

**TENTATIVE AGENDA**  
**SCOTT COUNTY BOARD OF SUPERVISORS**  
**April 17 - 21, 2017**

**Tuesday, April 18, 2017**

**Committee of the Whole - 8:00 am**  
**Board Room, 1st Floor, Administrative Center**

- \_\_\_ 1. Roll Call: Kinzer, Holst, Beck, Earnhardt, Knobbe

**Human Resources**

- \_\_\_ 2. Staff appointments. (Item 2)
- \_\_\_ 3. Annual software license renewal with NeoGov. (Item 3)

**Finance & Intergovernmental**

- \_\_\_ 4. Internet Service Contract with CS Technologies. (Item 4)
- \_\_\_ 5. 2017 Slough Bill exemption requests. (Item 5)
- \_\_\_ 6. Board appointment. (Item 6)

**Other Items of Interest**

- \_\_\_ 7. Updated 2017 Scott County Code. (Item 7)
- \_\_\_ 8. Consideration of appointments with upcoming term expirations for boards and commissions:
- o Benefited Fire District #5 - Joe Cronkleton Jr., expires July 19, 2017
  - o Civil Service Commission - Carol Crain, term expires July 31, 2017
- \_\_\_ 9. Continuing Disclosure Training. (Item 9)
- \_\_\_ 10. Adjourned.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_  
Ayes  
Nays

**Thursday, April 20, 2017**

**Regular Board Meeting - 5:00 pm**  
**Board Room, 1st Floor, Administrative Center**

**MICHAEL J. WALTON**  
**SCOTT COUNTY ATTORNEY**

Scott County Courthouse  
400 West Fourth Street  
Davenport, Iowa 52801-1104  
Telephone: (563) 326-8600  
Facsimile Transmission (563) 326-8763  
mwalton@scottcountyiowa.com



[www.scottcountyiowa.com](http://www.scottcountyiowa.com)

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April 11, 2017

To: Mary Thee

RE: Samuel Huff

We have selected a candidate to fill the open position of Assistant County Attorney. There were Thirty five applicants, four were interviewed.

The candidate chosen is Samuel Huff. He has experience as an Assistant County Attorney in Wapello County, Iowa. He has prosecuted all types of cases in Wapello County and performed all the duties required of an Assistant County Attorney. We are especially impressed with his experience prosecuting crimes against women and children, including domestic assault, sexual abuse and stalking. His training and experience in these crimes will be a real asset to this office. His non-legal job history with the Iowa Department of Inspection and Appeals and Department of Social Services is also beneficial. This experience makes him the best applicant to fill the position in our office created by the resignation of Noah Poppelreiter.

Because of our case load, it is important that Sam be able to immediately cover the duties and responsibilities of an Assistant County Attorney.

I am requesting that we hire Sam at an annual salary \$68,000 which is above starting point, but below mid-point. This salary is within the amount currently budgeted for this position.

I believe this salary is reasonable and necessary to attract and retain capable attorneys to be prosecutors for the citizens of Scott County.

Sincerely,

A handwritten signature in blue ink that reads "Michael J. Walton". The signature is fluid and cursive.

Michael J. Walton  
Scott County Attorney

THE COUNTY AUDITOR'S SIGNATURE CERTIFIES  
THAT THIS RESOLUTION HAS BEEN FORMALLY  
APPROVED BY THE BOARD OF SUPERVISORS ON  
\_\_\_\_\_  
DATE  
\_\_\_\_\_  
SCOTT COUNTY AUDITOR

R E S O L U T I O N

SCOTT COUNTY BOARD OF SUPERVISORS

April 20, 2017

APPROVAL OF STAFF APPOINTMENTS

BE IT RESOLVED BY the Scott County Board of Supervisors as follows:

Section 1. The hiring of Logan Kubat for the position of Correction Officer in the Sheriff's Office at the entry level rate.

Section 2. The hiring of Benjamin Thiede for the position of Truck Driver/Laborer in the Secondary Roads Department at the entry level rate.

Section 3. The hiring of Samuel Huff for the position of Attorney I in the County Attorney's Office at the rate of \$68,000/year.

## Human Resources Department

600 West Fourth Street  
Davenport, Iowa 52801-1030

Office: (563) 326-8767  
Fax: (563) 328-3285  
www.scottcountyiowa.com



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**Date:** April 11, 2017

**To:** Board of Supervisors

**From:** Mary J. Thee, Human Resources Director/Asst. County Administrator

**Subject:** Annual renewal NeoGov

The County utilizes software from NeoGov for our hiring system (since 2007) and employee performance evaluations (since 2012). The online hiring system, Insight, allows applicants to submit applications, gives us a national platform for open positions and allows HR and supervisors to manage the recruitment process. Additionally we've integrated the system in 2014 with New World ERP to bring employee data into the financial software system. The performance evaluation system, Perform, allows employees to complete their annual performance evaluations, along with the supervisor's evaluations of the employee. The software includes a dashboard for supervisors and department heads to review the status of their department's evaluations.

IT has worked with NeoGov to align all of the future contracts for Insight, Perform and the Insight integration to our fiscal year. As such we are recommending a two year agreement. The FY18 payments include two July payments of \$13,821.60 for Perform and \$2,000 for the Insight integration. The Perform rate is a \$3,196.60 increase. The integration rate is at the same contract rate since 2014. In December we'd then do a 6 month renewal for Insight for \$4,746.41. Then in FY19 all contracts would be aligned for our fiscal year for a total of \$24,939.60 (Insight \$9,118; Insight integration \$2,000 and Perform \$13,821.60). The Insight increase of \$2,398 annually would be the first rate increase since 2007. Aligning the contract will allow for improved tracking of our billing with NeoGov and lock in rates for an additional year.

**Cc:** Matt Hirst, IT Director

THE COUNTY AUDITOR'S SIGNATURE CERTIFIES  
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APPROVED BY THE BOARD OF SUPERVISORS ON  
\_\_\_\_\_  
DATE  
\_\_\_\_\_  
SCOTT COUNTY AUDITOR

R E S O L U T I O N

SCOTT COUNTY BOARD OF SUPERVISORS

April 20, 2017

APPROVING ANNUAL SOFTWARE LICENSE AGREEMENT WITH NEOGOV SYSTEM

BE IT RESOLVED BY the Scott County Board of Supervisors as follows:

Section 1. That the FY 18 annual software license agreement with NEOGOV system in the amount of \$20,568.01 for a web-based employee performance appraisal system, online hiring system (6 months) and integration is hereby accepted and approved.

Section 2. That the FY 19 annual software license agreement with NEOGOV system in the amount of \$24,939.60 for a web-based employee performance appraisal system, online hiring system and integration is hereby accepted and approved.

Section 3. That the Director of Information Technology is hereby authorized to sign said agreement on behalf of the Board.

Section 4. This resolution shall take effect immediately.

**INFORMATION TECHNOLOGY**

416 West Fourth Street  
Davenport, Iowa 52801-1187

Ph: (563) 328-4100 Fax: (563) 326-8669  
www.scottcountyiowa.com



April 11, 2017

To: Mahesh Sharma, County Administrator  
From: Matt Hirst, Information Technology Director  
Subject: Internet Service Contract

Information Technology has investigated improved Internet service for the County to address increased use and performance needs.

The County currently has a contract with CS Technologies (CST) for 75 MB/s service at a rate of approximately \$3100 per month.

IT has negotiated a new agreement with CST for Internet service. This proposed upgrade would address increased Internet bandwidth needs and cost. CST would continue to provide Internet Service Provider (ISP) connectivity through redundant fiber connections to the County and SECC and approximately triple our current bandwidth to provide enhanced service.

The quote summary from Central Scott Telephone is as follows:

<u>Product</u>	<u>Total</u>
<b>Internet Service (250 MB/s bandwidth)</b>	<b>\$1754.00</b>
<b>Static IP Addresses (29)</b>	<b>50.00</b>
<b>Total</b>	<b>\$1804.00 per Month</b>

It is recommended that the Board authorize the IT Director to sign a service agreement with CS Technologies as detailed in the attached proposal in the amount of \$1804.00 per month for Internet Service.

The CS Technologies proposal provides the County the ability to easily increase bandwidth as business needs change. The solution is multi-pathed. The result is a more functional and dependable computing environment.

Note: The agreement with CS Technologies includes a most favored customer clause which assures the County the best rate for like service that CST offers to any other customer.

Budget dollars are available in the Information Technology Department operational budget to fund the cost of this agreement.

Enc. (1)

**PURCHASE AGREEMENT**



125 N. Second Street, Eldridge, IA 52748  
 Phone: 563.345.6789 Fax: 563.345.6700

Customer: **Scott County of Iowa**  
 Contact: **Sam Samara**  
 Address: **400 W. 4th St.**  
 City, St, Zip: **Davenport, IA 52801**  
 Phone: **563-326-8611**  
 Email: [ssamara@scottcountyiowa.com](mailto:ssamara@scottcountyiowa.com)

**Project: Ethernet Internet Service**

This Agreement executed this April 21st (Month / Day) of 2017 between Scott County of Iowa hereinafter referred to as "**CUSTOMER**" and **CS Technologies Inc.**, hereinafter referred to as "**CSTECH**".

