district, and the ownership of such lands.

3. An approximately equitable apportionment of not less than fifty percent of the estimated cost of the improvement among the tracts and parcels of real estate included in the proposed district.

4. A statement whether all of the secondary roads to be improved in the proposed secondary road assessment district project have been built to permanent grade and properly drained.

5. Any information the county engineer may deem pertinent.

[C24, 27, 31, 35, 39, §4746, 4748; C46, §311.3, 311.5; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §311.8; [81 Acts, ch 117, §1211](#)]

[85 Acts, ch 143, §7](#)

### **311.9 Publicly owned real estate.**

In making said apportionment, real estate owned by the state, county or any city, shall be treated as other real estate, but no other publicly owned real estate shall be included. In apportioning benefits to real estate owned by a city, the county or the state, no consideration shall be given to the buildings thereon.

[C24, §4707; C27, 31, 35, §4753-a1; C39, §4753.01; C46, §311.11; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.9]

### **311.10 Estimate and apportionment — presumption.**

Said estimated cost shall carry the presumption, in the absence of a contrary showing, that the same correctly represents the probable cost of said project as nearly as can be determined in advance of the actual doing and completion of the work. Said apportionment shall carry the presumption, in the absence of a contrary showing, that the same is fair, just, equitable, and in proportion to the benefits and not in excess thereof.

[C24, §4707; C27, 31, 35, §4753-a1; C39, §4753.01; C46, §311.11; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.10]

### **311.11 Hearing — notice.**

The board of supervisors shall fix a time for hearing on the proposal for the establishment of the secondary road assessment district and on the apportionment of not less than fifty percent of the estimated cost of the proposed improvement, and shall cause the county engineer to publish notice of the hearing. The notice shall state:

1. The time and place of hearing,
2. The road or roads proposed to be improved,
3. The type of surfacing proposed,
4. The estimated cost of the proposed improvement,
5. A description of the lands lying within said proposed district,



6. The ownership of said lands as shown by the transfer books in the auditor's office,
7. A statement of the amount apportioned to each tract or parcel of real estate as shown by the engineer's report,
8. That at said hearing the amount apportioned to any tract or parcel of land may be increased or decreased without further notice,
9. That all objections to the establishment of the district, to the apportionment report, or to the proceedings relating to the district or report must be specifically made in writing and filed with the county engineer on or before noon of the day set for the hearing, and
10. That a failure to make and file such objections will be deemed a conclusive waiver of all such objections.

[C24, §4707, 4750, 4751; C27, 31, 35, §4750, 4751, 4753-a1; C39, §4750, 4751, 4753.01; C46, §311.7, 311.8, 311.11; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §311.11; [81 Acts, ch 117, §1212](#)]

[85 Acts, ch 143, §8](#)

### **311.12 Publication of notice.**

The notice shall be published as provided in [section 331.305](#) in the county as near as practicable to the district. Proof of the publication shall be made by the publisher by affidavit filed with the county engineer.

[C24, §4707; C27, 31, 35, §4753-a1; C39, §4753.01; C46, §311.11; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §311.12; [81 Acts, ch 117, §1213](#)]

[87 Acts, ch 43, §8](#)

### **311.13 Errors in notice or apportionment report.**

Any omission or error in said apportionment report or notice with respect to any tract or parcel of real estate or the description thereof, or the name of the owner, or the amount of the assessment apportioned thereto, shall work no loss of jurisdiction on the part of the board over such proceeding. Such omission or error shall only affect the particular tract of real estate or person in question. If, before or after the board has entered its final order in the establishment of the said district or in the apportionment proceedings such omission or error is discovered, the board shall fix a time for a hearing as to such party or real estate and shall cause service of notice to be made upon them, either by publication as in [this chapter](#) provided, or by personal service in the time and manner required for service of original notices in the district court. After such hearing the board shall proceed as to such person or land as though such omission or error had not occurred.

[C24, §4707; C27, 31, 35, §4753-a1; C39, §4753.01; C46, §311.11; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.13]

### **311.14 Appearance.**

The appearance of any interested party, either in writing or personally, or by authorized agent, before the board of supervisors at any stage of the pending proceedings for a secondary road assessment district shall be deemed a full appearance. Only interested parties shall have the right to appear in such proceedings. All persons so appearing shall state for whom they appear. The clerk of the board shall make definite entry accordingly in the minutes of the board.

[C24, §4707; C27, 31, 35, §4753-a1; C39, §4753.01; C46, §311.11; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.14]

### **311.15 Hearing — adjournment — order.**

Hearings on the proposed establishment of said district may be adjourned from time to time without loss of jurisdiction by the board. On final hearing the board shall proceed to a determination of said matters. It may reject, approve, or modify and approve said proposal. The board may exclude lands from the district or may add lands thereto or otherwise modify the proposal.

Should the proposal be approved in whole or in part, the board shall establish such district. The order of the board establishing such district shall state the road or roads to be improved,

the type of improvement, and the lands included in said district. Said order shall be final. No lands shall thereafter be added to or excluded from said district.

[C24, §4709; C27, 31, 35, §4753-a2; C39, §4753.02; C46, §311.12; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.15]

### **311.16 Final hearing — assessment levied.**

On final hearing the board shall hear and determine all objections filed. The board may increase, diminish, annul, or affirm the apportionment made in said report, or any part thereof, as may appear to the board to be just and equitable.

On the final determination the board shall levy the assessments and all installments thereof upon the real estate within the district as finally established. The entire amount of the assessment shall be then due and payable, and bear interest at a rate not exceeding that permitted by [chapter 74A](#) commencing twenty days from the date of the levy, and shall be collected at the succeeding September semiannual payment of ordinary taxes.

