

TENTATIVE AGENDA
SCOTT COUNTY BOARD OF SUPERVISORS
October 15 - 19, 2018

Tuesday, October 16, 2018

Committee of the Whole - 8:00 am

Scott County COURTHOUSE 400 W 4th St. Davenport, IA 52801 (2nd Floor Room 258)

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

Presentation

- ___ 2. Presentation by Public Sector Personnel Consultants on Classification, Compensation and Benefits Study..... (8:00 a.m.)

Facilities & Economic Development

- ___ 3. Discussion of Public Hearing and Planning and Zoning Commission recommendation on an application to add wineries and associated facilities to the list of Special Permitted Uses in Ag-General Zoning Districts (Public Hearing- Thursday, October 18th 5:00 p.m.) (Item 3)
- ___ 4. Discussion of Public Hearing and Planning and Zoning Commission recommendation on an application to rezone 13.2 acres, more or less, from Single-Family Residential (R-1) to Agricultural-General (A-G) legally described as Lot 2 of Great River Hills Addition in Section 14 of LeClaire Township and located on the west side of Great River Road, ¼ mile south of 235th Street (Public Hearing- Thursday, October 18th 5:00 p.m.) (Item 4)
- ___ 5. Discussion of Public Hearing and Planning and Zoning Commission recommendation on an application to amend permitted and prohibited accessory uses in the Park View Community Area Development Residential District (Public Hearing- Thursday, October 18th 5:00 p.m.) (Item 5)
- ___ 6. Acknowledging application to the Federal Emergency Management Agency (FEMA) for funding from the Hazard Mitigation Grant Program. (Item 6)

Human Resources

- ___ 7. Health Insurance renewal recommendations . (Item 7)
- ___ 8. Staff appointments. (Item 8)
- ___ 9. Request to overfill the Correctional Health Coordinator position. (Item 9)

Courthouse rules apply. No cell phones in the courthouse.

Health & Community Services

- ___ 10. Lead Project Update- Presentation by Ed Rivers, Health Director (Item 10)
- ___ 11. Tax suspension requests. (Item 11)

Finance & Intergovernmental

- ___ 12. Mobile Data Computer Project. (Item 12)
- ___ 13. Judicial Dialog Maintenance and Support. (Item 13)
- ___ 14. Partial abatement of property taxes for property at 1700 E. Blackhawk Trail, Eldridge, Iowa. (Item 14)
- ___ 15. FY18 Edward Byrne Memorial Justice Assistance Grant (JAG) Program. (Item 15)
- ___ 16. Budget presentation.

Other Items of Interest

- ___ 17. Recognizing October as Breast Cancer Awareness Month. (Item 17)
- ___ 18. A beer/liquor license renewal for Lady Di's Parkview Inn and a Class B Wine Permit for Kwik Shop #589.
- ___ 19. Adjourned.

Moved by _____ Seconded by _____
Ayes
Nays

Tuesday, October 16, 2018

Special Committee of the Whole - 7:00 pm

Scott County COURTHOUSE 1st Floor Magistrate Court, 400 W. 4th St. Davenport, IA 52801

- ___ 1. Roll Call: Knobbe, Beck, Kinzer, Holst, Earnhardt
- ___ 2. Board of Supervisors annual visit with Planning and Zoning Commission and Zoning Board of Adjustment.
- ___ 3. Other items of interest.

Thursday, October 18, 2018

Regular Board Meeting - 5:00 pm

Scott County COURTHOUSE 400 W 4th St. Davenport, IA 52801 (Magistrate Court 1st Floor)

Public Hearings

- _____ 1. Public hearing relative to rezoning 13.2 acres, more or less from Single-Family Residential to Agricultural - General in LeClaire Township.
- _____ 2. Public hearing relative to application to add wineries and associated facilities to the list of Special Permitted Uses in Ag-General Zoning Districts.
- _____ 3. Public hearing relative to application to amend permitted and prohibited accessory uses in the Community Area Development Residential District (Park View Ordinance text amendment).

PLANNING & DEVELOPMENT

600 West Fourth Street
Davenport, Iowa 52801-1106
E-mail: planning@scottcountyiaowa.com
Office: (563) 326-8643 Fax: (563) 326-8257



Item #3
10/16/18

Timothy Huey
Director

To: Mahesh Sharma, County Administrator

From: Timothy Huey, Planning Director

Date: October 9, 2018

Re: Discussion of Public Hearing and Planning and Zoning Commission recommendation on an application to add wineries and associated facilities to the list of Special Permitted Uses in Ag-General Zoning Districts

The Planning Commission held a public hearing on the proposed zoning text amendment submitted by Julia Rubino. Her request is to add wineries and associated facilities as a Permitted Special Use in the Ag-General (A-G) Zoning District. Approval of this amendment would then allow the applicants to submit a Special Use Permit application to the Zoning Board of Adjustment for approval to operate a winery, tasting room and associated event center on the property located on Great River Road on a portion of the former Olathea golf course. This application is also submitted in conjunction with an application to rezone the proposed parcel back to Ag-General from its current designation as R-1. Approval of both applications would be required prior to consideration of any Special Use Permit (SUP) application.

Staff presented a draft of a proposed addendum to the Scott County Comprehensive Plan's Land Use Policies to specifically address the standards and criteria for review of such SUP applications. If adopted, those policies would be used by the Zoning Board of Adjustment along with the other criteria for Special Use Permits to evaluate such requests and determine what conditions would be appropriate for any approval at a particular location or on what basis an application would be denied. It was the consensus of the Planning Commission to forward on its recommendation to approve this text amendment but to also set a public hearing for the proposed addendum to the Land Use Policies for its next meeting so those could be forwarded on to the Board of Supervisors for its consideration in conjunction with this text amendment application.