**Services:** CSTECH agrees to provide to customer these services and /or features specified hereto:

QTY	Description	One Time Cost	Monthly Cost
1	<b>Ethernet Internet Service</b> - 250 MB Synchronous	\$0.00	\$867.00
	Courthouse - 400 W. 4th St, Davenport, IA 52801		
	Redundant GigE port		
1	SECC - 1100 E. 46th St, Davenport IA 52807	\$0.00	\$867.00
	Redundant GigE port		
1	Block of 29 usable Static IP Addresses (/27)	\$0.00	\$50.00
<b>Total Cost:</b>		<b>\$0.00</b>	<b>\$1,804.00</b>

**Term:** This Agreement shall be for a term of THREE years from date of upgrade to 250 MB Ethernet Internet Service. Upon expiration of initial term CS TECH reserves the right to raise customer's rates to the then current Month to Month rate unless renewed under a subsequent renewal contract. Renewals are currently available in 1, 2, 3, and 5 year terms. Under no circumstances will this contract automatically renew.

**Payment:** For the services provided by CSTECH, CUSTOMER shall be billed monthly for those services. CUSTOMER accepts the responsibility to pay promptly upon receipt of billing from CSTECH for services billed under this agreement.

**Most Favored Customer Clause:** Due to the longstanding relationship between CSTECH and CUSTOMER, CSTECH agrees that at all times during the term of this agreement CUSTOMER will receive the best rate, for like Internet services, that is offered by CSTECH to any other buyer of similar capacity and term duration. This is sometimes called a MFN or "Most Favored Nation" clause.

**Early Termination Liability:** The termination of service prior to the end of the contract period does not remove the CUSTOMER from their financial obligations relative to this agreement until the end of original contract period. When service is terminated prior to the end for the contract period, the customer has the option to continue to pay 75% of the contract rate each month until the end of the contract, or to pay a one-time termination fee equal to 50% of the remaining contract rate.

**CS TECHNOLOGIES, INC**

**Scott County of Iowa**

(Signature)

(Authorized Signature)

**Donn Wilmott**  
 General Manager

(Printed Name)

**Tyler Bindrum**  
 Sales Representative

(Title)

**All pricing and information in this document are considered proprietary and confidential between CS Technologies and the above named Customer. Any use deemed to be inappropriate will be dealt with to the fullest extent allowed by law.**

THE COUNTY AUDITOR'S SIGNATURE CERTIFIES  
THAT THIS RESOLUTION HAS BEEN FORMALLY  
APPROVED BY THE BOARD OF SUPERVISORS ON  
\_\_\_\_\_  
DATE  
\_\_\_\_\_  
SCOTT COUNTY AUDITOR

R E S O L U T I O N

SCOTT COUNTY BOARD OF SUPERVISORS

April 20, 2017

APPROVING INTERNET SERVICE CONTRACT

BE IT RESOLVED BY the Scott County Board of Supervisors as follows:

Section 1. The authority of the IT Director to sign an Internet service agreement with CS Technologies in the amount of \$1804.00 per month is hereby approved.

Section 2. This resolution shall take effect immediately.



**OFFICE OF THE COUNTY ADMINISTRATOR**

600 West Fourth Street  
Davenport, Iowa 52801-1187

Ph: (563) 326-8702 Fax: (563) 328-3285  
www.scottcountyiowa.com



April 11, 2017

TO: Mahesh Sharma, County Administrator  
FROM: David Farmer, Budget & Administrative Services Director  
SUBJ: Approval of 2017 Slough Bill Exemptions

Enclosed are the 2017 Slough Bill Exemptions as submitted to the Board for their approval. The Soil Conservation District has certified that these exemptions have been reviewed and meet the legal requirements.

The attached listing also shows that the requested acres fall within the maximum allowable acreage as set forth by the Board of Supervisors. Since the passage of the Slough Bill in 1990, the following acres and assessed valuations have been approved for exemption:

<u>Year</u>	<u>Acres</u>	<u>Exempt Val</u>
2002	827.16	392,149
2003	824.14	321,363
2004	842.18	343,770
2005	882.88	380,996
2006	875.20	372,676
2007	917.07	464,855
2008	1,081.89	482,739
2009	1,130.39	633,815
2010	1,130.46	676,537
2011	1,115.34	920,720
2012	1,159.76	1,133,920
2013	1,213.73	1,272,453
2014	1,352.62	1,269,400
2015	1,508.49	2,213,310
2016	1,441.34	2,131,080
2017 (requested)	1,513.04	2,087,320

There are exemption requests that are under the jurisdiction of Davenport, Bettendorf, Buffalo and Princeton. Before the Board may approve these exemptions each City Council would first have to approve the exemption request. Letters have been sent to the other cities requesting them to respond back to the County once they have acted upon the exemption requests.

cc: Tom McManus, County Assessor  
Nick VanCamp, City Assessor

**OFFICE OF THE COUNTY ASSESSOR**

600 West 4<sup>th</sup> Street  
Davenport, Iowa 52801-1030



TOM R. MCMANUS  
County Assessor

Office: (563) 326-8635  
Fax: (563) 328-3218  
[www.scottcountyiowa.com](http://www.scottcountyiowa.com)

EDWARD J VIETH  
Chief Deputy Assessor

March 30, 2017

To: Mahesh Sharma, Scott County Administrator

From: Tom R. McManus

RE: 2017 Slough Bill Applications

Enclosed is a list of 2017 Slough Bill Tax Exemption applicants received from Scott County Soil & Water Conservation District for the Board of Supervisors approval. The City of Bettendorf, City of Buffalo and the City of Princeton have not approved the applications in their jurisdictions to date. The totals of acres recommended for approval are 1513.04 with a total land value of \$2,087,320. The City of Davenport applications have been forwarded to the City of Davenport Assessor's Office.

If you need any more information please contact myself or Beth Haney, ext 8636.

Thank you,

**Tom R McManus**  
**Scott County Assessor**

# Scott County Soil & Water Conservation District

**8370 Hillandale Road, Davenport, IA 52806**  
**(563) 391-1403 Fax (563) 388-0682**

*Chad Dexter Jane Weber Joshua Witt Kathy Henningsen Richard Golinghorst*

February 3, 2017

Scott County Assessor  
 600 W. 4<sup>th</sup> Street  
 Davenport, IA 52801

Enclosed are the applications for tax exemption under the Slough Bill. The SWCD Commissioners have recognized these applications as meeting the criteria for the type of exemption stated.

**Slough Bill Applications**

	John Arter	Open Prairie	137.0 acres ✓
		Forest Cover	113.0 acres ✓
	Mary Elizabeth Arter	Open Prairie	71.9 acres ✓
	Mary Elizabeth Arter	Open Prairie	20.0 acres ✓
<u>DAV.</u>	<u>David Bierl</u>	Open Prairie	2.3 acre <u>DAV.</u>
		Forest Cover	6.153 acres <u>DAV.</u>
<u>BUFFALO =</u>	<u>Buffalo Outing Club*</u>	Recreational Lake/Forest Cover	30 acres ✓
	Burke Living Trust	Forest Cover	4.1 acres ✓
	Debra or Andrew Butler	Open Prairie	2.2 acres ✓
		Forest Cover	2.81 ✓ <del>5.2</del> acres (3.0 AC FL)
<u>DAV.</u>	<u>John Carrillo</u>	Open Prairie	6.6 acres <u>DAV.</u>
	Lori or Joe Cawiezell	Open Prairie	2.0 acres ✓
	Andrew Claeys	Forest Cover	21.9 acres ✓
	Paul Claeys	Open Prairie	8.3 acres ✓
	J.C. Davis, Jr.	Forest Cover	17.45 ✓ <del>18.0</del> acres (2.45 AC FL)
	Eugene Johnson Trust	Open Prairie	13.74 ✓ <del>14.74</del> acres
<u>DAV.</u>	<u>Genesis Systems Group</u>	Open Prairie	7.0 acres <u>DAV.</u>
	Thomas Haase	Open Prairie	5.6 acres ✓
	Jon Hilmann	Forest Cover	15.0 acres ✓
	Marianne Hamilton	Forest Cover	18.1 acres ✓
	John Hammill	Forest Cover	3.0 acres ✓
<u>PRINCETON =</u>	<u>Michelle Houlahan*</u>	Forest Cover	6.8 acres ✓
	JO-DA, LLC	Open Prairie	36.3 acres ✓
		River & Stream Banks	34.5 acres ✓
	Carol Klemme	Forest Cover	3.0 acres ✓
	Richard or Tracey Kuehl	Open Prairie	14.6 acres ✓
<u>DAV.</u>	<u>Robert or Elaine Kuehl</u>	Open Prairie	3.0 acres <u>DAV.</u>
<u>BETTENDORF =</u>	<u>George &amp; Marilyn Leonard*</u>	Open Prairie	5.7 acres ✓
		Forest Cover	0.8 acres ✓
	Marguerite Johnson Trust	Open Prairie	4.6 acres ✓
		Forest Cover	1.4 acres ✓
	William Martin Jr	Forest Cover	4.2 acres ✓

BETTENDORF = Chad Miller \*

Brad Moeller

Forest Cover 4.9 acres ✓  
Open Prairie 50.0 acres ✓

Jane Morrell

Forest Cover 16.48 ✓ ~~16.64~~ acres ✓  
Forest Cover ~~16.6~~ acres ✓ (FR)  
Open Prairie 5.32 ✓ ~~5.6~~ acres ✓

DAY, Shirley Perry

Open Prairie 5.0 acres DAY.

Raymond Kraklio Trust

Forest Cover 2.7 acres ✓

DAY, Brian Ritter

Forest Cover 3.8 acres DAY.