[C24, §4710; C27, 31, 35, §4753-a3; C39, §4753.03; C46, §311.13; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.16]

### **311.17 Assessments over five hundred dollars — waiver.**

1. If an owner other than the state or a county or city, of any tracts of land on which the assessment is more than five hundred dollars, shall, within twenty days from the date of the assessment, agree in writing filed in the office of the county auditor, that in consideration of the owner having the right to pay the assessment in installments, the owner will not make any objection of illegality or irregularity as to the assessment upon the real estate, and will pay the assessment plus interest, the assessment shall be payable in ten equal installments. The first installment shall be payable on the date of the agreement. The other installments shall be paid annually at the same time and in the same manner as the September semiannual payment of ordinary taxes with interest accruing as provided in [section 384.65, subsection 3](#). The rate of interest shall be as established by the board, but not exceeding that permitted by [chapter 74A](#).

2. An owner of land who has used the ten-year option may at any time discharge the assessment by paying the balance then due on all unpaid installments, with interest on the entire amount of the unpaid installments to the following December 1.

[C24, §4710; C27, 31, 35, §4753-a3; C39, §4753.03; C46, §311.13; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.17]

[98 Acts, ch 1107, §4](#); [2012 Acts, ch 1138, §95](#)

### **311.18 Assessment delinquent — interest.**

The assessed taxes shall become delinquent from October 1 after their maturity. However, when the last day of September is a Saturday or Sunday, the assessed taxes shall become delinquent from the second business day of October. Taxes assessed pursuant to [this chapter](#) which become delinquent shall bear the same interest, and be attended with the same rights and remedies for collection, as ordinary taxes.

[C24, §4710; C27, 31, 35, §4753-a3; C39, §4753.03; C46, §311.13; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.18]

[92 Acts, ch 1016, §3](#); [98 Acts, ch 1107, §5](#); [2005 Acts, ch 34, §1, 26](#)

### **311.19 Assessment five hundred dollars or less.**

Assessments of five hundred dollars or less against any tract of land, and assessments against lands owned by the state, county, or city, shall be due and payable from the date of levy by the board of supervisors, or in the case of any appeal, from the date of final confirmation of the levy by the court.

In case of assessments on lands owned by the county, the assessments shall be paid from the county treasury. In case of assessments on lands owned by the state, the assessments shall be paid out of any funds in the state treasury not otherwise appropriated. In case of

assessments on lands owned by a city, the assessments shall be paid from any available city fund.

[C24, §4710; C27, 31, 35, §4753-a3; C39, §4753.03; C46, §311.13; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.19]

[83 Acts, ch 123, §113, 209](#); [98 Acts, ch 1107, §6](#); [2012 Acts, ch 1138, §96](#)

### **311.20 Variation between estimated and actual cost.**

Any variation between the engineer's estimated cost and the actual cost of a secondary road assessment district project shall in no way affect the validity of the assessment. It is the intent of [this chapter](#) that the assessment shall be based on the estimated cost and not on the actual cost.

[C24, §4711; C27, 31, 35, §4753-a4; C39, §4753.04; C46, §311.14; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.20]

### **311.21 Procedures.**

The preparation and approval of plans and specifications, the advertising for bids, the award and approval of contract, the supervision and inspection of construction work, and the approval and payment of claims on any secondary road assessment district project, shall be conducted in the manner provided in the laws for secondary road construction work generally.

[C24, 27, 31, 35, 39, §4749, 4752; C46, §311.6, 311.9; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.21]

### **311.22 Road graded and drained.**

Any such secondary road shall be built to permanent grade and drained in a manner approved by the county engineer before being surfaced, as provided in [this chapter](#).

[C27, 31, 35, 39, §4746; C46, §311.3; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.22]

### **311.23 Payment of construction costs.**

The total cost of any secondary road assessment district project shall in the first instance be paid out of the county treasury. Any assessments which are paid in cash and in anticipation of which assessments no certificates have been issued, shall be transferred to the county treasury.

If no special assessment certificates are issued and sold on account of any particular secondary road assessment district, the special assessments on lands included in that district, and the interest on the assessments when collected, shall be transferred to the secondary road fund of the county. If certificates are issued and sold in anticipation of the special assessments levied on a district, the proceeds of the certificates shall be credited to the county treasury. In that event, the special assessments in anticipation of which certificates have been issued, and the interest on the assessments shall, when collected, be used to retire the certificates.

[C24, 27, 31, 35, 39, §4752; C46, §311.9; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.23]

[83 Acts, ch 123, §114, 209](#)

Referred to in [§331.429](#)

### **311.24 Appeal from assessment.**

Any owner of land in a secondary road assessment district may appeal to the district court from the order of the board of supervisors in levying the assessment against the owner's real estate, by filing with the county engineer within fifteen days of the date of the levy, a bond conditioned to pay all costs in case the appeal is not sustained, and a written notice of appeal where the owner shall, with particularity, point out the specific objection which the owner desires to lodge against the levy. The appeal has precedence over all other business pending before the court except criminal matters. The appeal shall be heard as in equity. The court may raise or lower the assessment in question and make an equitable assessment in the judgment of the court. The clerk of the district court shall, upon the entry of the final order of

the court, certify the final order to the county engineer. The board of supervisors shall adjust the assessments to comply with the final order of the court.

[C24, §4713; C27, 31, 35, §4753-a5; C39, §4753.05; C46, §311.15; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §311.24; 81 Acts, ch 117, §1214]

Referred to in §602.8102(50)

### **311.25 Appeal docketed.**

When an appeal is taken, the county engineer shall make a transcript of the notice of appeal and appeal bond and transmit them to the district court. The appellant shall, within twenty days after perfection of the appeal, docket the appeal and file a petition setting forth the order or decision of the board of supervisors appealed from, and the appellant's specific objections. A failure to comply with either of these requirements is a conclusive waiver of the appeal and the court shall dismiss the petition. Appellee need not file answer, but may do so.