The Planning Commission unanimously recommended approval of the proposed Zoning Ordinance text amendment to add as a special permitted use "wineries for the production of native Iowa wine in conjunction with a vineyard and associated facilities for the production, bottling, marketing and sale of the wine." Such a proposed special permitted use may also include associated facilities for tastings and other events held on the premises.

Copies of the Staff memo to the Planning Commission, the applicant's application and other materials are also attached. The public hearing on the application to rezone this property to A-G is also this same agenda.

PLANNING & DEVELOPMENT

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Timothy Huey
Director

To: Planning & Zoning Commission

From: Timothy Huey, Planning & Development Director

Date: September 27, 2018

Re: Application to add wineries to the list of Special Permitted Uses in Ag-General Zoning Districts

Wineries and associated wine tasting and event facilities are a growing trend in Iowa. In many counties that have adopted Zoning Ordinances, such facilities are addressed through some version of a Special or Conditional Use permitting process or allowed as some version of a Home Occupation or Cottage Industry. These regulations recognize the agricultural related nature of vineyards and growing grapes but also the commercial-industrial nature of the related wine making and tasting facilities. Some counties address such uses under the broader heading of Agritainment; which include other ag tourism or ag entertainment operations. These would be such things as corn mazes, history farms, petting zoo, hay rack rides and the like. These activities are also generally reviewed through the special permit process. Most regulations recognize and require an agricultural related connection between the attraction and the commercial operation. These operations can increase the visibility and understanding of agriculture but also provide valuable economic development through the creation of jobs and tax revenue. Many of our neighboring counties have very successful wineries with associated tasting rooms and events centers. Staff is very supportive of making such enterprises possible in Scott County. Included with this memo are examples from Clinton and Johnson Counties.

The applicants for this proposed text amendment approached staff with their plans to have a vineyard, winery, tasting room and events center in Scott County. They had a specific location in mind. It was a portion of the former Olethea Golf Course, which had been zoned Ag-General but was recently rezoned to R-1. The purpose of that rezoning was to market the property for sale for residential development after the golf course was closed.

Staff discussed a number of possibilities and alternatives for the applicants to be able to accomplish their business goals which were; first, to establish a vineyard and grow grapes. Growing crops for food is a permitted use in any Scott County zoning district and generally would be considered exempt from zoning under State Law. Second, to build a residence on the property. That would be permitted under the current R-1 zoning district regulations or would also be exempt under any zoning district regulations if determined to be a farm house. Third, to develop a winery for the production of wine from grapes both grown on the property and purchased from other suppliers. This may be determined as being ag exempt under certain circumstances. The ordinance definition of farming is: *The science or art of producing agricultural products which involves cultivating the soil and producing crops for food, fiber, fuel or consumer products, or the raising of livestock for food or other consumer products.* This would raise the question if the further “processing” of crops is an agricultural land use or a

commercial/industrial land use. It is staff's determination that even though growing grapes as a commodity is ag-exempt, the production of wine is not and a winery would need to comply with county zoning regulations. Fourth, to operate tasting facilities to sell and market the wine produced. Clearly the retail sale of wine and wine tasting would require compliance with both county zoning and building codes. Finally, the applicants propose to operate an event center for gatherings and events such as weddings, parties, receptions and other celebrations. This too would require compliance with both county zoning and building codes.

In order to address the applicant's plans, staff identified two alternatives to obtain approval and to allow these combined operations. One, would be to leave the portion of the property for the vineyard and the residence zoned R-1 and seek rezoning to C-2 for only the areas where the winery, wine tasting and events would be conducted. The other would be to seek to rezone the entire property to Ag-General, apply for an agricultural exemption for a farm house on the property; then, also to request an amendment to the Ag-General Zoning District to add wineries and associated facilities as a Permitted Special Use. If those steps were approved then the applicant could seek approval of such a Special Use Permit.

Staff would recommend that any amendment to the Ag General Zoning District regulations to put winery uses under Special Permitted Uses should rely on the Zoning Board of Adjustment to tailor the approval of any particular request to what is appropriate for that location and that application. Staff is recommending that limits on the size and scope of any operation are better addressed during the review of the Special Use Permit application. However, prior to any building permit being issued, but after approval of a Special Use Permit, the project would still need a Site Plan Review approved by the Planning and Zoning Commission.

This proposed amendment is only to allow such applications in areas zoned Ag-General not Ag Preservation. Staff believes that approval of this amendment will allow our Ag-Preservation policies to remain in place while still allowing consideration of other ag related activities, such as wineries in conjunction with vineyards, that are not traditional Iowa commodity agriculture. Staff would further note that the vast majority of prime farmland in unincorporated Scott County is zoned A-P and will remain so. The majority of the limited areas that are zoned A-G are in the more heavily wooded and rolling hills or river bluff areas of unincorporated Scott County. If this amendment is approved staff would not envision many more applications other than the one that initiated this review. Furthermore, approval of this Special Use would not allow stand alone "event centers" that were not associated with a winery operation. The Planning Commission could consider specific land use policies as part of a Comprehensive Plan amendment to address wineries. Such policies would then be applied by the Zoning Board of Adjustment when considering such Special Use applications and any appropriate conditions for their approval. Staff has made an initial draft of such an addendum to the Land Use Policies in Chapter Two of the Comprehensive Plan that is included with this memo and other materials on this application.