James or Vicki Ryan

Forest Cover 6.0 acres ✓

Camille Schoerberl

Forest Cover 2.0 acres ✓

Tony Singh AKA - PRAIRIE DAKS

Open Prairie 6.6 acres ✓

Joe or Pam Slater

Open Prairie 2.0 acres ✓

Andrew Strunk

Forest Cover 2.0 acres ✓

Kim Strunk

Open Prairie 5.0 acres ✓

Ben Taylor

Forest Cover 3.40 ✓ ~~43.4~~ acres (40.0 AC FR)

Inez Tobin

Forest Cover 125.0 acres ✓

Doug E Vickstrom Rev Trust

Open Prairie 660.64 ✓ ~~655.0~~ acres ✓

Connie Youngers

Open Prairie 6.19 ✓ ~~6.4~~ acres

**Slough Bill Applications pending**

~~Mark Nielson~~ Forest Cover ~~21.0~~ acres QUALIFIED FOR FR

~~Tyler & Angela Schmidt~~ Forest Cover ~~7.8~~ acres QUALIFIED FOR FR

Kimberlee DeWall Forest Cover 21.68 acres WAITING MAY QUALIFY FOR FR.

Alan Henningsen Forest Cover 59.3 acres NEW

Open Prairie 66.2 acres NEW

Joshua Tannenbaum Forest Cover 5.0 acres WAITING MAY QUALIFY FOR FR.

DAY, Voss Forest Cover/Open Prairie ???????? DAY.

Please contact me if you have any questions.

Sincerely,



Jan McClurg,  
State Secretary - IDALS - Division of Soil Conservation  
Scott County Soil & Water Conservation District

THE COUNTY AUDITOR'S SIGNATURE CERTIFIES THAT THIS RESOLUTION HAS BEEN FORMALLY APPROVED BY THE BOARD OF SUPERVISORS ON

\_\_\_\_\_

DATE

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SCOTT COUNTY AUDITOR

R E S O L U T I O N

SCOTT COUNTY BOARD OF SUPERVISORS

April 20, 2017

APPROVING THE 2017 SLOUGH BILL EXEMPTION REQUESTS

**BE IT RESOLVED BY** the Scott County Board of Supervisors as follows:

Section 1. The 2017 Slough Bill exemptions as presented to the Board of Supervisors by the Soil Conservation District and the County Assessor's office are hereby approved as follows:

Deedholder	Parcel Number	Description	Exempt Acres	Exempt Value
ARTER JOHN D	021419005	FOREST COVERS AG	2.40	2,350.00
ARTER JOHN D	021421004	OPEN PRAIRIES AG	4.60	3,680.00
ARTER JOHN D	021433004	OPEN PRAIRIES AG	16.95	22,930.00
ARTER JOHN D	021435002	OPEN PRAIRIES AG	38.50	50,810.00
ARTER JOHN D	021437002	OPEN PRAIRIES AG	11.40	11,860.00
ARTER JOHN D	021449001	OPEN PRAIRIES AG	23.90	28,980.00
ARTER JOHN D	021451001	OPEN PRAIRIES AG	33.30	32,670.00
ARTER JOHN D	021453001	OPEN PRAIRIES AG	5.00	4,850.00
ARTER JOHN D	021555002	OPEN PRAIRIES AG	12.25	12,690.00
ARTER JOHN D	022321002	OPEN PRAIRIES AG	42.21	56,340.00
ARTER MARY ELIZABETH	021633002	OPEN PRAIRIES AG	24.87	26,620.00
ARTER MARY ELIZABETH	021649004	OPEN PRAIRIES AG	34.92	44,590.00
ARTER MARY ELIZABETH	022101002	OPEN PRAIRIES AG	12.11	14,340.00
ARTER MARY ELIZABETH	022103001	OPEN PRAIRIES AG	20.00	24,960.00
BURKE LIVING TRUST	033405008	FOREST COVERS RESIDENTIAL	4.10	19,520.00
BUTLER DEBRA ANN	8506555041	FOREST COVERS RESIDENTIAL	2.81	42,150.00
BUTLER DEBRA ANN	8506555041	OPEN PRAIRIES RESIDENTIAL	2.20	33,000.00
CAROL A KLEMME REVOCABLE TRUST	042749005	FOREST COVERS AG	3.00	3,620.00
CAWIEZELL JOSEPH M	930201008	OPEN PRAIRIES RESIDENTIAL	2.00	10,000.00
CLAEYS ANDREW	040517001	FOREST COVERS AG	7.80	3,780.00
CLAEYS ANDREW	040637001	FOREST COVERS AG	10.50	1,530.00
CLAEYS ANDREW	040653004	FOREST COVERS AG	3.60	990.00
CLAEYS PAUL D	041035001	OPEN PRAIRIES AG	8.30	11,160.00
DAVIS J C JR	9216071022	FOREST COVERS RESIDENTIAL	17.45	27,780.00
DOUGLAS E VICKSTROM REVOCABLE TRUST	040217001	OPEN PRAIRIES AG	10.96	13,250.00
DOUGLAS E VICKSTROM REVOCABLE TRUST	040233001	OPEN PRAIRIES AG	26.06	20,620.00
DOUGLAS E VICKSTROM REVOCABLE TRUST	040249001	OPEN PRAIRIES AG	52.02	51,280.00

Deedholder	Parcel Number	Description	Exempt Acres	Exempt Value
DOUGLAS E VICKSTROM REVOCABLE TRUST	040303002	OPEN PRAIRIES AG	7.75	5,210.00
DOUGLAS E VICKSTROM REVOCABLE TRUST	040303003	OPEN PRAIRIES AG	8.20	5,100.00
DOUGLAS E VICKSTROM REVOCABLE TRUST	040305003	OPEN PRAIRIES AG	34.81	46,720.00
DOUGLAS E VICKSTROM REVOCABLE TRUST	040305004	OPEN PRAIRIES AG	3.59	550.00
DOUGLAS E VICKSTROM REVOCABLE TRUST	040307003	OPEN PRAIRIES AG	2.40	3,500.00
DOUGLAS E VICKSTROM REVOCABLE TRUST	040307005	OPEN PRAIRIES AG	3.62	1,050.00
DOUGLAS E VICKSTROM REVOCABLE TRUST	040307006	OPEN PRAIRIES AG	9.30	10,250.00
DOUGLAS E VICKSTROM REVOCABLE TRUST	040317003	OPEN PRAIRIES AG	20.00	16,810.00
DOUGLAS E VICKSTROM REVOCABLE TRUST	040319003	OPEN PRAIRIES AG	31.40	41,790.00
DOUGLAS E VICKSTROM REVOCABLE TRUST	040321002	OPEN PRAIRIES AG	2.10	3,070.00
DOUGLAS E VICKSTROM REVOCABLE TRUST	040321003	OPEN PRAIRIES AG	37.90	53,110.00
DOUGLAS E VICKSTROM REVOCABLE TRUST	040323002	OPEN PRAIRIES AG	16.30	22,300.00
DOUGLAS E VICKSTROM REVOCABLE TRUST	040323003	OPEN PRAIRIES AG	23.70	32,910.00
DOUGLAS E VICKSTROM REVOCABLE TRUST	040333008	OPEN PRAIRIES AG	24.18	29,560.00
DOUGLAS E VICKSTROM REVOCABLE TRUST	040333010	OPEN PRAIRIES AG	1.65	1,700.00
DOUGLAS E VICKSTROM REVOCABLE TRUST	040333011	OPEN PRAIRIES AG	5.15	5,590.00
DOUGLAS E VICKSTROM REVOCABLE TRUST	040335002	OPEN PRAIRIES AG	16.30	19,970.00
DOUGLAS E VICKSTROM REVOCABLE TRUST	040335003	OPEN PRAIRIES AG	23.70	30,740.00
DOUGLAS E VICKSTROM REVOCABLE TRUST	040337002	OPEN PRAIRIES AG	14.30	20,510.00
DOUGLAS E VICKSTROM REVOCABLE TRUST	040337003	OPEN PRAIRIES AG	25.70	37,400.00
DOUGLAS E VICKSTROM REVOCABLE TRUST	040339002	OPEN PRAIRIES AG	37.30	42,600.00
DOUGLAS E VICKSTROM REVOCABLE TRUST	040339003	OPEN PRAIRIES AG	2.70	3,970.00
DOUGLAS E VICKSTROM REVOCABLE TRUST	040349001	OPEN PRAIRIES AG	40.00	48,900.00
DOUGLAS E VICKSTROM REVOCABLE TRUST	040351002	OPEN PRAIRIES AG	15.20	18,580.00
DOUGLAS E VICKSTROM REVOCABLE TRUST	040351003	OPEN PRAIRIES AG	24.80	32,350.00
DOUGLAS E VICKSTROM REVOCABLE TRUST	040353002	OPEN PRAIRIES AG	9.80	13,860.00
DOUGLAS E VICKSTROM REVOCABLE TRUST	040353003	OPEN PRAIRIES AG	30.20	42,130.00
DOUGLAS E VICKSTROM REVOCABLE TRUST	040355001	OPEN PRAIRIES AG	40.00	51,830.00
DOUGLAS E VICKSTROM REVOCABLE TRUST	040439003	OPEN PRAIRIES AG	24.60	31,640.00
DOUGLAS E VICKSTROM REVOCABLE TRUST	040455005	OPEN PRAIRIES AG	34.95	44,380.00
EUGENE L JOHNSON FAMILY TRUST	952333101	OPEN PRAIRIES RESIDENTIAL	11.98	47,920.00
EUGENE L JOHNSON FAMILY TRUST	952335304	OPEN PRAIRIES RESIDENTIAL	1.76	7,650.00
HAASE LIVING TRUST	051951002	OPEN PRAIRIES RESIDENTIAL	3.74	14,000.00
HAASE THOMAS P	051951004	OPEN PRAIRIES RESIDENTIAL	1.86	28,600.00
HAMILTON MARIANNE	720249003	FOREST COVERS AG	18.10	9,990.00
HAMMILL JOHN L JR	952617406--4	FOREST COVERS RESIDENTIAL	2.80	56,000.00
HAMMILL JOHN L JR	952617406--4	OPEN PRAIRIES RESIDENTIAL	0.20	1,000.00
HENNINGSSEN ALAN L	030533001	FOREST COVERS AG	22.30	14,990.00
HENNINGSSEN ALAN L	030533001	OPEN PRAIRIES AG	19.50	24,460.00
HENNINGSSEN ALAN L	030623001	FOREST COVERS AG	15.00	20,090.00
HENNINGSSEN ALAN L	030623001	OPEN PRAIRIES AG	14.50	17,720.00
HENNINGSSEN ALAN L	030639001	FOREST COVERS AG	22.00	28,800.00

