

Board of Supervisors

September 11, 2003; 5:30 p.m.

The Board of Supervisors met pursuant to adjournment with all members present.

The Board recited the Pledge of Allegiance.

Moved by Ewoldt, seconded by Minard, approval of the minutes of the August 28, 2003 Regular Board Meeting. All Ayes.

Moved by Ewoldt, seconded by Adamson, approval of third and final reading of Ordinance #03-07 to amend Chapter 10, Sec. 10-10 of the Scott County Code relative to no parking on a Scott County Secondary Road. Roll Call: Ayes - Adamson, Ewoldt, Hancock, Minard, Schaefer.

Moved by Ewoldt, seconded by Minard, the motion approving underground permit applications. All Ayes.

Moved by Ewoldt, seconded by Hancock, that the following resolution be adopted. All Ayes.

BE IT RESOLVED 1) That the quote for one (1) Single Axle Dump Truck in the amount of \$56,992.00 be awarded to Truck Country and, 2) This resolution shall take effect immediately.

Moved by Ewoldt, seconded by Adamson, the motion to open a public hearing relative to an ordinance to amend certain provisions and sections of Chapter 6, the Zoning Ordinance for unincorporated Scott County.

No persons were present and no petitions submitted to the Board.

Moved by Ewoldt, seconded by Hancock, to close the public hearing.

Moved by Ewoldt, seconded by Minard, approval of first of two readings of an ordinance to amend certain provisions and sections of Chapter 6, the Zoning Ordinance for unincorporated Scott County. Roll Call: Ayes - Adamson, Ewoldt, Hancock, Mianrd, Schaefer.

Moved by Ewoldt, seconded by Adamson, that the following resolution be adopted. All Ayes.

BE IT RESOLVED 1) As the local governing body responsible for the approval of subdivision plats within its rural jurisdiction, the Scott County Board of Supervisors has on this 11th day of September, 2003 considered the Preliminary Plat of **HICKORY HEIGHTS ESTATES**, a proposed six-lot subdivision in part of the NW/4 of the SE/4 of Section 27, in Township 80 North, Range 2 East of the 5th Principal Meridian (Allens Grove Township), Scott County, Iowa, and having found the same not in accordance with the provisions of Chapter 354, Code of Iowa, and the Scott County Subdivision Ordinance, does hereby deny without prejudice the Preliminary Plat of said subdivision in accordance with the recommendation of the Scott County Planning and Zoning Commission. 2) This resolution shall take effect immediately.

Moved by Adamson, seconded by Ewoldt, that the following resolution be adopted. All Ayes.

BE IT RESOLVED 1) The creation of an additional 1.0 FTE Disease Prevention Specialist (355 Hay points) is hereby approved. 2) The abolishment of a 1.0 FTE Environmental Health Coordinator (417 Hay points) is hereby approved. 3) The title Disease Prevention Specialist be changed to Community Health Consultant and Community Health Intervention Specialist, as outlined in the job descriptions, is hereby approved. 4) This resolution shall take effect immediately.

Moved by Adamson, seconded by Minard, the motion approving routine items as presented by the County Administrator. All Ayes.

| <u>Type of Action</u> <u>Employee/Department</u> | <u>Position</u> | <u>Annual Salary Rate</u> | <u>Effective Date</u> |
|---|----------------------------|---------------------------|-----------------------|
| Appointment Kenneth Sandy/Sheriff-Jail | Classification Specialist | \$32,201 | 08/07/03 |
| Appointment Todd Jansen/Sheriff-Jail | Correction Officer Trainee | \$26,936 | 08/15/03 |
| Appointment Autumn Rohwer/Sheriff-Jail | Correction Officer Trainee | \$26,936 | 08/21/03 |
| Appointment Joyce Barton/Sheriff-Jail | Correction Officer Trainee | \$26,936 | 09/02/03 |

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|--|----------------------------|------------|----------|
| Appointment Paul McCoy/Sheriff-Jail | Correction Officer Trainee | \$26,936 | 09/02/03 |
| Appointment Corey Wakeland/FSS | Custodial Worker P/T | \$10.28/hr | 09/02/03 |