[C24, §4714; C27, 31, 35, §4753-a6; C39, §4753.06; C46, §311.16; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §311.25; 81 Acts, ch 117, §1215]

### **311.26 Assessments certified to county treasurer.**

When the board of supervisors has entered its final order as to the amounts of all special assessments on a given improvement, the county engineer shall at once certify a list of the assessments and a list of real estate upon which each assessment has been levied, with the specific designation of the district embracing the real estate, to the county treasurer, who shall enter each assessment on the tax books and continue the entry until the assessment is paid.

Each special assessment and all installments of the special assessments are a lien upon the real estate upon which levied from the date of the certificate by the county engineer to the same extent and in the same manner as taxes levied for state and county purposes. Changes in the amount of a special assessment by reason of a ruling of the district court on appeals shall be likewise certified and the county treasurer shall make the proper correction on the books.

[C24, §4715; C27, 31, 35, §4753-a7; C39, §4753.07; C46, §311.17; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §311.26; 81 Acts, ch 117, §1216]

### **311.27 Each district separate unit.**

Each assessment district shall be considered a unit and all funds received by the county treasurer for or on behalf of such unit shall be carried as a distinct and separate account and under the same specific name as that used by the board in establishing such unit.

[C24, §4716; C27, 31, 35, §4753-a8; C39, §4753.08; C46, §311.18; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.27]

### **311.28 Certificates anticipating assessments.**

In order to render immediately available that amount of the estimated cost of an improvement which has been specially assessed, the board may issue road certificates in the name of the county in an aggregate amount not exceeding the then unpaid amount of the special assessment levied in the district. Each issue of certificates shall be under, and in accordance with, a duly adopted resolution of the board which shall recite all of the following:

1. The name or designation of the road district on account of which the certificates are issued.
2. That a stated amount has been specially assessed against the lands within the district.
3. That a stated amount of the aggregate special assessment has not yet been paid.
4. That it is necessary to render the unpaid amount immediately available.
5. The number of road certificates authorized and the specific amount of each certificate.
6. The specific numbering or designation of the certificates.
7. The rate of interest which each certificate shall bear from date, not exceeding that permitted by [chapter 74A](#).



8. The fact that the certificates are payable solely from the proceeds of the special assessments which have been levied on the lands within the districts.

9. That each certificate shall be payable on or before January 1 of the first year following the maturity of the last installment of the special assessments, and that interest on the certificate shall be paid annually.

10. The authorization to the chairperson of the board, and to the county treasurer, to sign and countersign each of the certificates.

[C24, §4717; C27, 31, 35, §4753-a9; C39, §4753.09; C46, §311.19; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §311.28; [81 Acts, ch 117, §1217](#)]

### **311.29 Sale of certificates.**

Upon the signing of each of the certificates by the chairperson of the board, the certificates shall be delivered to the county treasurer, who shall countersign them and who shall be responsible for them on the treasurer's bond. The treasurer may apply the certificates in payment of warrants duly authorized and issued for improving the roads within the district, or the treasurer may sell the certificates for the best attainable price and for not less than par, plus accrued interest. The certificates shall be retired in the order of their numbering.

[C24, §4717; C27, 31, 35, §4753-a9; C39, §4753.09; C46, §311.19; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §311.29; [81 Acts, ch 117, §1218](#)]

[83 Acts, ch 123, §115, 209](#); [85 Acts, ch 143, §9](#)

Referred to in [§331.429](#)

### **311.30 Certificates registered — payment.**

The county treasurer shall, in connection with the road account for said district, enter the name and post office address of all persons to whom any of said certificates are issued, with a particular designation of the certificates delivered to each person. Any subsequent holder may present the certificate to the county treasurer and cause the subsequent holder's name and post office address to be entered in lieu of that of such former holder. Whenever the fund for such particular district has money to pay the first retirable certificate or certificates, the county treasurer shall, by mail, as shown by the county treasurer's records, promptly notify the holder of such certificate of such fact and that from and after ten days after the mailing of such letter all interest on such certificates will cease.

[C24, §4717; C27, 31, 35, §4753-a9; C39, §4753.09; C46, §311.19; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.30]

**311.31** Repealed by [87 Acts, ch 115, §83](#).

### **311.32 Administration and maintenance of roads.**

Any road established by petition and any road improved by petition under [this chapter](#) shall be administered and maintained by the county under [chapters 306, 309, 314, 317, and 318](#). However, the fact that right-of-way is donated by property owners for the establishment of a road or a portion of the cost of a road improvement is paid by property owners under [this chapter](#), does not preclude the board of supervisors from exercising its responsibility over these roads as secondary roads.

[86 Acts, ch 1024, §2](#); [2006 Acts, ch 1097, §16](#)

## **Lea Voss/County Treasurer**

**Discussion and/or decision to approve and authorize Board to sign Resolution No. 88-2017, a Resolution approving the increase in the Depository limit for the Treasurer's Office for American National Bank from \$160,000,000.00 to \$200,000,000.00. Total Maximum Deposit under this resolution is \$215,900,000.00.**

**RESOLUTION NO. 88-2021**

<u>NAME OF DEPOSITORY</u>	<u>LOCATION</u>	<u>MAXIMUM DEPOSIT UNDER THIS RESOLUTION</u>
<b><u>COUNTY TREASURER</u></b>		
Rolling Hills Bank	Walnut	1,900,000.00
Arbor Bank	Oakland	2,500,000.00
Midstates Bank	Council Bluffs	2,000,000.00
Midstates Bank	Avoca	100,000.00
Great Western Bank	Oakland	1,500,000.00
American National Bank	Council Bluffs	200,000,000.00
Treynor State Bank	Treynor	2,500,000.00
US Bank	Council Bluffs	3,000,000.00
<b><u>COUNTY AUDITOR</u></b>		
American National Bank	Council Bluffs	500,000.00
<b><u>COUNTY CONSERVATION</u></b>		
American National Bank	Council Bluffs	200,000.00
<b><u>COUNTY PLANNING</u></b>		
American National Bank	Council Bluffs	200,000.00
<b><u>COUNTY RECORDER</u></b>		
American National Bank	Council Bluffs	500,000.00
<b><u>COUNTY SHERIFF</u></b>		
American National Bank	Council Bluffs	1,000,000.00
	TOTAL	\$215,900,000.00