Deedholder	Parcel Number	Description	Exempt Acres	Exempt Value
HENNINGSSEN ALAN L	030639001	OPEN PRAIRIES AG	32.20	40,570.00
HILLMANN JON P	032619002	FOREST COVERS AG	15.00	21,230.00
JO-DA LLC	030705001	RIVER & STREAM BANK AG	4.00	4,250.00
JO-DA LLC	030705001	OPEN PRAIRIES AG	30.00	33,910.00
JO-DA LLC	030707001	RIVER & STREAM BANK AG	2.00	2,340.00
JO-DA LLC	030707001	OPEN PRAIRIES AG	4.30	5,680.00
JO-DA LLC	030707002	RIVER & STREAM BANK AG	22.00	16,600.00
JO-DA LLC	030721001	RIVER & STREAM BANK AG	6.00	4,010.00
JO-DA LLC	030721001	OPEN PRAIRIES AG	2.00	830.00
JO-DA LLC	030723002	RIVER & STREAM BANK AG	0.50	680.00
MARGUERITE A JOHNSON 2004 TRUST	952349201	FOREST COVERS RESIDENTIAL	1.40	5,600.00
MARGUERITE A JOHNSON 2004 TRUST	952349201	OPEN PRAIRIES RESIDENTIAL	4.60	18,400.00
MARTIN FAMILY REVOCABLE TRUST	952231042	FOREST COVERS RESIDENTIAL	4.20	28,670.00
MOELLER BRADLEY D	022105003	FOREST COVERS AG	9.48	10,230.00
MOELLER BRADLEY D	022105003	OPEN PRAIRIES AG	17.60	23,560.00
MOELLER BRADLEY D	022107001	FOREST COVERS AG	7.00	8,880.00
MOELLER BRADLEY D	022107001	OPEN PRAIRIES AG	32.40	39,920.00
MORRELL JANE E	021137001	OPEN PRAIRIES RESIDENTIAL	2.00	3,000.00
MORRELL JANE E	021153006	OPEN PRAIRIES RESIDENTIAL	3.32	18,750.00
PRAIRIE OAKS LLC	9516491041	OPEN PRAIRIES RESIDENTIAL	6.60	6,000.00
RAYMOND E KRAKLIO RESIDUARY TR	022223001	FOREST COVERS AG	0.70	180.00
RAYMOND E KRAKLIO RESIDUARY TR	022239001	FOREST COVERS AG	2.00	480.00
RICHARD H KUEHL REVOCABLE TRUST	942401002	OPEN PRAIRIES AG	14.60	16,720.00
RYAN JAMES L	021551001	FOREST COVERS RESIDENTIAL	5.00	15,000.00
SCHOEBERL CAMILLE	053437101	FOREST COVERS RESIDENTIAL	1.10	4,000.00
SCHOEBERL CAMILLE A	053435108	FOREST COVERS RESIDENTIAL	0.90	28,350.00
SLATER JOSEPH L	031301002	OPEN PRAIRIES AG	0.50	510.00
SLATER JOSEPH L	031317004	OPEN PRAIRIES AG	1.50	1,680.00
STRUNK ANDREW	910339005	FOREST COVERS AG	2.00	2,690.00
STRUNK KIM M	910339004	OPEN PRAIRIES AG	5.00	7,410.00
TAYLOR BENJAMIN JOHN	850705002	FOREST COVERS AG	3.40	2,220.00
TOBIN LIVING TRUST	033303001	FOREST COVERS AG	0.50	730.00
TOBIN LIVING TRUST	033305001	FOREST COVERS AG	14.50	19,690.00
TOBIN LIVING TRUST	033307001	FOREST COVERS AG	24.50	24,770.00
TOBIN LIVING TRUST	033319001	FOREST COVERS AG	8.20	7,610.00
TOBIN LIVING TRUST	033321001	FOREST COVERS AG	28.10	22,660.00
TOBIN LIVING TRUST	033323001	FOREST COVERS AG	39.20	43,820.00
TOBIN LIVING TRUST	033401002	FOREST COVERS AG	1.00	220.00
TOBIN LIVING TRUST	033417001	FOREST COVERS AG	9.00	5,820.00
YOUNGERS CONNIE R	042749004	OPEN PRAIRIES RESIDENTIAL	6.19	24,000.00
			<b>1,513.04</b>	<b>2,087,320.00</b>

Section 2. This resolution shall take effect immediately.

THE COUNTY AUDITOR'S SIGNATURE CERTIFIES  
THAT THIS RESOLUTION HAS BEEN FORMALLY  
APPROVED BY THE BOARD OF SUPERVISORS ON

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SCOTT COUNTY AUDITOR

R E S O L U T I O N

SCOTT COUNTY BOARD OF SUPERVISORS

April 20, 2017

APPROVAL OF APPOINTMENT OF MARY FRIEDERICHS TO THE  
BENEFITED FIRE DISTRICT #6

**BE IT RESOLVED BY** the Scott County Board of Supervisors as follows:

Section 1. That the appointment of Mary Friederichs, Walcott, Iowa, to the Benefited Fire District #6 for a three (3) year term expiring on June 30, 2020 is hereby approved.

Section 2. This resolution shall take effect immediately.



**OFFICE OF THE COUNTY ADMINISTRATOR**  
600 West Fourth Street  
Davenport, Iowa 52801-1030



Ph: (563) 326-8702 Fax: (563) 328-3285  
[www.scottcountyiowa.com](http://www.scottcountyiowa.com)

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April 11, 2017

TO: Mahesh Sharma, County Administrator  
FROM: Renee Luze-Johnson, Administrative Assistant  
SUBJECT: UPDATED 2017 SCOTT COUNTY CODE

The recodified County Code has been reviewed by Rob Cusack, Assistant County Attorney, and is ready for approval by ordinance. The Iowa Code states that "at least once every five years, the board shall compile a code of ordinances containing all of the county ordinances in effect." A copy of the table of contents is attached. A copy of the Code is available for the Board's review.

The Board may want to consider waiving the second and third reading of the ordinance to adopt the Code, and approve it on the first reading since the Code does not contain any proposed new ordinances or amendments.

Enclosures

**MICHAEL J. WALTON**  
**COUNTY ATTORNEY**  
Scott County Courthouse  
416 West Fourth Street  
Davenport, Iowa 52801-1104  
Telephone: (563) 326-8600  
Facsimile Transmission (563) 326-8763  
[rcusack@scottcountyia.com](mailto:rcusack@scottcountyia.com)  
**WEB SITE** - [www.scottcountyia.com](http://www.scottcountyia.com)



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Robert L. Cusack, Assistant County Attorney (563) 326-8231

April 6, 2017

Renee Luze-Johnson

Re: 2017 Code of Ordinances

Dear Renee,

As you indicated, the Scott County Board of Supervisors is directed to compile a code of ordinances once every five years. Iowa Code § 331.302(10)(a) provides as follows:

“At least once every five years, the board shall compile a code of ordinances containing all of the county ordinances in effect.

(1) If a proposed code of ordinances contains only existing ordinances edited and compiled without change in substance, the board may adopt the code by ordinance.

(2) If a proposed code of ordinances contains a proposed new ordinance or amendment, the board shall hold a public hearing on the proposed code before adoption. The auditor shall publish notice of the hearing as provided in section 331.305. Copies of the proposed code of ordinances shall be available at the auditor's office and the notice shall so state. Within thirty days after the hearing, the board may adopt the proposed code of ordinances which becomes law upon publication of the ordinance adopting it. If the board substantially amends the proposed code of ordinances after a hearing, notice and hearing shall be repeated.” Iowa Code § 331.302(10)(a).

I have reviewed the proposed 2017 Ordinances you provided, both in hard copy and computer form, and it appears that they incorporate the 2012 Ordinances as modified by subsequent amendments. You have further stated that the proposed 2017 Ordinances do “not contain any proposed new ordinances or amendments.”

Because the proposed code of ordinances contains only ordinances edited and compiled without change in substance, the board may adopt the code by ordinance pursuant to Iowa Code § 331.302(10)(a)(1).