BARGAINING UNIT STEP INCREASES

| | | |
|---------------------------------|------------------------------|----------|
| Jeff Douglas/Juvenile Detention | \$25,646 - \$26,811 (step 2) | 08/04/03 |
| Susanne Ottens/Sheriff-Jail | \$33,758 - \$34,632 (step 6) | 09/14/03 |
| Bryce Schmidt/Sheriff | \$42,432 - \$43,264 (step 6) | 09/14/03 |
| Rebecca Burgess/Sheriff-Jail | \$34,632 - \$35,402 (step 7) | 09/16/03 |
| Richard Bauer/Auditor | \$32,635 - \$33,883 (step 4) | 09/20/03 |
| Benjamin Pacha/Secondary Roads | \$28,808 - \$30,098 (step 1) | 09/23/03 |

MERIT INCREASES

| | | |
|-----------------------|--|----------|
| Janice Colburn/Health | \$45,929 - \$46,388 (1.0%) 106.524% | 09/08/03 |
|-----------------------|--|----------|

* First or second review following appointment. Salary adjusted 5% if not above 95% of midpoint and employee receives rating of 2 or better.

BONUS

| | | |
|---------------------|------------------------|----------|
| Wendy Kraft/Auditor | Official Records Clerk | 08/16/03 |
|---------------------|------------------------|----------|

SEPARATIONS

| | | |
|---------------------|--------|----------|
| Brett Esbaum/Health | Intern | 08/15/03 |
|---------------------|--------|----------|

TUITION REQUESTS

| | | |
|----------------------------|--|---|
| Jeffrey Jackson Sheriff | Criminal Justice Seminar Criminal Justice Statistics/Methods Administration of Justice St. Ambrose University | 08/03 - 12/03 |
| Brian Panke/Health | Theories & Concepts of Health Education Western Illinois University | 08/03 - 12/03 |
| Rita Vargas/Recorder | Changing Environment & Management of Public & Nonprofit Management Research & Analysis | 9/5 - 9/7 9/26 - 9/28 10/24-10/26 |

Moved by Minard, seconded by Hancock, that the following resolution be adopted. All Ayes.

BE IT RESOLVED 1) The Memorandum of Agreement in the form and with the contents set forth in Exhibit A attached hereto is hereby approved, and the Chairperson is hereby authorized to execute said Memorandum of Agreement and the County Auditor is hereby authorized to attest the same and to affix the seal of the Issuer thereto; said Memorandum of Agreement, which constitutes and is hereby made a part of this Resolution, to be in substantially the form, text and containing the provisions set forth in Exhibit A attached hereto. 2) Officials of the Issuer are hereby authorized to take such further action as may be necessary to carry out the intent and purpose of the Memorandum of Agreement. 3) This Board shall meet on the 9th day of October, 2003, at the Scott County Administrative Center, Davenport, Iowa, at 5:30 p.m., at which time and place any resident or property owner of the Issuer may present oral or written objections on the proposal to issue the Bonds referred to in the preamble hereof. 4) The County Auditor is hereby directed to give notice of intention to issue the Bonds, setting forth the amount and purpose thereof, the time when and place where the hearing will be held, by publication at least once not less than fifteen (15) days prior to the date fixed for the hearing, in a newspaper published and having a general circulation within the Issuer. The notice shall be in substantially the following form:

**NOTICE OF INTENTION TO ISSUE
HEALTH CARE FACILITY REVENUE BONDS
(COMMUNITY HEALTH CARE INC. PROJECT)**

The Board of Supervisors of Scott County, Iowa, (the "Issuer") will meet on the 9th day of October, 2003, at 5:30 p.m. at the Scott County Administrative Center in Davenport, Iowa for the purpose of conducting a public hearing on the proposal to issue its Health Care Facility Revenue Bonds (Community Health Care, Inc. Project) in an amount not to exceed \$2,000,000 (the "Bonds") and to loan said amount to Community Health Care, Inc. (the "Borrower") to finance the (i) refunding of the Issuer's previous issue of its \$1,590,000 Health Facilities Revenue Bonds (Community Health Care, Inc. Project), Series 1996A (the "Series 1996A Bonds") and its \$620,000 Health Care Facilities Revenue Bonds, (Community Health Care, Inc. Project), Series 1996B (the "Series 1996B Bonds" and together with the Series 1996A Bonds, the "Prior Bonds"), (ii) acquisition of equipment and other capital items for use by the Borrower at its facilities located at 500 West River Drive, Davenport, Iowa (the "Project"), and (iii) costs of issuance and certain other costs associated with the issuance of the Bonds; and

The Bonds, when issued, will be limited obligations and will not constitute general obligations of the Issuer nor will they be payable in any manner by taxation, but the Bonds will be payable solely and only from amounts received by the Issuer under a Loan Agreement between the Issuer and the Borrower, the obligations of which will be sufficient to pay the principal of and interest and redemption premium, if any, on the Bonds as and when the same shall become due.