**Passed and Approved this 17th day of August, 2021.**

**ROLL CALL VOTE**

	AYE	NAY	ABSTAIN	ABSENT
_____ Scott A. Belt, Chairman	○	○	○	○
_____ Tim Wichman	○	○	○	○
_____ Lynn Grobe	○	○	○	○
_____ Justin Schultz	○	○	○	○
_____ Brian Shea	○	○	○	○

ATTEST: \_\_\_\_\_  
Melvyn J. Houser, County Auditor

**Other Business**

**Discussion and/or decision to approve  
and authorize Chairman to sign Bond  
Counsel Engagement Agreement for  
General Obligation Local Option Sales  
Tax Bonds, Series 2021C with Ahlers &  
Cooney, P.C.**

August 10, 2021

**Sent via Email**

Mr. Melvyn Houser  
County Auditor  
Pottawattamie County Courthouse  
227 South 6th Street  
Council Bluffs, Iowa 51501

RE: Pottawattamie County, Iowa – Bond Counsel Engagement Agreement  
General Obligation Local Option Sales and Services Tax Bonds, Series 2021C

Dear Board of Supervisors:

The purpose of this Engagement Agreement (the "Agreement") is to disclose and memorialize the terms and conditions under which services will be rendered by Ahlers & Cooney, P.C. as bond counsel to Pottawattamie County, Iowa (the "City" or "Issuer") in connection with the above-referenced issuance (the "Bonds"). While additional members of our firm may be involved in representing the Issuer on other matters unrelated to the Bonds, this Agreement relates to the agreed-upon scope of bond counsel services described herein (the "Services").

A. SCOPE OF SERVICES -- *Bond Counsel*

As Bond Counsel, we will represent the City and cooperate with the following persons and firms: the underwriters or other bond purchasers who purchase the Bonds from the City (all of whom are referred to as the "Bond Purchasers"), counsel for the Bond Purchasers, the Municipal Advisor, trustee, paying agent and bond registrar and their designated counsel (you and all of the foregoing persons or firms collectively, the "Participants"). We intend to undertake each of the following as are necessary:

1. Review relevant Iowa law, including pending legislation and other recent developments, relating to the legal status and powers of the City or otherwise relating to the issuance of the Bonds.
2. Obtain information about the Bond transaction and the nature of use of the facilities or purposes to be financed (the "Project").
3. Review the proposed timetable and consult with the Participants as to the issuance of the Bonds in accordance with the timetable.
4. Consider issues arising under the Internal Revenue Code of 1986, as amended, and applicable tax regulations and other sources of law relating to the issuance of the Bonds on a tax-exempt basis; these issues include, without limitation, ownership and use of the project, use and investment of Bond proceeds prior to expenditure and security provisions or credit enhancement relating to the Bonds.

5. Prepare or review major Bond documents, including tax compliance certificates, review the bond purchase agreement, if applicable, and, at your request, draft descriptions of the documents which we have drafted. As Bond Counsel, we assist you in reviewing only those portions of an official statement or any other disclosure document to be disseminated in connection with the sale of the Bonds involving the description of the Bonds, the security for the Bonds (excluding forecasts, projections, estimates or any other financial or economic information in connection therewith), the description of the federal tax exemption of interest on the Bonds and the "bank-qualified" status of the Bonds.
6. Prepare or review all pertinent proceedings to be considered by the governing body of the City; confirm that the necessary quorum, meeting and notice requirements are contained in the proceedings and draft pertinent excerpts of minutes of the meetings relating to the financing.
7. Attend or host such drafting sessions and other conferences as may be necessary, including a preclosing, if needed, and closing; and prepare and coordinate the distribution and execution of closing documents and certificates, opinions and document transcripts.
8. Render our legal opinion regarding the validity of the Bonds, the sources of payment for the Bonds and the federal income tax treatment of interest on the Bonds, which opinion (the "Bond Opinion") will be delivered in written form on the date the Bonds are exchanged for their purchase price (the "Closing"). The Bond Opinion will be based on facts and law existing as of its date. Please note that our opinion represents our legal judgment based upon our review of the law and the facts so supplied to us that we deem relevant and is not a guarantee of a result.
9. Subsequent to the Closing, we will prepare and provide the Participants a bond transcript pertaining to the Bonds and make certain the appropriate Federal Information Reporting Form 8038 is filed for each series.

**B. LIMITATIONS**

The duties covered by this Agreement are limited to those expressly set forth above. Our fee *does not* include the following services, or any other matter not required to render our Bond Opinion:

1. Preparing requests for tax rulings from the Internal Revenue Service, or "no action" letters from the Securities and Exchange Commission.
2. Drafting state constitutional or legislative amendments.
3. Pursuing test cases or other litigation, such as contested validation proceedings.
4. Representing the Issuer in Internal Revenue Service examinations or inquiries, or Securities and Exchange Commission investigations.
5. After Closing, providing continuing advice to the Issuer or any other party concerning actions necessary to assure that interest paid on the Bonds will continue to be excludable from gross income for federal income tax purposes (e.g. this Bond Counsel engagement for the Bonds does not include rebate calculations, nor continuing post-issuance compliance activities).
6. Opining on a continuing disclosure undertaking pertaining to the Bonds and, after the execution and delivery of the Bonds, providing advice concerning any actions necessary to assure compliance with any continuing disclosure requirements.