You have also informed me that the Board has, in the past, waived second and third readings of the ordinance to adopt the Code. This is permitted by Iowa Code § 331.302(6)(b). It should be noted that the waiving the additional readings requires a separate recorded vote of

not less than a majority of the supervisors. Although it is not specifically required, it is recommended that the vote on waiver of multiple readings also be placed on the board's agenda so that the public has notice that the requirement may be suspended.

I hope that the above has answered your questions and concerns. If you require additional information, please do not hesitate to contact me at your convenience.

Sincerely,

/s/ Rob Cusack

Rob Cusack

**SCOTT COUNTY CODE  
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37. ELECTION PRECINCTS
38. SOCIAL HOST

SCOTT COUNTY ORDINANCE NO. 2017- \_\_\_\_\_

AN ORDINANCE TO ADOPT THE SCOTT COUNTY CODE AS PRESENTED

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF SCOTT COUNTY, IOWA:

SECTION 1.

That the Scott County Code of Ordinances is adopted, including all new ordinances and amendments passed by the Board through this date.

SECTION 2.

The County Auditor is directed to keep and maintain a copy of the Ordinance in the County Auditor's Office.

SECTION 3. SEVERABILITY CLAUSE

If any of the provisions of the Ordinance are for any reason illegal or void, then the lawful provisions of this Ordinance shall be and remain in full force and effect, the same as if the Ordinance contained no illegal or void provisions.

SECTION 4. REPEALER

All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 5. EFFECTIVE DATE

This Ordinance shall be in full force and effect after its final passage and publication as by law provided.

APPROVED this \_\_\_\_\_ of \_\_\_\_\_ 2017.

\_\_\_\_\_  
Carol Earnhardt, Chair  
Scott County Board of Supervisors

ATTESTED BY:

\_\_\_\_\_  
Roxanna Moritz  
Scott County Auditor

**OFFICE OF THE COUNTY ADMINISTRATOR**

600 West Fourth Street  
Davenport, Iowa 52801-1003

Office: (563) 326-8702  
Fax: (563) 328-3285  
www.scottcountyia.com



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March 28, 2017

TO: Mahesh Sharma, County Administrator

CC: Board of Supervisors

FROM: David Farmer, CPA, Director of Budget and Administrative Services

SUBJ: Scott County and Scott County Public Safety Authority Continuing Disclosure Requirements

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In accordance with County Policy 13, *Tax Compliance Procedures relating to Tax-Exempt Bonds*, County Administration has filed, and verified, that all required continuing disclosures have been completed in relation to the June 30, 2016 financial statements. The Annual Financial Information and Operation Data for the year ended June 30, 2016 was posted to the Electronic Municipal Market Access (EMMA) database on March 20, 2017. This filing is within the required 365 days after fiscal year end.

Additionally, annual training to Administration and the Board is scheduled to be completed on April 18, 2017. This is in accordance with the policies and procedures regarding municipal securities disclosure as approved October 8, 2015.

The training of April 18, 2017 includes the power point slide, with slides highlighted for board discussion and education, as well as a copy of the current policies.

## Annual Training Re: Municipal Securities Disclosure

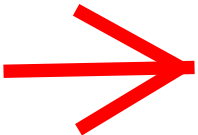


### Glossary of Terms

- **Issuer** – Governmental entity that issues bonds
- **Financial Advisor/Municipal Advisor** – Financial advisor (municipal advisor) to an Issuer
- **Underwriter** – Company that purchases an issue of bonds
- **SEC** – Federal Securities and Exchange Commission
- **OS** – Official Statement
- **CDC** – Continuing Disclosure Certificate
- **EMMA** – Electronic Municipal Market Access  
<http://emma.msrb.org>
- **Dissemination Agent Agreement** – Agreement between Issuer and company that will post disclosure material on EMMA

## Disclosure Training Objectives

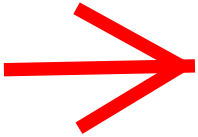
- Gain a better understanding of your post-issuance responsibilities and how to manage them
- How do we get there? This session will provide...
  - Overview of regulatory oversight and applicable rules relating to disclosure
  - Review of the contents of a Continuing Disclosure Certificate and Disclosure Policy
  - Discussion of how to comply with disclosure requirements



## Purpose of Disclosure

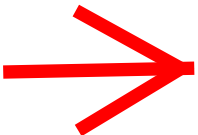
- The SEC wants municipal issuers to provide ongoing information about their debt issues
  - Ensures market transparency by making information available to the public
  - Ensures Bonds sold to investors on the secondary market are properly priced based on information provided by Issuers





## SEC Authority

- Issuers *are* subject to anti-fraud provisions of federal securities laws
- The SEC regulates Underwriters through Rule 15c2-12 (the “Rule”) under the Securities Exchange Act of 1934; because of the Rule, Underwriters are required to ensure that the Issuer contractually agrees to provide certain ongoing continuing disclosures



## Rule 15c2-12

- Two aspects of the Rule
  - 1) Prohibits an Underwriter from purchasing or selling Bonds without first determining the Issuer has agreed to provide ongoing disclosure of certain information, including
    - Annual financial information (often more than just audited financial statements)
    - Material event notices
  - 2) Requires the final Official Statement to include a description of any material non-compliance with continuing disclosure obligations in the five years prior to the offering

# Sample Official Statement

**NEW ISSUE - DTIC BOND ENTRY ONLY** **Bonded & Paid's "A"**

*In the opinion of Dorsey & Whitney LLP, Bond Counsel, according to present laws, rulings and decisions and assuming compliance with certain covenants, the interest on the Series 2014B Bonds (including any original issue discount properly allocable to an owner thereof) will be excluded from gross income for federal income tax purposes. Interest on the Series 2014B Bonds is not an item of the proceeds for purposes of the federal alternative minimum tax imposed on individuals and corporations under the Internal Revenue Code of 1986 (the "Code") provided, however, such interest is taken into account in determining adjusted current earnings for purposes of computing the alternative minimum tax imposed on corporations (as defined for federal income tax purposes). Interest on the Series 2014A Bonds is not excludable from gross income for federal income tax purposes. The issuer will designate the Series 2014B Bonds as "qualified tax exempt obligations" in the "TAX EXEMPT BOND AND DTIC TAX MATTERS" section.*

**\$26,700,000**  
**Plus**  
**General Obligation Annual Appropriation Corporate Purpose Bonds**  
**\$1,000,000 Series 2014A, (Taxable)**  
**\$1,400,000 Series 2014B**

**Total:** **\$28,100,000**

**Due:** Date of Delivery **Due:** As shown on inside cover

The General Obligation Annual Appropriation Corporate Purpose Bonds, Series 2014A (Taxable) (the "Series 2014A Bonds") and Series 2014B (the "Series 2014B Bonds") described above (collectively, the "Bonds") are issuable as fully registered Bonds in the denomination of \$1,000 or any integral multiple thereof and, when issued, will be registered in the name of Code & Co., as Bondholder and assignee of the Depository Trust Company, New York NY ("DTC"), DTC will act as securities depository for the Bonds. Purchases of the Bonds will be made in book-entry form. See "THE BONDS: Book Entry Only Notes" herein.

The Bonds are being issued by the City of \_\_\_\_\_ Iowa (the "Issuer" or "City") in the aggregate principal amount of \$26,700,000, to evidence the City's obligation under a certain lease agreement (the "Lease Agreement") for the purpose of paying the cost, to that extent, of constructing street, water systems, sanitary sewer systems, sidewalks and storm water drainage improvements. The Bonds are issued pursuant to the provisions of Chapters 78 and 304 of the Code of Iowa, and all other laws, administrative orders and regulations thereto, and in conformity with a resolution adopted \_\_\_\_\_ 2014 by the City Council, authorizing and approving the Lease Agreement and providing for the issuance and securing the payment of the Bonds (the "Resolution").

The Bonds are general obligations of the Issuer, subject to non-appropriation, payable from amounts to deposit to the City's Debt Service Fund and the Bond Fund created in the Resolution, and other amounts as may be lawfully available at the time appropriated by the City Council for the payment thereof. The Bonds do not constitute an obligation payable from a continuing annual levy of ad-valorem taxes or a multiple Bond. You do not or incur any debt or other financial obligation whatsoever of the City. The Bonds do not directly or indirectly obligate the City to make any payments thereon during a Fiscal Year beyond any Fiscal Year for which Bonds have been appropriated by the City. The City has no payment obligations under the Bonds other than amounts appropriated for payments due on the current Fiscal Year. In the event that the City Council of the City does not budget and appropriate Bonds for any Fiscal Year in an amount sufficient to pay the principal and interest due on the Bonds during such Fiscal Year, the City's obligations under the Bonds shall terminate and become null and void on the last day of the fiscal year for which the necessary Bonds were appropriated. Upon the occurrence of any such non-appropriation, the City shall not be obligated to make payments from any source (including Bonds on deposit in any fund created under the Resolution) if any amounts in respect of principal and interest on the Bonds beyond those amounts for which an appropriation has previously been made, and the City shall not be liable to the holders of the Bonds for any other amounts due under the Bonds or for any costs, damages (including but not limited to consequential damages) or expenses incurred by the holders of the Bonds as a result of the non-issuance by the City of the foregoing right of non-appropriation.

The Bonds involve certain investment risks. See "BONDBOLDERS' RISKS" herein.

Interest on the Bonds is payable on June 1, and December 1 in each year, beginning December 1, 2014 to the registered owners thereof. Interest shall be payable by check or draft if the Paying Agent named in the person who were registered owners thereof as of the Maturity Day of the month immediately preceding the Interest Payment Date, to the address appearing on the registration books maintained by the Paying Agent or to such other address as is furnished to the Paying Agent in writing by a registered owner.