At the time and place, oral or written objections from any resident or property owner of the Issuer may be presented. At such meeting or any adjournment thereof, the Issuer shall adopt a resolution determining whether or not to proceed with the issuance of the Bonds. Written comments may also be submitted to the Issuer at the Scott County Administrative Center, Attn: Scott County Board of Supervisors, 428 Western Avenue, Davenport, Iowa 52801. Written comments must be received by the above hearing date.

By order of the Board of Supervisors of Scott County, Iowa.

Karen L. Fitzsimmons, County Auditor

5) On the basis of representations of the Borrower, the Issuer declares (a) that the Borrower intends to undertake the Project; (b) that other than (i) expenditures to be paid or reimbursed from sources other than the Bonds, or (ii) expenditures made not earlier than 60 days prior to the date of this Resolution, or (iii) expenditures amounting to the lesser of \$100,000 or 5% of the proceeds of the Bonds, or (iv) expenditures constituting preliminary expenditures as defined in Section 1.150-2(f)(2) of the Regulations, no expenditures for the Project have heretofore been made by the Borrower and no expenditures will be made by the Borrower until after the date of this Resolution and (v) that the Borrower reasonably expects to reimburse the expenditures made for costs of the Project out of the proceeds of the Bonds. This declaration is a declaration of official intent adopted pursuant to Section 1.150-2 of the Regulations. 6) All resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Passed and approved September 11, 2003.

Chairperson

Attest:

County Auditor

On motion and vote, the meeting adjourned.

Chairperson

Attest:

County Auditor

STATE OF IOWA

SS:

COUNTY OF SCOTT

I, the undersigned, do hereby certify that I am the duly elected, qualified and acting County Auditor of the aforementioned County and that as such I have in my possession or have access to the complete official records of said County and of its Board of Supervisors and officers; and that I have carefully compared the transcript hereto attached with the aforesaid official records showing the action taken by the Board of Supervisors of said County to authorize the execution of a Memorandum of Agreement by and between Community Health Care, Inc. and said County and to set a public hearing date as set forth therein.

WITNESS my hand and the seal of said County hereto affixed this ____day of _____2003.

County Auditor

(Seal)

EXHIBIT A
MEMORANDUM OF AGREEMENT

THIS MEMORANDUM OF AGREEMENT is between the County of Scott, Iowa, (the "Issuer") and Community Health Care, Inc. (the "Borrower").

1. Preliminary Statement. Among the matters of mutual inducement which have resulted in the execution of this Agreement are the following:

(a) The Issuer is authorized by Chapter 419 of the Code of Iowa, 2003, as amended (the "Act") to issue revenue bonds for the purpose of financing the cost of acquiring, by construction or purchase, land, buildings, improvements and equipment, or any interest therein, suitable for the use of any facility for an organization described in Section 501(c)(3) of the Internal Revenue Code (the "Code") which is exempt from federal income tax

under Section 501(a) of the Code (a "Tax Exempt Organization") and to refund any bonds issued pursuant to the Act; and

(b) The Borrower wishes to obtain satisfactory assurance from the Issuer that, subject to the public hearing required by the Act and Section 147(f) of Code and the terms of this Agreement, such bonds will be issued by the Issuer in a principal amount sufficient to finance the (i) refunding of the Issuer's previous issue of its \$1,590,000 Health Facilities Revenue Bonds (Community Health Care, Inc. Project), Series 1996A (the "Series 1996A Bonds") and its \$620,000 Health Care Facilities Revenue Bonds, (Community Health Care, Inc. Project), Series 1996B (the "Series 1996B Bonds" and together with the Series 1996A Bonds, the "Prior Bonds"), (ii) acquisition of equipment and other capital items for use by the Borrower at its facilities located at 500 West River Drive, Davenport, Iowa (the "Project"), and (iii) costs of issuance and certain other costs associated with the issuance of the Bonds; and

(c) The Issuer considers that refunding of the Prior Bonds and financing the Project will promote the welfare and prosperity of the Issuer and its citizens.

2) Undertakings on the Part of the Issuer.

(a) The Issuer will begin the proceedings necessary to authorize the issuance of such bonds in an aggregate principal amount not to exceed \$2,000,000.

(b) Subject to due compliance with all requirements of law and the terms of this Agreement, including the provisions of and the public hearing required by the Act, it will cooperate with the Borrower in the issuance and sale of such bonds, and the proceeds from the issuance of such bonds shall be loaned to the Borrower upon terms sufficient to pay the principal of and interest and redemption premium, if any, on such bonds, as and when the same shall become due.