7. After Closing, providing continuing advice to the Issuer or any other party concerning disclosure issues or questions that relate to the Bonds, (e.g., questions regarding actions necessary to assure fulfillment of continuing disclosure responsibilities).
8. Undertake responsibility as disclosure counsel engaged as recognized counsel specially experienced in Iowa law and federal law relating to disclosure requirements that pertain to governmental debt obligations, whose primary responsibility will be to render objective written advice with respect to the Issuer's issuance of Bonds and its compliance with applicable rules promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

We will provide one or more of the services listed in subsections (1)–(8) of this Section B upon your request, however, a separate, written engagement or request for services will be required before we assume one or more of these duties. The remaining services in this list, specifically those listed in subsections (9)–(14) of this Section B below, are not included in this Agreement, nor will they be provided by us at any time.

9. Providing any advice, opinion or representation as to the financial feasibility or the fiscal prudence of issuing the Bonds, the financial condition of the Issuer, or to any other aspect of the financing, such as the proposed financing structure, use of a financial advisor, or the investment of proceeds of the Bonds.
10. Independently establishing the veracity of certifications and representations of the City or the other Participants.
11. Acting as an underwriter, or otherwise marketing the Bonds.
12. Acting in a financial advisory role.
13. Preparing blue sky or investment surveys with respect to the Bonds.
14. Making an investigation or expressing any view as to the creditworthiness of the Issuer or of the Bonds.

#### C. ATTORNEY-CLIENT RELATIONSHIP; OTHER REPRESENTATIONS

Upon execution of this Agreement and upon notification by the Issuer that our Bond Counsel services are requested with regard to a specific issue of Bonds, the Issuer will be our client and an attorney-client relationship will exist between us with respect to the issuance of the Bonds. We assume that all other parties will retain such counsel as they deem necessary and appropriate to represent their interests in this transaction. We further assume that all parties understand that in this transaction we represent only the Issuer, we are not counsel to any other party, and we are not acting as an intermediary among the parties. Our services are limited to those contracted for in this Agreement; the Issuer's execution of this Agreement will constitute an acknowledgement of those limitations. Our representation of the Issuer will not affect, however, our responsibility to render an objective Bond Opinion.

Our representation of the Issuer and the attorney-client relationship created by this Agreement with respect to a series of Bonds will be concluded upon issuance of such Bonds. Nevertheless, subsequent to Closing, we will mail the appropriate completed Internal Revenue Service Form 8038 and prepare and distribute to the Participants a transcript of the proceedings pertaining to the Bonds.

As you are aware, our firm represents many political subdivisions, companies and individuals. It



is possible that during the time that we are representing the Issuer, one or more of our present or future clients will have transactions with the Issuer. We do not believe such representation, if it occurs, will adversely affect our ability to represent you as provided in this Agreement, either because such matters will be sufficiently different from the issuance of the Bonds so as to make such representations not adverse to our representation of you, or because the potential for such adversity is remote or minor and outweighed by the consideration that it is unlikely that advice given to the other client will be relevant to any aspect of the issuance of the Bonds. We will decline to participate in any matter where the interests of our clients, including the Issuer, may differ to the point where separate representation is advisable. The firm historically has arranged its practice to hold such occasions to a minimum, and intends to continue doing so. Execution of this Agreement will signify the Issuer's consent to our representation of others consistent with the circumstances described in this paragraph.

D. OTHER TERMS OF THE ENGAGEMENT; CERTAIN OF YOUR UNDERTAKINGS

Please note our understanding with respect to this Agreement and your role in connection with the issuance of the Bonds:

1. In rendering the Bond Opinion and in performing any other Services hereunder, we will rely upon the certified proceedings and other certifications you and other persons furnish us. Other than as we may determine as appropriate to rendering the Bond Opinion, we are not engaged and will not provide services intended to verify the truth or accuracy of these proceedings or certifications. Except by request, we do not ordinarily attend meetings of the governing body of the City at which proceedings related to the Bonds are discussed or passed unless special circumstances require our attendance.
2. The factual representations contained in those documents which are prepared by us, and the factual representations which may also be contained in any other documents that are furnished to us by you are essential for and provide the basis for our conclusions that there is compliance with State law requirements for the issue and sale of valid bonds and with the Federal tax law for the tax exemption of interest paid on the Bonds. Accordingly, it is important for you to read and understand the documents we provide to you because you will be confirming the truth, accuracy and completeness of matters contained in those documents at the issuance of the Bonds.
3. If the documents contain incorrect or incomplete factual statements, you must call those to our attention. We are always happy to discuss the content or meaning of the transaction documents with you. Any untruth, inaccuracy or incompleteness may have adverse consequences affecting either the tax exemption of interest paid on the Bonds or the adequacy of disclosures made in the Official Statement under the State and Federal securities laws, with resulting potential liability for you. During the course of this engagement, we will further assume and rely on you to provide us with complete and timely information on all developments pertaining to any aspect of the Bonds and their security. We understand that you will cooperate with us in this regard.
4. You should carefully review all of the representations you are making in the transaction documents. We are available and encourage you to consult with us for explanations as to what is intended in these documents. To the extent the facts and representations stated in the documents we provide to you appear reasonable to us, and are not corrected by you, we are then relying upon your signed certifications for their truth, accuracy and completeness.
5. Issuing the Bonds as "securities" under State and Federal securities laws and on a tax-exempt basis is a serious undertaking. As the issuer of the Bonds, the City is obligated under the State and Federal securities laws and the Federal tax laws to disclose all material facts. The City's lawyers, financial advisors and bankers can assist the City in fulfilling these duties, but the City in

its corporate capacity, including your knowledge, has the collective knowledge of the facts pertinent to the transaction and the ultimate responsibility for the presentation and disclosure of the relevant information. Further, there are complicated Federal tax rules applicable to the Bonds. The IRS has an active program to audit such transactions. The documents we prepare are designed so that the Bonds will comply with the applicable rules, but this means you must fully understand the documents, including the representations and the covenants relating to the continuing compliance with the federal tax requirements. Accordingly, we want you to ask questions about anything in the documents that is unclear.