Scott County Comprehensive Plan

CHAPTER 2: VISION, GOALS, AND OBJECTIVES

ADDENDUM

Economic Development Objectives regarding wineries and related facilities

This addendum is adopted to establish land use policies to guide the review and any approval of Special Use Permits for wineries and associated facilities in unincorporated Scott County. While this Comprehensive Plan encourages development to occur within cities, it does encourage development, when it does occur in rural Scott County, to be on marginal agricultural land. The economic development objectives adopted with this Comprehensive Plan also encourage Scott County to promote a diverse regional economy and opportunities that improve our quality of life. To this end, Scott County would adopt the following policies on wineries and related facilities:

Objective 1. Location: Wineries can only be located adjacent to and in conjunction with a vineyard that produces grapes to be used in the production of wine on the premises. The Agricultural General Zoning District (A-G) is intended to protect agricultural operations but also to allow compatible development when approved with a Special Use Permit. These policies acknowledge that the growing of grapes would generally be considered an agriculturally exempt land use and, as such, could be located in any area of unincorporated Scott County. However, wineries and any associated facilities would have to be located in an area zoned A-G, and only if a Special Use Permit is approved in compliance with these policies.

Objective 2. Access: Wineries should be located on adequately constructed and maintained roads. If an analysis of traffic generated by such an operation is determined to be necessary, such an analysis shall be prepared at the applicant's expense by a qualified traffic engineer/planner and be submitted and reviewed in conjunction with the Special Use Permit application.

Objective 3. Size and scope: The size of a winery should be in scale with the production of grapes from the associated vineyard. The intent of these policies is to allow wineries that use grapes grown on the property but also to allow the use of grapes grown elsewhere in accordance with Iowa Native Wine regulations. The associated tasting facilities shall be designed to be compatible with the winery operation and limited to primarily serving and selling wines produced on the property.

Objective 4. Associated event center: An event center for gatherings and events such as weddings, parties, receptions and other public or private events may be approved in conjunction with a winery. The size and design of the building shall be appropriate for the location and the frequency of events shall be reviewed in conjunction with the review of the Special Use Permit. The Zoning Board of Adjustment may determine appropriate limits on the size and frequency of such events and place conditions to reduce the impacts on the adjacent property and on the public health, safety and welfare. Temporary facilities such as tents or other non-permanent structures may also be permitted for such events. Limits on the number of attendees, amplified music

Scott County Comprehensive Plan

and/or speakers and any other aspect of the events determined to have significant impacts on adjacent properties may also be considered by the Zoning Board of Adjustment with the review of the Special Use Permit. Parking and circulation areas shall comply with the requirements of the Scott County Zoning Code Section 6-27 Off Street Vehicular Parking Requirements.

Objective 5. Code compliance: Wineries and all associated facilities shall comply with all applicable Federal, State and local regulations. Scott County Health, Accessibility and Construction Codes shall apply to all facilities covered by the Special Use Permit.

Objective 6. Compatibility with Agricultural and Residential Land Uses: These policies are intended to allow wineries and associated facilities when and where they are determined to be compatible with the adjacent land uses. They are adopted to further the diversification of Scott County's rural economy, promote tourism and the quality of life for our local citizens.

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Timothy Huey, Director

Zoning Text Amendment Application

10/3

Date 8 / 31 / 2018

Applicant:

Julia Rubino

Statement of proposed text amendment: Cite Section of Zoning Ordinance to be amended and requested changes:

In section 6-10 "Ag" Agricultural General District, subsection D Special Permitted Uses, we propose to add an additional bullet point (3) Winery. A facility for the preparation, processing, marketing, and distribution of wines. May include a tasting room, sales area, and/or event center.

How will such an amendment Comply With the Scott County Comp Plan and Land Use Policies?

The goal of the Scott County Comprehensive Plan is to preserve land and protect limited resources while encouraging business growth. This change allows vineyards already designated as...
(see back side)

Julia Rubino
Signature
Julia Rubino
Name of Applicant (printed)
524 Brown St.
Mailing Address
Bettendorf / IA / 52722
City / State / Zip
563-940-4240
Phone

Signature

Name of co-applicant

Mailing Address

City / State / Zip

Phone

& julia.rubino89@gmail.com

Received by CH \$100 pd 9/5
Zoning Staff

agriculture to add a winery tasting room, sales area, and/or event center. and continue to maintain the lands agriculture use. The wine tasting room and event center will only make up a small portion of the land, which will mainly be used for agriculture. This will both compliment and encourage ag-tourism.



3.6 ZONING DISTRICT REGULATIONS

3.6.1 A-1 Prime Agricultural District

- A. Purpose.** The A-1 Prime Agricultural District is intended to preserve areas appropriate for agricultural uses and to protect those areas of the County having the best soils for agricultural purposes from encroachment by non-farm uses. The A-1 District implements the Agricultural Future Land Use category of the Master Plan.

Agricultural uses are the primary intended use in this district. Farmers shall have the continuing right to conduct normal farm operations. Any person who requests a zoning permit to place a non-farm dwelling on property which lies within the district is deemed to be aware of the normal agricultural uses and farming practices within the district, including night farming, noise, odors and other impacts from normal farm operations.

B. A-1 Permitted Principal Uses & Structures.

1. Agricultural, farms, farming and the usual farm buildings including farm dwellings.
2. Truck gardens, nurseries and horticulture.
3. Single family dwelling. Newly constructed non-farm dwellings shall not be located closer than 1,320 feet to an established feed lot or livestock confinement operation, unless an existing confinement feeding operation, or a proposed confinement feeding operation which has made an application for a permit to the Iowa Department of Natural Resources, is of sufficient size that State of Iowa regulations would require that a greater separation distance than 1320 feet would be necessary between the confinement feeding operation structure and a dwelling for siting of the confinement feeding operation structure, the greater separation distance will be required for locating the newly constructed non-farm dwelling. (Amended 5/21/03-Ord 2003-03) (Amended 8/8/2016-Ord 2016-02)
4. Public parks, fairgrounds, playgrounds, campgrounds and recreation areas.
5. Wildlife preserves, hunting areas, lakes and ponds.
6. Kennels, riding stables and the boarding of horses, provided that a Type E bufferyard surrounds all animal enclosure areas except pastures.
7. Railroad, street, sewer, water, trail easements and rights-of-way, and other utilities, but not including storage or maintenance yards and buildings, or administrative and sales offices. (Amended 11/22/2000-Ord 2000-05)
8. Group Home. Subject to Section 4.2.6.