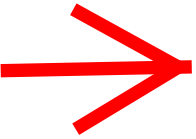
The Bonds maturing on or after June 1, 2021, may be called for redemption by the Issuer and paid in full on maturity beginning June 1, 2021 or any day thereafter, from any funds or other sources, in whole or from time to time or part, in any order of maturity and within its usual maturity by law. The terms of redemption shall be as set forth in the prospectus to the Bonds.

The Bonds are being offered when, so and if issued by the City and accepted by the Underwriter, subject to receipt of an opinion as to legality, validity and tax exemption (with respect to the Series 2014B Bonds) by Dorsey & Whitney LLP, Des Moines, Iowa, Bond Counsel and Disclosure Counsel. It is expected that the Bonds in the definitive form will be available for delivery through the facilities of DTC on and about June 26, 2014.

The date of this Official Statement June 16, 2014

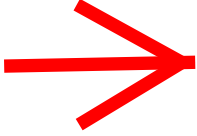


# Responsibility for Official Statement



- Issuers are primarily responsible for the content of their disclosure documents, regardless of who prepared the document
- An Issuer does not discharge its disclosure obligations by hiring professionals to prepare the official statement
- An Issuer has “an affirmative obligation” to know the contents of its official statement, including the financial statements
- Executing an official statement without first reading the document to ascertain whether it is accurate may be reckless (the basis for certain anti-fraud causes of action by the SEC)



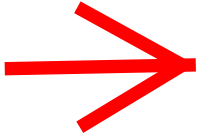


## Responsibility for Official Statement

- The SEC can bring enforcement actions against Issuers, members of its governing body, government employees and officials, and professionals working on the issue
  - As an example, in 2008 the SEC charged several former San Diego city officials with fraud in connection with false and misleading statements in the official statement. In October of 2010, four of the former San Diego city officials settled with the SEC, agreeing to financial penalties ranging from \$5,000 to \$25,000 (this was the first instance of the SEC securing financial penalties against city officials in a muni bond fraud case).
  - In another example, in 2013, the SEC charged the City of Miami and its former budget director with securities fraud in connection with several bond offerings and disclosures made to the public.
    - (more on this later)

## Final Official Statement

- To satisfy Rule 15c2-12, an Official Statement often includes a statement listing:
  - “any instances in the previous five years in which [the Issuer] failed to comply, in all material respects, with any previous undertakings in a written [disclosure agreement].”*
- Example found in an Official Statement:
  - “During the past five years, the Issuer has not failed to comply, in all material respects, with any previous undertakings it has entered into with respect to the Rule”*



## Final Official Statement

- If the Issuer has not complied with the continuing disclosure obligations of previous bond issues, but makes the statement shown on the previous slide as to compliance, this could constitute a material misstatement and subject the Issuer to an SEC enforcement action under anti-fraud provisions of federal securities laws
- Examples of noncompliance with continuing disclosure obligations:
  - Failure to report material event
  - Failure to file annual information
  - Late filing of material event or annual information

## Sample Continuing Disclosure Certificate

CONTINUING DISCLOSURE CERTIFICATE

This Continuing Disclosure Certificate (the "Certificate") is executed and delivered by the City of \_\_\_\_\_ Iowa (the "Issuer"), in connection with the issuance of \$1,000,000 General Obligation Corporate Purpose Bonds, Series 2014 (the "Bonds") dated May 15, 2014. The Bonds are being issued pursuant to a resolution of the Issuer approved on April 28, 2014 (the "Resolution"). The Issuer is currently in compliance in all material respects with each undertaking previously entered into by it under the Rule, as hereinafter defined. The Issuer covenants and agrees as follows:

**Section 1. Purpose of the Continuing Disclosure Certificate.** This Disclosure Certificate is being executed and delivered by the Issuer for the benefit of the Holder and Beneficial Owners of the Bonds and in order to assist the Participating Underwriters in complying with S.E.C. Rule 15c-12.

**Section 2. Definitions.** In addition to the definitions set forth in the Resolutions, which apply to any capitalized term used in this Disclosure Certificate unless otherwise defined in this Section, the following capitalized terms shall have the following meanings:

"Annual Report" shall mean any Annual Report provided by the Issuer pursuant to, and as described in, Sections 3 and 4 of this Disclosure Certificate.

"Beneficial Owner" shall mean any person which (a) has the power, directly or indirectly, to vote or consent with respect to, or to dispose of ownership of, any Bonds (including persons holding Bonds through nominees, depositaries or other intermediaries), or (b) is treated as the owner of any Bonds for federal income tax purposes.

"Dissemination Agent" shall mean the Dissemination Agent, if any, designated in writing by the Issuer and which has filed with the Issuer a written acceptance of such designation.

"Holder" shall mean the registered holder of the Bonds, as recorded in the registration books of the Registrar.

"Listed Event" shall mean any of the events listed in Section 5(a) of this Disclosure Certificate.

"Municipal Securities Rulemaking Board" or "MSRB" shall mean the Municipal Securities Rulemaking Board, 190 Duke Street, Suite 600, Alexandria, VA 22314.

"National Repository" shall mean, at any point in time, a nationally recognized municipal securities information repository which is then recognized as such by the SEC, as of the date of this Disclosure Certificate, the sole National Repository is the MSRB, which accepts filings via its Electronic Municipal Market Access (EMMA) system at <http://www.emma.msrb.org>.

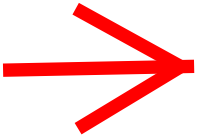
"Participating Underwriter" shall mean any of the original underwriters of the Bonds required to comply with the Rule in connection with offering of the Bonds.

"Repository" shall mean each National Repository and each State Repository.

"Rule" shall mean Rule 15c-12 adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time.

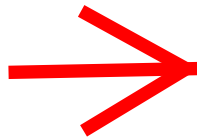
"State" shall mean the State of Iowa.

-



## Continuing Disclosure Certificate

- Annual Reports
  - Audited financials
  - Tables, schedules or other financial information contained in the Official Statement, for example:
    - Valuations
    - Gross Taxable Valuation by Class of Property
    - Trend of Valuations
    - Larger Taxpayers
    - Debt Ratios
    - Levies and Tax Collections
    - Tax Rates



## Continuing Disclosure Certificate Material Listed Events

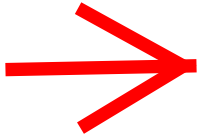
- 1) Payment delinquencies
- 2) Non-payment related defaults, if material
- 3) Unscheduled draws on debt service reserves reflecting financial difficulties
- 4) Unscheduled draws on credit enhancements reflecting financial difficulties
- 5) Substitution of credit or liquidity providers, or their failure to perform
- 6) Adverse determinations with respect to the tax status of the bonds
- 7) Modifications to rights of holders, if material
- 8) Bond calls, if material, and tender offers
- 9) Defeasances
- 10) Release, substitution, or sale of property securing repayment of the securities, if material
- 11) Rating changes
- 12) Bankruptcy, insolvency, receivership or similar event of the obligated person
- 13) Merger, consolidation, or acquisition involving an obligated person, if material
- 14) Appointment of a successor or additional trustee or the change of name of a trustee, if material

## SEC Trend of Municipal Entity Oversight

- Before the 2007 financial crisis, the SEC was less focused on municipal entities
- Steps have since been taken to increase federal regulatory oversight (e.g., Dodd Frank Act)
- In recent years the SEC has expressed concern regarding Issuers' compliance with disclosure obligations
- Consequently, the SEC continues its transition into an active regulatory body for Issuers

## 2013 Firsts by the SEC

- SEC penalties assessed against an Issuer
- SEC charges an Issuer with violation of a cease and desist order
- SEC charges an Issuer with falsely stating to bond investors that it had been properly providing annual financial information and notices required as part of its prior bond offerings
- SEC charges an Issuer for materially misleading statements outside of securities disclosure documents
- Demonstration that small size of an Issuer does not equate to a pass for disclosure deficiencies



## Recent Examples of SEC Focus

- City of Harrisburg, PA (May 6, 2013)
  - The SEC charged the City of Harrisburg, PA, with securities fraud for its misleading public statements when its financial condition was deteriorating and financial information available to municipal bond investors was either incomplete or outdated
  - The SEC notes that public officials should be mindful that their written or oral public statements may affect the total mix of information available to investors

## Recent Examples of SEC Focus (cont'd)

- City of Miami, FL (July 16, 2013)
  - In mid-July, the SEC charged the City of Miami and its former Budget Director with securities fraud in connection with several municipal bond offerings and other disclosures made to the bond investing public
  - SEC investigation found that beginning in 2008, Miami and the former Budget Director made materially false and misleading statements and omissions about certain interfund transfers in three 2009 bond offerings totaling \$153.5 million

## Recent Examples of SEC Focus (cont'd)

- West Clark Community Schools (July 29, 2013)
  - “This is the first time the SEC has charged a municipal issuer with falsely claiming in a bond offering’s official statement that it was fully compliant with the annual disclosure obligations it agreed to in prior offerings, and an underwriter and its principal for not doing the necessary research to attest to the truthfulness of that claim,” said Andrew Ceresney, Co-Director of the Division of Enforcement. “West Clark Community Schools defrauded bond investors by leading them to believe that it had provided the annual financial information contractually required in a prior bond offering, when in fact for five years they failed to submit the required information. This case demonstrates that we will be vigilant in making sure municipal issuers and underwriters comply with their obligations.”