(c) The Issuer shall determine when, in what amount, and if the bonds may be issued without causing the Issuer to lose its qualification as a "qualified small issuer" within the meaning of Section 265(b)(3)(C) of the Code.

2. Undertakings on the Part of the Borrower.

(a) It will use all reasonable efforts to cooperate with the Issuer and comply with the Act and all other provisions of law relating to refunding of the Prior Bonds and financing of equipment and other capital items and the issuance and sale of such bonds.

(b) It will enter into a Loan Agreement with the Issuer under the terms of which the Borrower will obligate itself to pay to the Issuer sums sufficient to pay the principal of and interest and redemption premium, if any, on such bonds as and when the same shall become due and payable.

3. General Provisions.

(a) All commitments on the part of the Issuer and the Borrower herein are subject to the condition that on or before one year from the date hereof (or such other date as shall be mutually agreed to) the Issuer and the Borrower shall have agreed to mutually acceptable terms relating to the issuance and sale of such bonds, and mutually acceptable terms and conditions of the documents referred to in paragraph 3 and the proceedings referred to in paragraphs 2 and 3 hereof.

(b) Whether or not the events set forth in (a) of this paragraph take place within the time set forth or any extension thereof, the Borrower agrees (i) to pay all applicable deposits and review fees required by the Issuer at the times and in the amounts requested and (ii) to reimburse the Issuer for all reasonable and necessary direct out-of-pocket expenses which the Issuer may incur, including but not limited to, legal fees, administrative costs, printing and publication costs and filing fees arising from the execution of this Agreement and the performance, or preparation to perform by the Issuer of its obligations hereunder, or done at the request of the Borrower.

(c) All commitments of the Issuer hereunder are further subject to the conditions that the Issuer shall in no event incur any liability for any act or omission hereunder, and that such bonds described herein shall not constitute an indebtedness of the Issuer within the meaning of any constitutional or statutory provision and shall not constitute nor give rise to a pecuniary liability of the Issuer or a charge against its general credit or taxing powers.

The execution of this Memorandum of Agreement by the Issuer is not intended to nor does it create a binding commitment on the part of the Issuer to proceed with the issuance of the Bonds. It is further understood that the issuance of the Bonds is subject to further review by the Board of Supervisors of the Issuer and compliance with all provisions of the Act and the Code, including the holding of a public hearing with respect thereto.

(d) Preparation of all resolutions, agreements, instruments, certificates or other documents in final form for adoption and execution shall be the sole responsibility of Bond Counsel.

(e) Counsel for the Issuer shall timely certify the non-existence of threatened litigation, pending litigation or claims with respect to the proposed Bond issue. All other attorneys' opinions or certificates with respect to issuing authority, non-arbitrage, regularity of proceedings, or otherwise shall be the responsibility of Borrower Counsel or Bond Counsel.

(f) In the event Sections 145 and 146 of the Code, restrict the aggregate principal amount of Bonds for Tax-Exempt Organizations which the Issuer may issue in any calendar year, the

Issuer may, in its discretion, rescind its commitments under Paragraph 2 hereof, without liability on the part of the Issuer.

(g) All commitments of the Issuer hereunder are further subject to the condition that the Bonds will only be issued if the Issuer determines, as described in Section 2(c), that such issuance will not cause the Issuer to lose its qualification as a "qualified small issuer" in any year.

(h) The Borrower represents that the information contained in Section 5 of the resolution of the Issuer approving this Memorandum of Agreement has been provided to the Issuer by the Borrower and is true and correct.

Dated this 11th day of September, 2003.

SCOTT COUNTY, IOWA

By _____
Chairperson

Attest:

County Auditor
(Seal)

COMMUNITY HEALTH CARE, INC.

By _____

Moved by Minard, seconded by Hancock, that the following resolution be adopted. Roll Call: Ayes - Adamson, Ewoldt, Hancock, Minard, Schaefer.

BE IT RESOLVED 1) The Scott County Board of Supervisors hereby approves for payment all claims as submitted by the County Auditor and prepared for payment on County warrants numbered 164211 through 164552 for the total amount of \$1,385,605.84 and the purchase card transactions in the total amount of \$40,110.01. 2) This resolution shall take effect immediately.

Moved by Ewoldt, seconded by Minard, the Board adjourn until 8:00 a.m., Friday, September 12, 2003, subject to prior call by the Chairman. All Ayes.

Carol Schaefer, Chairman
Scott County Board of Supervisors