9. Family Day Care Home. Subject to Section 4.2.5.

C. A-1 Permitted Accessory Uses and Structures. Uses and structures clearly incidental and necessary to the permitted principal uses and structures of this district, not involving the conduct of business on the site (except home occupations) and located on the same lot or a contiguous lot under the same ownership.

1. Secondary farm dwellings pursuant to Section 4.2.1.
2. Private swimming pools, garages, tennis courts, gardens and greenhouses.
3. Temporary buildings used in conjunction with construction work provided that such buildings are removed promptly upon completion of work.
4. Roadside stands for the sale of produce provided that access to such stands shall be so located as to afford a minimum sight distance of 750 feet to motor vehicles on adjacent roads, that no parking space shall be located closer than 20 feet to the road right-of-way and that not less than 4 parking spaces be provided.
5. Home occupation as provided in Section 4.2.2.
6. Non-Commercial WECS, subject to Section 4.2.17 (Amended 9/8/08-Ord 2008-02)
7. Non-Utility Scale Solar Installations, as provided in Section 4.2.19 of this ordinance. (Amended 10/3/2016-Ord 2016-03)

D. A-1 Special Exception Uses and Structures. (Amended 1/16/02-Ord 2002-02)
Subject to Section 9.3.4 and other requirements contained herein, the Board of Adjustment may permit the following:

1. Agricultural service businesses involving processing, storage, and sale of grain for seed or feed; alfalfa dehydrating; sale of feed supplements; storage, distribution or sale of agricultural lime, agricultural chemicals or fertilizers; trenching, terracing or well drilling; but not including the sale or display of farm machinery, petroleum products, building materials or appliances; provided that the business produces no offensive noise, vibration, smoke, dust, odor, heat, glare or electrical interference detectable within the limits of the nearest dwelling. (Amended 11/22/2000-Ord 2000-05)
2. Mining and extraction of minerals or raw materials, as provided in Section 4.2.9, including necessary processing equipment, provided that access shall not cause a real or potential traffic hazard; that 1 off-street parking space for each employee plus 1 off-street space for each company



vehicle be provided. Any person or firm seeking a conditional use for the extraction of minerals or other raw materials shall submit a plan whereby the land so used would be restored by the applicant to a condition compatible with the surrounding area upon conclusion of the operation.

3. Sanitary landfill, provided that refuse be covered with dirt daily if it contains raw garbage; that a nuisance due to smoke, odor or blowing of trash and debris shall not be created; that the site shall be restored to a condition compatible with the adjacent area upon conclusion of the landfill operation. A dust free access road shall be provided.
4. Concrete, asphalt mixing or batching plants for temporary use during the construction, repair or maintenance of public roads, highways, or other public facilities, provided that the area be restored to a suitable condition free of refuse and debris.
5. Privately operated campgrounds, exposition grounds, youth or summer camps, gun clubs, marinas, boat docks, and recreation vehicle riding areas, race courses and similar outdoor recreation activities.
6. Golf courses and clubhouses but not including miniature golf courses.
7. Airports and landing fields approved by the Federal Aviation Administration.
8. Animal exhibits and zoos, subject to the conditions established in Section 4.2.3.
9. Bed and breakfast inn as established in Chapters 137B and 137C, Code of Iowa, and as provided in Section 4.2.4 of this ordinance.
10. Cemeteries.
11. Storage units. Subject to Section 4.2.11 and other conditions to ensure compatibility.
12. Child Day Care Center. Subject to Section 4.2.5.
13. Cottage Industry on parcels of five or more acres unless the Board of Adjustment finds that:
 - a. Allowing the Cottage Industry on a smaller area is appropriate for the specific site, and (Amended 9/8/08-Ord 2008-02)
 - b. allowing the Cottage Industry on a smaller area will not cause adverse impacts on neighboring properties greater than the impact caused if the Cottage Industry were on five acres or more. (Amended 9/8/08-Ord 2008-02)

14. Bed and breakfast home as established in Chapters 137B and 137C, Code of Iowa, and as provided in Section 4.2.4 of this ordinance.
15. More than one secondary farm dwelling on a farm.
16. Elementary & secondary schools and other educational facilities.
17. Churches.
18. Communications stations and towers, provided that they will not interfere with the operation of any airport or landing strip. See Section 4.2.13.(Amended 5/21/03-Ord 2003-03)
19. Except as provided in Section 4.1.4, single family residences sold separately from farm structures located within 1,320 feet of the dwelling and under common ownership. (Amended 5/18/09-Ord 2009-08)
20. Commercial WECS, subject to Section 4.2.16. (Amended 9/8/08-Ord 2008-02)
21. Utility Scale Solar Installations, as provided in Section 4.2.18 of this ordinance. (Amended 10/3/2016-Ord 2016-03)
22. Guest Home, subject to Section 4.2.20 (Amended 8/7/2017-Ord 2017-02)

E. A-1 Lot Development Standards. All development shall comply with the standards in Exhibit 3.6.1.

Exhibit 3.6.1: A-1 Lot Development Standards.