## 2014 SEC Increasing Involvement

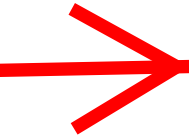
- On March 10, 2014, the SEC announced its “Municipalities Continuing Disclosure Cooperation Initiative” (the “MCDC Initiative”), which allowed Issuers to self-report instances of materially inaccurate statements in official statements until December 1, 2014
- Several Issuers and Underwriters participated in the MCDC Initiative to receive favorable settlement terms from the SEC
- MCDC Status Update:
  - 72 Underwriter Orders
  - 72 Issuer Orders



## MCDC 2015-2016 Underwriter Orders

- The SEC issued orders against 72 Underwriters
  - Fined \$18 million in the aggregate, ranging from \$20,000 to the \$500,000 ceiling per Underwriter
  - Orders were issued in 3 batches
    - June 18, 2015
    - September 30, 2015
    - February 2, 2016
  - Orders include one to three examples of noncompliance per Underwriter, which provide the basis of determining what the SEC considers to be material noncompliance and misrepresentations

## Examples of Material Non-compliance

- 
- An Official Statement must disclose any of the following
    - Failure to make at least one Audited Financial Statement or Annual Report filing
    - Annual filing made at least 33 days late
    - Failure to file cross-reference to annual filing elsewhere on EMMA
    - Failure to file material event notice regarding the advance refunding and associated redemptions of certain bonds



## Other MCDC Underwriter Order Guidance

- Silence in an Official Statement regarding history of compliance is deemed to be a statement of material compliance
- A notice of failure to comply must also accompany a late/missing filing
- Noncompliance must be disclosed, even if missing filings are updated prior to printing the Official Statement
- A misstatement/omission cannot be “cured” by subsequently filing an amendment to an Official Statement (in one case 4 months after the Official Statement was printed)



## MCDC Issuer Orders

- On August 24, 2016, the SEC publicized 71 settlements with issuers from 45 states based on disclosure failures that occurred between 2011 and 2014
- The issuers that settled included: two states; seven state authorities; 29 localities; seven local authorities; nine school districts or charter schools; six colleges or universities; five health care providers; five utilities; and one retirement community
  - Two of which were Iowa municipalities

## MCDC Issuer Orders

- Issuers settled without admitting or denying the findings and agreed to cease and desist from future violations, and no fines or civil penalties were assessed.
- Each Issuer agreed to establish appropriate written policies, procedures, and training regarding continuing disclosure obligations and comply with their existing continuing disclosure undertakings, including
  - updating past delinquent filings within 180 days;
  - disclose the settlement in future offering documents for the next five years;
  - certify in writing compliance with the undertakings; and
  - cooperate with any subsequent investigations by the SEC

## MCDC Issuer Order Guidance

- Precise Language of History of Noncompliance is Imperative
- Scrupulous research of history of compliance with continuing disclosure undertakings is absolutely necessary to develop precise language
  - Not just administrative checklist that 'some filing' is made
  - Ensure substance of each filing satisfies the Issuer's undertakings

## MCDC Issuer Order Guidance

- As an example of the guidance provided by the SEC:
  - In an order against Idaho Housing and Finance Association, the SEC noted that the Authority “made a materially misleading statement and a material omission about its prior compliance with its earlier continuing disclosure agreement” in stating it “had filed some annual reports late, but failed to disclose that Respondent had not filed the annual financial statements that it had agreed to provide” for prior years and “misrepresented that these financial statements were contained in official statements that had been disseminated earlier;” and in a 2012 “final official statement [which] made no statement about compliance with Respondent’s prior continuing disclosure agreement and thereby failed to disclose that Respondent had not filed the annual financial statement that it had agreed to provide for fiscal year 2010 by the time of the offering, though due before.”

## MCDC Issuer Order Guidance

- If information is submitted elsewhere on EMMA, the failure to file cross-reference filings is deemed by the SEC to be material non-compliance
- Similarly, timely making filings in the wrong location (and not correcting the location for 245 days) constitutes non-compliance, per the City of Memphis, Tennessee Order
- Failure to link timely filed official statement or annual information to the CUSIP of each outstanding security, constitutes non-compliance per State of Minnesota Order
- Failing to include all required content in the annual financial information constitutes non-compliance, per Lawrence & Memorial Hospital, Inc. and Lawrence & Memorial Corp.

## MCDC Issuer Order Guidance

- Failure to file notice of defeasance constitutes material non-compliance
  - The SEC noted in the Ascension Health Alliance Order that this caused the bonds to be “Trading with significantly different credit structures for up to two years”
- Non-compliance is based on a continuing disclosure agreement entered into and not just Rule 15c2-12.
  - If the Issuer undertakes obligations additional to the minimum required in the rule and fails to comply therewith, such non-compliance must be disclosed
    - Missing or late interim reports (e.g. quarterly reports), though not required by the Rule, must be filed if required by the continuing disclosure undertaking, per the Carilion Clinic, Virginia Order

## MCDC Issuer Order Guidance

- Even if in a private offering involving an offering circular representing compliance, the SEC found an Issuer entering into a continuing disclosure agreement to market the securities must provide an accurate statement of prior noncompliance, Per Sanitary District of the City of Gary, Indiana
- Staleness of non-compliance is not a compelling factor, if occurring within past five years, per City of Andover Kansas, where non-compliance of past three years was disclosed, but not of five-year-old filing

## Continuing Disclosure Obligations Today

- Post-MCDC Initiative, the SEC has advised that any enforcement actions will result in more severe penalties.

*“Those who do not self-report and instead decide to take their chances can expect to face increased sanctions for violations.”*

Andrew J. Ceresney,  
Director of the SEC Enforcement Division

- Going forward, it is very important for Official Statements to be accurate, including statements relating to continuing disclosure compliance

## Implementing Policies and Procedures Regarding Municipal Securities Disclosure

- **To help ensure your compliance with disclosure obligations we recommend Issuers adopt policies and procedures relating to:**

- **Primary Disclosure:** The disclosure document (Official Statement) for the bonds
- **Secondary Disclosure:** Ongoing disclosures associated with outstanding bond issues (aka “continuing disclosure”)



## Implementing Policies and Procedures Regarding Municipal Securities Disclosure

- The Dorsey-provided Policies and Procedures (the “Policy”) addresses three aspects of disclosure:
  - 1) Preparation and approval of official statements in connection with new bond issues;
  - 2) On-going continuing disclosure requirements under a CDC; and
  - 3) Education of staff and elected officials with respect to disclosure matters.



## 1. New Offerings of Bonds – Official Statements of the Issuer

- Under federal anti-fraud law, an OS cannot contain any untrue statement of a material fact or omit to state a material fact necessary to make the statements therein, in the light of the circumstances under which they were made, not misleading
- An Underwriter, Municipal Advisor, or law firm may assist you in preparing the OS, but it **is imperative that you review the OS for accuracy before it is published.** Failing to do so could result in untrue statements, thereby subjecting the Issuer and/or individuals to liability

## 1. New Offerings of Bonds – Official Statements of the Issuer (Step 1)

- Appendix I of the Policy provides written procedures for preparing the OS, comprised of 5 steps:
- **Step 1**  
At the commencement of a financing, the appointed Disclosure Officer shall develop or cause its finance team to develop a plan for preparation of the official statement and a schedule that allows sufficient time for all required work, including appropriate review and participation by members of the financing team and knowledgeable Issuer staff

## 1. New Offerings of Bonds – Official Statements of the Issuer (Step 2)

- **Step 2**  
The Disclosure Officer shall be responsible for managing the preparation process for the official statement, and shall obtain the assistance of other participants within the Issuer and legal and financial professionals, as necessary and appropriate

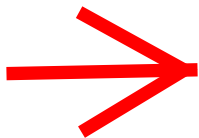


## 1. New Offerings of Bonds – Official Statements of the Issuer (Step 3)

- **Step 3**  
The Disclosure Officer shall be responsible for developing a program for coordinating staff review of the disclosure information and obtaining formal sign-off from staff on the disclosure documents

## 1. New Offerings of Bonds – Official Statements of the Issuer (Step 4)

- **Step 4**  
The Disclosure Officer shall ensure that any previous failure to fully comply with continuing disclosure obligations during the prior five year period is disclosed in the official statement

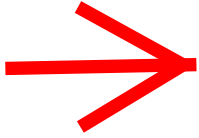


## 1. New Offerings of Bonds – Official Statements of the Issuer (Step 5)

- **Step 5**  
The Issuer's governing body shall be given not less than 7 days to review an official statement prior to being asked to vote on its approval, absent extenuating circumstances. Elected representatives on the governing body shall be directed to contact the Disclosure Officer during the review period to discuss potential issues or comments on the official statement.