6. As noted, the members of the governing body of the City also have duties under the State and Federal Securities and tax laws with respect to these matters and should be knowledgeable as to the underlying factual basis for the bond issue size, use of proceeds and related matters.

E. FEES

1. It is our practice to bill our fees as Bond Counsel on a transactional basis instead of hourly. Factors which affect our billing include: (a) the amount of the issuance; (b) an estimate of the time necessary to do the work; (c) the complexity of the issue (number of parties, timetable, type of financing, legal issues and so forth); (d) recognition of the partially contingent nature of our fee, since it is customary that in the case no financing is ever completed, we render a greatly reduced statement of charges; and (e) a recognition that we carry the time for services rendered on our books until a financing is completed, rather than billing monthly or quarterly.
2. We estimate that our fee for Bond Counsel services will not exceed \$16,200. If, at any time, we believe that circumstances require an adjustment of our original fee estimate(s), we will advise you of such requirement. Such adjustment might be necessary in the event: (a) the principal amount of Bonds actually issued differs significantly from the amount anticipated at the time we initially estimated our fee(s); (b) material changes in the structure or schedule of the financing occur; or (c) unusual or unforeseen circumstances arise which require a significant increase or decrease in our time or responsibility, such as personal attendance at meetings, significant travel, or unexpected revision of the issuance documents at the request of the Issuer, any agent acting on your behalf (such as a financial advisor), the purchaser, a bond insurer, other counsel providing services with respect to issuance of a particular issuance of obligations.
3. In addition to our flat fees, we will charge for any incidental costs incurred (copies, overnight charges, bond printing, travel reimbursement, deliveries, etc.). We estimate that such charges will not exceed \$750. We will contact you prior to incurring expenses that exceed this amount.
4. The delivery of written advice, or opinions beyond the Bond Opinion, to third parties at the request of the Issuer with respect to a series of Bonds shall be subject to a separate opinion charge in an amount established at the time of the request.

F. BILLING MATTERS:

We will submit a summary invoice for the professional services described herein after Closing. In the event of a substantial delay in completing the financing, we reserve the right to present an interim statement for payment. Unless other arrangements have been agreed upon in advance, we anticipate our statements to be paid in full within thirty (30) days of receipt.

If, for any reason, the financing represented by an issue of Bonds is not consummated or is completed without the delivery of our Bond Opinion, or our services are otherwise terminated, we will

expect to be compensated at our normal hourly rates<sup>1</sup>, plus incidental costs, as described above (not to exceed the fee we would have received if we had rendered our Bond Opinion).

G. RISK OF AUDIT BY THE INTERNAL REVENUE SERVICE (IRS)

The IRS has an ongoing program of auditing tax-exempt obligations to determine whether, in the view of the IRS, interest on such tax-exempt obligations is excludable from gross income of the owners for federal income tax purposes. We can give no assurances as to whether the IRS might commence an audit of the Bonds or whether, in the event of an audit, the IRS would agree with our opinions. If an audit were to be commenced, the IRS may treat the City as the taxpayer for purposes of the examination. As noted above, the scope of our representation does not include responding to such an audit. However, if we were separately engaged at the time, and subject to the applicable rules of professional conduct, we may be able to represent the City in the matter.

H. RECORDS

1. At your request, papers and property furnished by you will be returned promptly upon receipt of payment for outstanding fees and client charges. Our own files, including lawyer work product, pertaining to the transaction will be retained by us. For various reasons, including the minimization of unnecessary storage expenses, we reserve the right to dispose of any documents or other material retained by us after the termination of this Agreement. It is our practice to retain transcripts for each financing for at least the life of the Bonds. We may store some or all client file materials in a digital format. In the process of digitizing such documents, any original paper documents provided by you will be returned to you. Any copies of paper documents provided by you will not be returned to you unless you request such copies in writing. You will be notified prior to destruction of our file, and will have the option to request them, should you desire.
2. In the interest of facilitating our services to you, we may send documents, information or data electronically or via the Internet or store electronic documents or data via computer software applications hosted remotely or utilize cloud-based storage. Your confidential electronic documents or data may be transmitted or stored using these methods. We may use third party service providers to store or transmit these documents or data. In using these electronic communication and storage methods, we employ reasonable efforts to keep such communications, documents and data secure in accordance with our obligations under applicable laws, regulations, and professional standards; however, you recognize and accept that we have no control over the unauthorized interception or breach of any communications, documents or data once it has been transmitted or if it has been subject to unauthorized access while stored, notwithstanding all reasonable security measures employed by us or by our third party vendors. By your acceptance of this letter, you consent to our use of these electronic devices and applications and submission of confidential client information to or through third party service providers during this engagement.

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1. The firm reviews hourly rates on an annual basis, and reserves the right to implement rate adjustments. If implemented in any particular year, adjustments generally become effective on January 1. Accordingly, our work on this matter will be billed at the hourly rate in effect at the time services are performed. Our current (2021) hourly rates are as follows:

- a. Attorneys: \$200-\$355/hour (for reference purposes, the undersigned's hourly rate as of 01/01/21 is \$310/hour).
- b. Legal Assistants: \$120/hour.

I. OTHER ADVICE

1. If requested, we will maintain one or more separate accounts for periodic services rendered to the Issuer in connection with other matters unrelated to any particular Bond financing. Such services may involve the rendering of advice, opinions or other assistance in connection with such issues including, but not limited to (a) financing alternatives in connection with a particular project, (b) compliance with lending programs, (c) the impact of specified actions on tax-exempt status of outstanding Bonds, (d) interpretation and/or required actions with regard to other "financial obligations" under a continuing disclosure certificate, or (e) other matters the Issuer may seek advice or guidance upon. Billings for such separate services will be based on our standard hourly rate of the individual attorney at the time of performing such separate services.

\*\*\*\*\*

Please carefully review the terms and conditions of this Agreement. ***If the above correctly reflects our mutual understanding, please so indicate by returning a signed and dated copy of this Agreement, retaining an original for your file as well.***

If you have questions regarding any aspect of the above or our representation as Bond Counsel, please do not hesitate to contact me.