Maximum Density	One Dwelling unit per 40 acres or one-sixteenth of a section (one quarter-quarter section), including rights-of-way	
Minimum Lot Area and Width.	Non-farm Dwellings and Institutional Uses	
	Minimum Area -	2 net acres, provided that sufficient acreage is reserved for farm use to ensure that non-farm density does not exceed one unit per forty (40) acres.
	Minimum Width -	150 Feet
	Utility and telecommunication facilities - no minimum area or width	
Minimum Setbacks	Other uses (unless specifically authorized by the Board of Supervisors)	
	Minimum Area	40 acres
	Minimum Width	500 feet
	Front	50 feet
Maximum Height	Side	15 feet
	Side for corner lot	30 feet
	Rear	40 feet
	35 feet or 2 ½ stories	

Exhibit “A”

DECISION OF THE CLINTON COUNTY BOARD OF ADJUSTMENT

APPLICANT: Benjamin & Carey Arndt

FILE #: 3741

DATE FILED: 02/11/2014

DATE OF HEARING: 03/27/2014

THIS REQUEST IS FOR:

APPEAL:

VARIANCE:

SPECIAL EXCEPTION: X

THE DECISION OF THE BOARD OF ADJUSTMENT IS TO **GRANT** THE REQUEST,
SUBJECT TO THE FOLLOWING CONDITIONS FOR APPROVAL:

1. This development is subject to all applicable state codes, permitting, and inspections.
2. Applicant must obtain all necessary state and local permits for construction and operation.
3. Applicants shall be limited to a liquor license that allows the sale of beer and wine only. Service of liquor or hard alcohol shall not be permitted. Proof of licensing from the State shall be submitted to the County Zoning Department before opening to the general public.
4. Ownership and operation of the winery shall remain with members of the Arndt family. If at any point in the future ownership or operation of the winery does not meet this requirement, the approval of this application shall become null and void and a new application will be required.
5. To retain Cottage Industry status, wine produced at this facility shall consist of at least 50% grapes grown on the premises except in the event of a catastrophic crop failure.
6. The Winery is limited to 24 special events per year. Sustained occupancy of more than 75 individuals for a period of longer than 2 hours shall be considered a special event.
7. Events must end by 12-midnight with amplified and/or outdoor music ending by 11pm.
8. Capacity of special events is limited to 275 individuals on premise at any given time. This capacity limit may be reduced as a result of review of the proposed septic system by a Wastewater Professional approved by the County Sanitarian, but shall not exceed 275 individuals.
9. Pursuant to Section 4.2.2.E of the Clinton County Zoning Ordinance, food preparation and service shall be limited to those services requiring only a temporary license from the Iowa Department of Inspections and Appeals. Food service and preparation which requires a "Food Service Establishment" or "Retail Food Establishment" license shall not be allowed.
10. A minimum of 60 off-street parking spaces which meet the design standards set forth in section 6.2.2 of the Clinton County Zoning Ordinance shall be available in the parking area immediately adjacent to the building during normal hours of operation. A minimum total of 152 spots shall be available for use during special events. The applicant shall erect proper signage clearly designating all pre-approved parking areas and accesses thereto. Absolutely no parking will be allowed in the County Right-of-Way, and head-in parking from any public Right-Of-Way shall not be permitted.
11. If the Clinton County Engineer determines that fugitive dust from the new development is causing a hazard to the traveling public, the Clinton County Secondary Roads Department will cause the application of a dust palliative to 195th Street from Hwy 61 to the entrance to the facility. The actual cost of applying the dust palliative shall be reimbursed to the Clinton County Secondary Road Department. The dust palliative will not be applied more than twice per calendar year.

CHAIR, BOARD OF ADJUSTMENT

DATE _____

In the event the request is granted, the applicant agrees to all conditions and safeguards set forth above, as well as those in Chapter 9.3.5(H) of the Clinton County Zoning Ordinance. The applicant further agrees that in the event the specified conditions and safeguards are not complied with, within the time specified, approval of this decision shall become null and void.

SIGNATURE OF APPLICANT

DATE _____

Exhibit “A”

DECISION OF THE CLINTON COUNTY BOARD OF ADJUSTMENT

APPLICANT: Benjamin & Carey Arndt

FILE #: 3741

DATE FILED: 02/11/2014

DATE OF HEARING: 03/27/2014

THIS REQUEST IS FOR:

APPEAL:

VARIANCE:

SPECIAL EXCEPTION: X

THE DECISION OF THE BOARD OF ADJUSTMENT IS TO **DENY** THE REQUEST.
REASONS FOR DENIAL ARE:

1.
2.
3.
4.
5.
6.
7.
8.
9.
10.

CHAIR, BOARD OF ADJUSTMENT

DATE

In the event the request is granted, the applicant agrees to all conditions and safeguards set forth above, as well as those in Chapter 9.3.5(H) of the Clinton County Zoning Ordinance. The applicant further agrees that in the event the specified conditions and safeguards are not complied with, within the time specified, approval of this decision shall become null and void.

SIGNATURE OF APPLICANT

DATE



CONDITIONAL USE PERMIT

BOA-18-27603

IN ACCORDANCE WITH CHAPTER 8:1.22 OF THE JOHNSON COUNTY UNIFIED DEVELOPMENT ORDINANCE, A CONDITIONAL USE PERMIT IS ISSUED TO:

Bob Walker

FOR THE OPERATION OF:

Winery

AT:

3867 James Ave SW, Iowa City IA 52240

Such operation shall be established and conducted subject to and in conformance with the Johnson County Unified Development Ordinance as well as certain Supplemental Conditions as follows:

1. Any structures that are used in the winery process will not be considered agriculturally exempt and shall conform to the Johnson County Building Code. A building permit must be applied for and granted for any new structures, building upgrades, and remodels associated with the winery.
2. The applicant must install a parking area with marked 9ft x 20ft spots at the rate of 1 spaces per 100 square feet of floor area intended for public use. If 10 or more spots intended for public use are required, all parking areas and drives must be of a dust free surface.
3. The applicant must submit an approved stormwater management and soil erosion control plan prior to being granted any new building permits for the winery use.
4. The applicant shall work with the County Engineer to apply dust control on James Avenue SW, from 100 feet south of the property's proposed access north to the intersection with IWW Road SW, if deemed necessary by the County Engineer.
5. Public may visit the site by appointment only.
6. No more than 50 customers shall be on site at any one time unless attending a separately-permitted special event.
7. Any outdoor lighting installed on the property must be downcast and conform to the Downcast Lighting Regulations.
8. The applicant must have the well and wastewater approved by the Johnson County Public Health Department.