## 2. Continuing Disclosure Compliance (CDC Compliance)

- The Issuer will file, or cause to be filed, necessary items under the CDCs in a searchable electronic format at the Electronic Municipal Market Access (EMMA) portal ([www.emma.msrb.org](http://www.emma.msrb.org)).
- To ensure compliance, Appendix II of the Policy provides 13 points for continuing disclosure



## 2. Continuing Disclosure Compliance (CDC Compliance—Appendix II)

### 1. Overall Responsibility for CDC Compliance

The applicable employee of the Issuer (“Disclosure Officer”) shall be responsible for compliance with the Issuer’s CDCs, including:

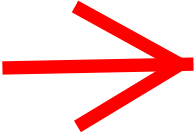
- Annual filings
- Material event notice filings
- Voluntary filings
- Other filings required by the CDC

## 2. Continuing Disclosure Compliance (CDC Compliance—Appendix II cont’d)

### 2. Discussion of CDC

Prior to execution of a CDC in connection with a bond issue, to ensure full understanding of the Issuer’s obligations, the CDC shall be discussed with:

- Bond counsel
- Underwriter
- Financial Advisor



## 2. Continuing Disclosure Compliance (CDC Compliance—Appendix II cont'd)

### 3. Public Statements and Information

- The Disclosure Officer shall have primary responsibility for ensuring that statements or releases of information relating to the Issuer's finances to the public that are reasonably expected to reach investors and the financial markets are accurate and not misleading in any material respect, including:
  - Website updates
  - Press releases
  - Market notices
- The public officials and the Disclosure Officer shall work together to ensure that all public statements and information released by the Issuer are accurate and not misleading in all material respects

## 2. Continuing Disclosure Compliance (CDC Compliance—Appendix II cont'd)

### 4. Outstanding Bond Issues

The Disclosure Officer shall be responsible for compiling and maintaining a list of all outstanding bond issues subject to continuing disclosure, noting the applicable filing dates. Track this information using "Disclosure Table, Part I" of the Policy

**Master Tracking Table**

Name of Bond Issue	Date of Issue	Final Maturity Date	Dissemination Agent?	CUSIP for Final Maturity	Deadline for Annual Report

## 2. Continuing Disclosure Compliance (CDC Compliance—Appendix II cont'd)

### 5. Copies of CDC, OS, Dissemination Agent Agreement Materials.

The Disclosure Officer shall be responsible for assembling and maintaining copies of the final CDC and final Official Statements for each applicable bond issue, together with any third-party Dissemination Agent Agreements, if applicable

## 2. Continuing Disclosure Compliance (CDC Compliance—Appendix II cont'd)

### 6. Documentation/Tracking Information to File

The Disclosure Officer shall document and track the required information to be filed, including dates such information is filed, using “Disclosure Table, Part II” of the Policy

[Name of Bonds][date of issue] Description of Financial Information / Operating Data to file on EMMA	Reporting Periods			
	FY2013	FY2014	FY2015	FY2016
[audit]				
[list applicable tables in Official Statement]				
[unaudited financials, if audit not available by deadline]				
[other information]				

## 2. Continuing Disclosure Compliance (CDC Compliance—Appendix II cont'd)

### 7. Email Reminders from EMMA

The Disclosure Officer shall be responsible for registering for continuing disclosure filing email reminders from the “EMMA” website (<http://emma.msrb.org>).

Dorsey will provide EMMA-specific training in the near future.

## 2. Continuing Disclosure Compliance (CDC Compliance—Appendix II cont'd)

### 8. Compile Information Required by the CDCs

At least 30 days prior to the earliest filing deadline listed on the Disclosure Table, the Disclosure Officer shall begin the process of compiling necessary information required by the CDCs

- This may require coordinating with outside professionals hired to compile this information, such as Dissemination Agent or Municipal Advisor

## 2. Continuing Disclosure Compliance (CDC Compliance—Appendix II cont'd)

### 9. Ensure Completeness of Filing

At least 10 days prior to each filing deadline, the Disclosure Officer shall determine whether all necessary items have been compiled for filing pursuant to the CDC requirements

- This may require coordinating with outside professionals hired to compile this information, such as Dissemination Agent or Municipal Advisor

## 2. Continuing Disclosure Compliance (CDC Compliance—Appendix II cont'd)

### 10. Conduct Filing

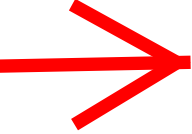
- At least 3 days prior to each filing deadline, the Disclosure Officer shall file (or cause any Dissemination Agent to file) the necessary items on the EMMA website
- After filing, the Disclosure Officer shall confirm that all items have, in fact, been filed on EMMA as required, and shall note the filing date on the Disclosure Table

## 2. Continuing Disclosure Compliance (CDC Compliance—Appendix II cont'd)

### 11. Listed Event Filings

- In addition to the continuing disclosure filings, the Disclosure Officer shall be responsible for determining whether any “listed events” have taken place
- If such an event has taken place, the Disclosure Officer must discuss the same with its external legal and financial professionals and cause the filing of notice to be made on EMMA within ten business days of such events.
- The 14 Listed Events are included on the following slide (same as earlier slide re Material Listed Events)

## 2. Continuing Disclosure Compliance (CDC Compliance—Appendix II cont'd)

- 
- 1) Payment delinquencies
  - 2) Non-payment related defaults, if material
  - 3) Unscheduled draws on debt service reserves reflecting financial difficulties
  - 4) Unscheduled draws on credit enhancements reflecting financial difficulties
  - 5) Substitution of credit or liquidity providers, or their failure to perform
  - 6) Adverse determinations with respect to the tax status of the bonds
  - 7) Modifications to rights of holders, if material
  - 8) Bond calls, if material, and tender offers
  - 9) Defeasances
  - 10) Release, substitution, or sale of property securing repayment of the securities, if material
  - 11) Rating changes
  - 12) Bankruptcy, insolvency, receivership or similar event of the obligated person
  - 13) Merger, consolidation, or acquisition involving an obligated person, if material
  - 14) Appointment of a successor or additional trustee or the change of name of a trustee, if material



## 2. Continuing Disclosure Compliance (CDC Compliance—Appendix II cont'd)

### 12. Contact Person for Investor Inquiries

The Disclosure Officer shall be the primary contact person for responding to inquiries from investors and for maintaining the investor relations portion of the Issuer's website, if any.

## 2. Continuing Disclosure Compliance (CDC Compliance—Appendix II cont'd)

### 13. Voluntary Information Filing

The Disclosure Officer shall be responsible for coordinating and filing any voluntary information with EMMA, after consultation with the Issuer's legal and financial professionals.



### 3. Systematic Training of Staff and Governing Body Members

- Staff and members of the governing body must also be aware of these procedures. Accordingly, continuous training is important to teach new individuals and remind current individuals of the Issuer's continuing disclosure obligations.
- Three formats of training will aid in maintaining effective disclosure policies and procedures
  1. Annual Training
  2. Specific Training
  3. Governing Body Training



### 3. Systematic Training of Staff and Governing Body Members (Annual Training)

#### 1. Annual Training

The Disclosure Officer is responsible for scheduling annual training of Issuer employees regarding disclosure and financial reporting requirements of the federal securities laws, including:

- A complete review of:
  - The Issuer's Disclosure Policy, Rule 15c2-12 and the material events required to be reported pursuant to such Rule, and
  - The Issuer's obligations under the federal securities laws
- Within six months after each fiscal year end, the Disclosure Officer shall provide written certification to the governing body that the annual disclosure training has been completed.

### 3. Systematic Training of Staff and Governing Body Members (Annual Training)

- **Example of Certificate**

I, the undersigned, Disclosure Officer of the [Issuer Name], hereby certify that the [Issuer Name] has completed its annual disclosure training for the Fiscal Year \_\_\_\_\_, as required pursuant to the [Issuer Name]'s Policies and Procedures Regarding Municipal Securities Disclosure, adopted \_\_\_\_\_, 20\_\_.

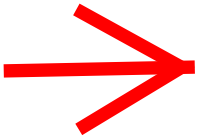
WITNESS MY HAND this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

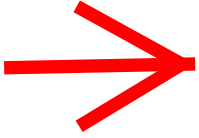
[Individual's Name]  
[Disclosure Officer]

### 3. Systematic Training of Staff and Governing Body Members (Specific Training)

- 2. **Specific Training**

When appropriate, the Disclosure Officer shall conduct (or cause to be conducted) training with individuals on those persons' specific roles and responsibilities in the disclosure and financial reporting process.



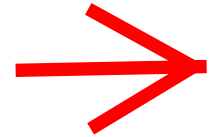


### 3. Systematic Training of Staff and Governing Body Members (Governing Body Training)

#### 3. Governing Body Training

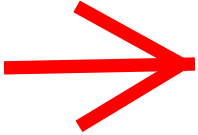
At least biennially, the Disclosure Officer shall schedule a training session for the Issuer's governing body on:

1. Issuer's Disclosure Policy
2. Disclosure and financial reporting requirements of the federal securities laws.



### Roles of Bond Counsel vs. Disclosure Counsel

- **Bond Counsel**
  - Prepares Resolutions, bonds, loan agreement, closing certificates, CDC, and other closing documents
  - Delivers opinion that bonds are valid and legal obligations of the Issuer
  - Delivers opinion as to tax-exempt status of the bonds
- **Disclosure Counsel**
  - Conduct diligence on the Issuer and the bond offering
  - Prepares or closely reviews Official Statement, in conjunction with the Issuer's review of the Official Statement
  - Disclosure Counsel does not prepare or confirm financial information
  - Conducts in-depth review of previous continuing disclosure undertakings and the Issuer's compliance with such undertakings
  - Delivers "10b-5" opinion to Issuer (and to Underwriter)



## Disclosure Training Take-Aways

- Responsibilities don't end with closing
- There are ongoing, "post-issuance" requirements
  - Annual report disclosure
  - Material event disclosure
- Post-issuance compliance is taking on more significance in light of increased regulatory scrutiny
- Adopt and follow policies and procedures to comply with Federal securities disclosure laws

## Annual Training Re: Municipal Securities Disclosure

Questions?

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