Very truly yours,



Jason L. Comisky  
FOR THE FIRM

JLC:ks

cc: Andrew Moats (via e-mail)  
Becky Lenihan (via e-mail)

Accepted:  
Pottawattamie County, Iowa

By: \_\_\_\_\_ Date: \_\_\_\_\_

\*Approved by action of the governing body on \_\_\_\_\_, 2021.

**Discussion and/or decision to  
approve and authorize Board to sign  
Resolution No. 84-2021 entitled:  
RESOLUTION for Transfer from  
Secondary Roads Fund to Bond Series  
2021 A Capital Fund.**

**RESOLUTION NO. 84-2021**

**RESOLUTION for Transfer from Secondary Roads Fund to Bond Series 2021 A Capital Fund**

**WHEREAS**, it is desired to transfer money Secondary Roads Fund to Bond Series 2021A Capital Fund; and

**WHEREAS**, said transfer is in accordance with Section 331.432, Code of Iowa; and

**NOW THEREFORE BE IT RESOLVED**, that the Pottawattamie County Board of Supervisors as follows:

SECTION 1: The sum of \$38,353.78 is ordered to be transferred from Secondary Roads Fund to Bond Series 2021A Capital Fund, and

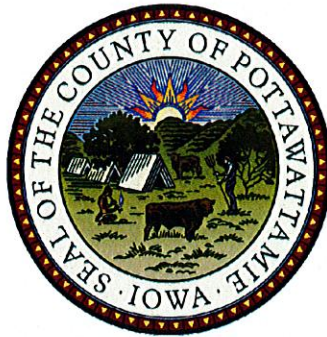
SECTION 2: The Auditor is directed to correct his/her book accordingly and to notify the Treasurer of this operating transfer.

**Dated this 17<sup>th</sup> Day of August, 2021.**

	<b>ROLL CALL VOTE</b>			
	<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
_____ Scott A. Belt, Chairman	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Tim Wichman	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Lynn Grobe	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Justin Schultz	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Brian Shea	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**ATTEST:** \_\_\_\_\_  
Melvyn Houser, County Auditor

MELVYN HOUSER  
POTTAWATTAMIE COUNTY AUDITOR  
AND ELECTION COMMISSIONER  
227 S. 6<sup>th</sup> St, Room 243  
P. O. BOX 649  
COUNCIL BLUFFS, IOWA 51502-0649



Kristi Everett, First Deputy – Elections  
Linda Swolley, First Deputy - Real Estate  
Kristy Hassay, Second Deputy – Real Estate  
Becky Lenihan, Finance & Tax Officer  
Phone (712) 328-5700  
FAX (712) 328-4740

August 17, 2021

To: Heather Ausdemore

RE: Transfer from Secondary Roads Fund to Bond Series 2021A Capital Fund

As per board authorization of August 17, 2021, please transfer as follows:

\$ 38,353.78 **FROM:** 0020-99-0300-000-81400-000 (Secondary Roads Fund)  
\$ 38,353.78 **TO:** 1925-0-99-0300-904000-000 (Bond Series 2021A Capital Fund)

For authorized reimbursements to respective funds for Roads Building Facility expenses.

Thank You



**Discussion and/or decision to approve and authorize Board to sign Resolution No. 85-2021 entitled: RESOLUTION for Transfer from Secondary Roads Fund to Economic Dev/Construct/Maint Fund.**

**RESOLUTION NO. 85-2021**

**RESOLUTION for Transfer from Secondary Roads Fund to Economic Dev/Construct/Maint Fund**

**WHEREAS**, it is desired to transfer money from Secondary Roads Fund to Economic Dev/Construct/Maint Fund; and

**WHEREAS**, said transfer is in accordance with Section 331.432, Code of Iowa; and

**NOW THEREFORE BE IT RESOLVED**, that the Pottawattamie County Board of Supervisors as follows:

SECTION 1: The sum of \$280,206.08 is ordered to be transferred from Secondary Roads Fund to Economic Dev/Construct/Maint Fund, and

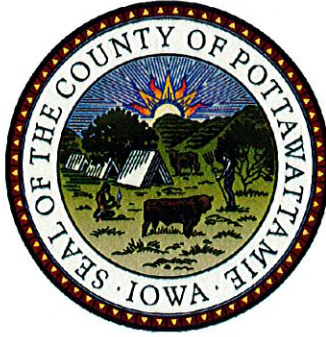
SECTION 2: The Auditor is directed to correct his/her book accordingly and to notify the Treasurer of this operating transfer.

**Dated this 17<sup>th</sup> Day of August, 2021.**

	<b>ROLL CALL VOTE</b>			
	<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
_____ Scott A. Belt, Chairman	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Tim Wichman	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Lynn Grobe	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Justin Schultz	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Brian Shea	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**ATTEST:** \_\_\_\_\_  
Melvyn Houser, County Auditor

MELVYN HOUSER  
POTTAWATTAMIE COUNTY AUDITOR  
AND ELECTION COMMISSIONER  
227 S. 6<sup>th</sup> St, Room 243  
P. O. BOX 649  
COUNCIL BLUFFS, IOWA 51502-0649



Kristi Everett, First Deputy – Elections  
Linda Swolley, First Deputy - Real Estate  
Kristy Hassay, Second Deputy – Real Estate  
Becky Lenihan, Finance & Tax Officer  
Phone (712) 328-5700  
FAX (712) 328-4740

August 17, 2021

To: Heather Ausdemore

RE: Transfer from Secondary Roads Fund to Economic Dev/Construct/Maint Fund

As per board authorization of August 17, 2021, please transfer as follows:

\$ 280,206.08 **FROM:** 0020-99-0300-000-81400-000 (Secondary Roads Fund)  
\$ 280,206.08 **TO:** 0049-0-99-0300-904000-000 (Economic Dev/Construct/Maint Fund)

For authorized reimbursements to respective funds for Roads Building Facility expenses.