Approved by the Johnson County Board of Adjustment on **February 21, 2018.**

ISSUED: _____

Director
Planning, Development & Sustainability

Date

PERMIT NO.

BOA-18-27603

EXPIRATION DATE

None

STAFF REPORT

DATE: February 21, 2018

TO: Johnson County Board of Adjustment

FROM: Johnson County Planning, Development & Sustainability
Mitchell Brouse, Assistant Planner

RE: Conditional Use Permit Application BOA-18-27603 of Bob Walker

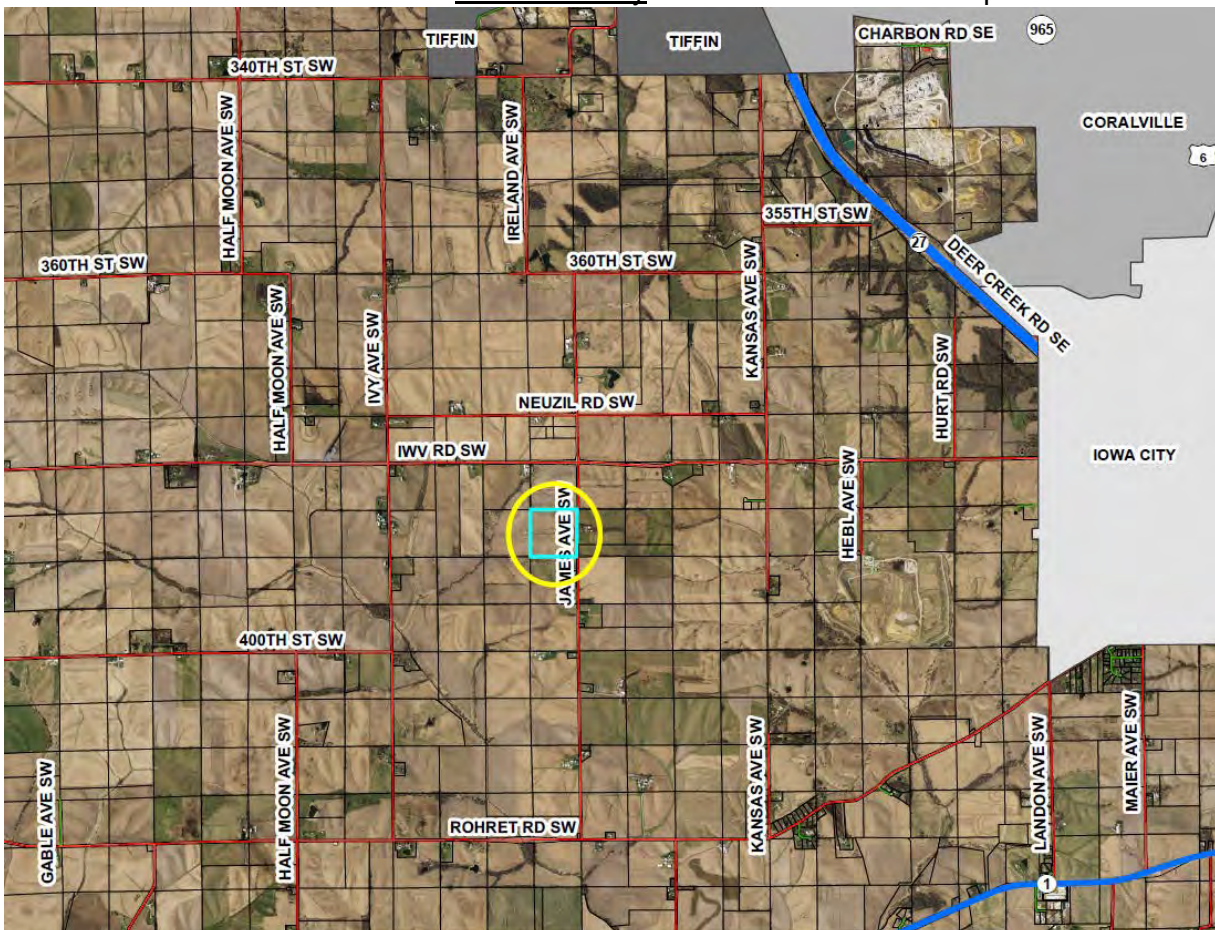
Purpose of Request

The applicant is requesting a Conditional Use Permit to operate a winery for processing grapes with a tasting room.

Location

The property in question is located in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 16, Township 79 North, Range 7 West of the 5th P.M. It is on the west side of James Ave SW, approximately 2,000 feet south of its intersection with IWV Road SW, in Union Township.