Thank You

**Discussion and/or decision to approve and authorize Board to sign Resolution No. 86-2021 entitled: RESOLUTION for Transfer from General Fund to Veteran Affairs Donations Fund.**

**RESOLUTION NO. 86-2021**

**RESOLUTION for Transfer from General Fund to Veteran Affairs Donations Fund**

**WHEREAS**, it is desired to transfer money from General Fund to Veteran Affairs Donations Fund; and

**WHEREAS**, said transfer is in accordance with Section 331.432, Code of Iowa; and

**NOW THEREFORE BE IT RESOLVED**, that the Pottawattamie County Board of Supervisors as follows:

SECTION 1: The sum of \$5,257.73 is ordered to be transferred from General Fund to Veterans Affairs Donations Fund, and

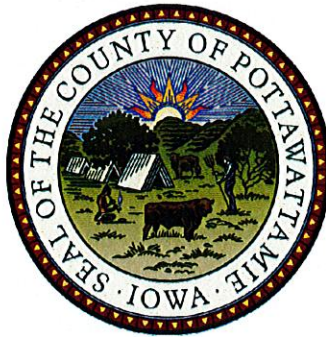
SECTION 2: The Auditor is directed to correct his/her book accordingly and to notify the Treasurer of this operating transfer.

**Dated this 17<sup>th</sup> Day of August, 2021.**

	<b>ROLL CALL VOTE</b>			
	<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
_____ Scott A. Belt, Chairman	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Tim Wichman	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Lynn Grobe	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Justin Schultz	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Brian Shea	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

ATTEST: \_\_\_\_\_  
Melvyn Houser, County Auditor

**MELVYN HOUSER**  
**POTTAWATTAMIE COUNTY AUDITOR**  
**AND ELECTION COMMISSIONER**  
 227 S. 6<sup>th</sup> St, Room 243  
 P. O. BOX 649  
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Kristi Everett, First Deputy – Elections  
 Linda Swolley, First Deputy - Real Estate  
 Kristy Hassay, Second Deputy – Real Estate  
 Becky Lenihan, Finance & Tax Officer  
 Phone (712) 328-5700  
 FAX (712) 328-4740

August 17, 2021

To: Heather Ausdemore

RE: Transfer from General Fund to Veteran Affairs Donations Fund

As per board authorization of August 17, 2021, please transfer as follows:

\$ 5,257.73 **FROM:** 0001-99-0300-000-81400-000 (General Fund)  
 \$ 5,257.73 **TO:** 0051-0-99-0300-904000-000 (Veterans Affairs Donations Fund)

For transfer of Veterans Affairs donations line item in the General Fund into new fund for Veterans Affairs Donations Fund. (Difference in revenues – expenditures for FY 20/21 and FY 21/22).

Thank You

**Discussion and/or decision to approve and authorize Board to sign Resolution No. 87-2021 entitled: RESOLUTION DECLARING AN OFFICIAL INTENT UNDER TREASURY REGULATION 1.150-2 TO ISSUE DEBT TO REIMBURSE THE COUNTY FOR CERTAIN ORIGINAL EXPENDITURES PAID IN CONNECTION WITH SPECIFIED PROJECTS.**

# RESOLUTION NO. 87-2021

## RESOLUTION DECLARING AN OFFICIAL INTENT UNDER TREASURY REGULATION 1.150-2 TO ISSUE DEBT TO REIMBURSE THE COUNTY FOR CERTAIN ORIGINAL EXPENDITURES PAID IN CONNECTION WITH SPECIFIED PROJECTS

WHEREAS, the County anticipates making cash expenditures for one or more capital improvement projects, generally described below (each of which shall hereinafter be referred to as a "Project"); and

WHEREAS, the County reasonably expects to issue debt to reimburse the costs of a Project; and

WHEREAS, the Board believes it is consistent with the County's budgetary and financial circumstances to issue this declaration of official intent.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF POTTAWATTAMIE COUNTY, IOWA:

Section 1. That this Resolution be and does hereby serve as a declaration of official intent under Treasury Regulation 1.150-2.

Section 2. That it is reasonably expected that capital expenditures will be made in respect of the following Project(s), from time to time and in such amounts as this Board determines to be necessary or desirable under the circumstances then and there existing.

Section 3. That the County reasonably expects to reimburse all or a portion of the following expenditures with the proceeds of bonds, notes or other indebtedness to be issued or incurred by the County in the future.

Section 4. That the total estimated costs of the Project(s), the maximum principal amount of the bonds, notes or other indebtedness to be issued for the foregoing Project(s) and the estimated dates of completion of the Project(s) are reasonably expected to be as follows:

<u>Project</u>	<u>Fund from which original expenditures are to be Advanced</u>	<u>Total Estimated Cost*</u>	<u>Amount of Borrowing Anticipated</u>	<u>Estimated Date of Completion</u>
Pottawattamie County Roads Operations Facility	Secondary Roads 0020	\$ 7,193,537.50	\$ 5,955,000	6/30/2022

Section 5. That the County reasonably expects to reimburse the above-mentioned Project costs not later than the later of eighteen months after the capital expenditures are paid or eighteen months after the property is placed in service, but in no event more than three (3) years after the original expenditure is paid.

Section 6. That this Resolution be maintained by the County Auditor in an Official Intent File maintained in the office of the Auditor and available at all times for public inspection, subject to such revisions as may be necessary.



**Passed and Approved this 17th day of August, 2021.**

**ROLL CALL VOTE**

	AYE	NAY	ABSTAIN	ABSENT
_____ Scott A. Belt, Chairman	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Tim Wichman	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Lynn Grobe	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Justin Schultz	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Brian Shea	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

ATTEST: \_\_\_\_\_  
Melvyn J. Houser, County Auditor

**Received/Filed**