BOA-18-27603 – Walker Winery – Exhibit 1 – Location Map



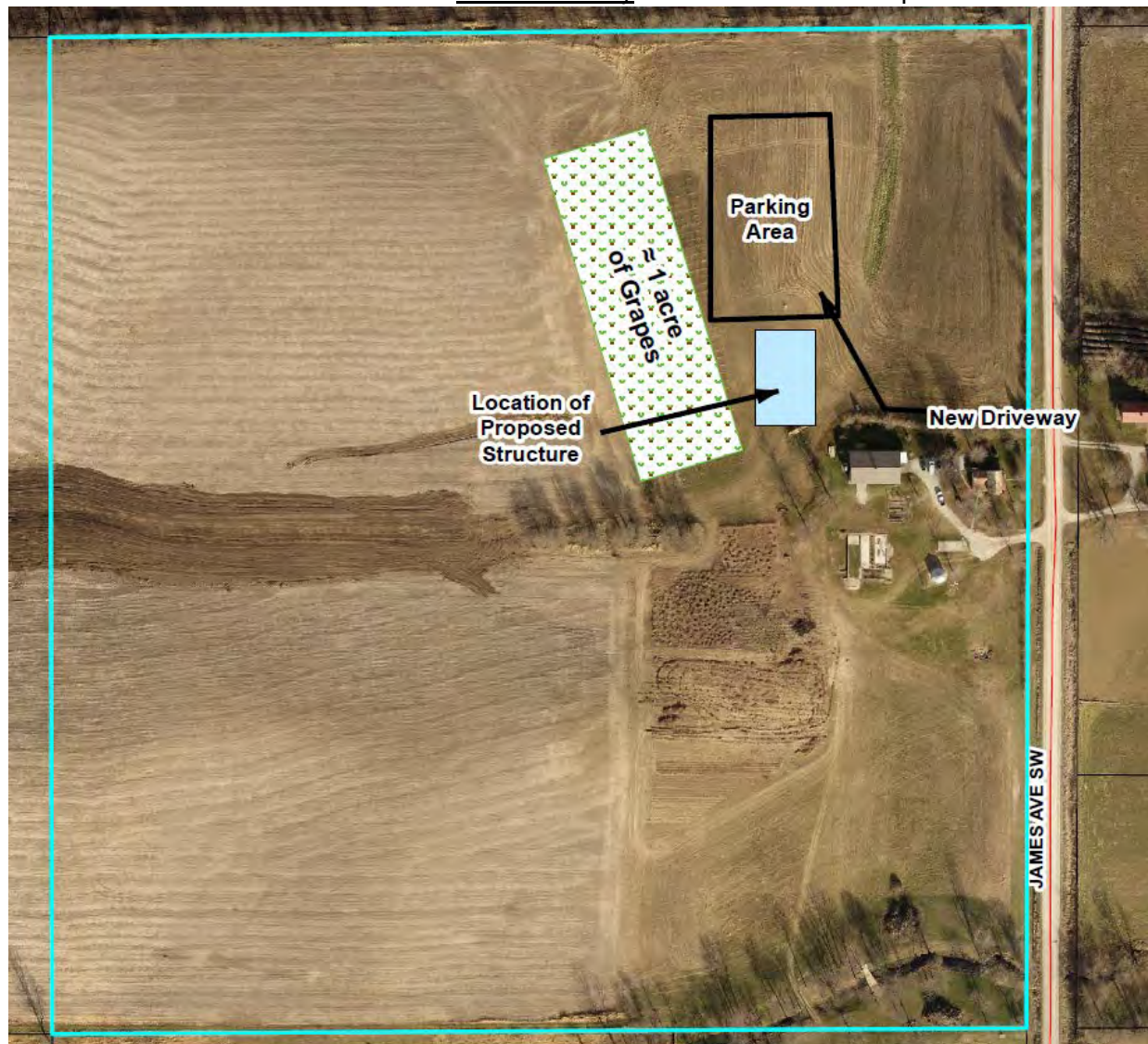
GENERAL PROPERTY INFORMATION

SURROUNDING PROPERTY	EXISTING LAND USE	ZONING
Site	Agricultural	A
North	Agricultural	A
South	Agricultural, Residential	A
East	Agricultural	A
West	Agricultural	A

SPECIAL INFORMATION

Health Department requirement	1-acre per septic system
School District	Tiffin Fire Association
Fire District	Iowa City Community School District
Law Enforcement furnished by	Johnson County Sheriff

BOA-18-27603 – Walker Winery – Exhibit 2 – Area Map



Details of Request

The applicant is requesting a Conditional Use Permit to operate a winery. The winery will have 2 employees. The tasting room will be open by appointment only. The parcel in question is part of an 80 acre, agriculturally exempt farm.

The applicant intend to construct a building to house wine production equipment as well as the tasting room.

Land Use Policies and Plans

According to the Johnson County Land Use Plan (2008) this property is located in the rural/agricultural area of the county, where agricultural uses are allowed. The property is zoned A-Agricultural. Wineries are a conditionally permitted use in the A-Agricultural zoning district. Wineries are defined as:

- A facility for the preparation, processing, marketing, and distribution of wines. May include a tasting room and or sales area.

According to Chapter 8:1.20 - *CONDITIONAL USE PERMIT REGULATIONS AND SUPPLEMENTARY CONDITIONS.*

I. Purpose. This article is intended to provide for the appropriate review of the location, site development, and conduct of certain designated uses. These are uses which generally have a distinct impact on areas in which they are located or are capable of creating special problems for bordering properties unless given special attention. In any determination upon a particular conditional use at the location requested, the following guidelines shall be considered:

1. That the proposed location, design, construction, and operation of the particular use adequately safeguards the health, safety and general welfare of persons residing or working in adjoining or surrounding property.
 - **Staff has recommended a set of conditions that should work to safeguard the health, safety, and welfare of the general public.**
2. That the proposed use will not adversely affect the quality and supply of water, air, and light to surrounding property.
 - **Staff does not believe that the proposed use will negatively affect the supply of water, air, and light to the surrounding property. In addition, the recommended conditions will help to ensure the use does not create negative effects.**
3. That the proposed use will not adversely affect established property values of adjoining or surrounding buildings.
 - **Wineries require agricultural inputs and the proposed use is located in a primarily agricultural area. So long as the winery remains within the proposed intensity, staff is not aware of any reason that permitting this use will negatively affect neighboring property values.**

4. That the proposed use is in accordance with the character of the area and the particular suitability of this area for the proposed use.
 - **While production of wine is manufacturing in nature, it requires agricultural inputs, and if maintained at a reasonable intensity, it is suitable in agricultural areas.**
5. That the proposed use is an appropriate use of the land and will not discourage appropriate uses of other land.
 - **This property is an active farm with vegetable growing, grapes, and some row crop production and is located in an agricultural area. Staff does not believe that approval of this request will discourage appropriate uses of other land.**

Existing Road Infrastructure

The winery will be accessed via a new access onto James Ave SW, located to the north of the existing house site. The existing driveway will be removed. James Ave is a gravel road with a 2014 road count of 130 average annual daily trips (AADT).

The proposed access is approximately 1,800 feet (≈1/3 mile) south of James Avenue's intersection with IWV Road SW, which has a paved surface.

PZC-18-27603 – Walker Winery – Exhibit 3 – Road Infrastructure and Traffic Count



County Engineer's Report

Requested that the driveway be moved to the proposed location and that dust alleviation is applied on James Ave SW to the Secondary Roads Department Specifications.

Health Department Report

No objections to this request. If the operation extends beyond what is proposed, JCPH would have to reassess.

Johnson County Sheriff's Report

No objections.

Conclusion

Staff recommends approval with the following conditions:

1. Any structures that are used in the winery process will not be considered agriculturally exempt and shall conform to the Johnson County Building Code. A building permit must be applied for and granted for any new structures, building upgrades, and remodels associated with the winery.
2. The applicant must install a parking area with marked 9ft x 20ft spots at the rate of 1 spaces per 100 square feet of floor area intended for public use. If 10 or more spots intended for public use are required, all parking areas and drives must be of a dust free surface.
3. The applicant must submit an approved stormwater management and soil erosion control plan prior to being granted any new building permits for the winery use.
4. The applicant shall work with the County Engineer to apply dust control on James Avenue SW, from 100 feet south of the property's proposed access north to the intersection with IWV Road SW, if deemed necessary by the County Engineer.
5. Public may visit the site by appointment only.
6. No more than 50 customers shall be on site at any one time unless attending a separately-permitted special event.
7. Any outdoor lighting installed on the property must be downcast and conform to the Downcast Lighting Regulations.
8. The applicant must have the well and wastewater approved by the Johnson County Public Health Department.

Definitions:

- 151A. **Seasonal Agricultural Events.** Seasonal activities related to on-site agricultural production, which bring the general public to working farms. These activities may include any combination of agricultural festivals, farm to table dinners, farm related cooking classes, and other similar activities. Seasonal agricultural events may include food and beverage service and limited sales of products not produced on site. Seasonal Agricultural Events do not include weddings. With the exception of crop mazes, activities listed as special events in subsection 8:1.22(B)(8)(h) must be permitted as special events.
158. **Special Events.** A temporary outdoor activity, or one held in a temporary structure or tent, that includes music festivals, concerts, theatrical exhibitions, entertainment, speeches or other activity where a large number of people attend. A temporary activity may include a single event or similar events that are repeated no more than twelve times in a given calendar year.
188. **Winery.** A facility for the preparation, processing, marketing, and distribution of wines. May include a tasting room and or sales area.

Zoning:

“Vineyard” is considered agriculture and is allowed/exempt in all Ag districts.

“Special Events” is listed as a Conditional Use (Special Exception) in all zoning districts. It is limited to 12 calendar days per year

- Our ZBA has made a determination on past applications that with weddings, the day before the event, the day of the event, and the day after the event are counted as a single occurrence because the setup the day before and cleanup the day after are smaller number of people. So a wedding center could have weddings 12 weekends a year, and each wedding can cover Friday-Sunday.
- This permit/approval is also used for our temporary music festivals, corn mazes, harvest festivals, etc. In those cases, every day the event occurs is counted as one of the 12 dates.

“Event Center” is not explicitly listed in our CH-Highway Commercial zoning district, but through interpretation of the ZBA, it has been determined that an Event Center is ‘similar in nature to other uses listed’ in the CH district.

“Seasonal Ag Events” is listed as a Conditional use in A-Ag and AR-Ag Residential zoning districts.

Supplemental Conditions for Special Events (ZBA often adds other conditions on top):

- h. **Special Events** are permitted in any zoning district. The Board of Adjustment may permit the temporary establishment of a special event in any district such uses as specified below. Such permission shall contain a termination time and any other conditions deemed necessary and proper to protect the surrounding properties and the general health, safety and welfare of the public. Careful consideration shall be given to parking, health and sanitation facilities, safety, fire danger, traffic, circulation and impact on surrounding uses from amplifying systems, noise, litter and lights.

Any temporary buildings, uses and structures permitted by this section need not comply with district yard requirements but shall be set back from all lot lines and otherwise be located on

the property as may be required by the County to reduce any potential safety hazards to vehicles and pedestrian traffic on adjacent public ways, and to also reduce any adverse effects on adjacent properties. No permanent structures shall be erected except in conformance with the regulations of the district within which the property is located. The uses subject to such temporary use provisions include:

- i. Antique show and flea market.
- ii. Auto/motor vehicle racing or other event.
- iii. Carnival or circus.
- iv. Crop maze.
- v. Dances.
- vi. Farm show or rodeo.
- vii. Haunted house or haunted trail.
- viii. Live nativity or other performance, concert or temporary assembly.
- ix. Other similar temporary or transient attraction, activity or use.

A property owner whose property is zoned A, AR, or R may apply for and receive a Multiple Special Events Permit allowing no more than twelve (12) special events for a single calendar year. The application shall identify all dates the requested events are to be held. Any permanent structures to be utilized in conjunction with the events shall be required to have valid occupancy permits, if applicable. If no occupancy permit is applicable, said structure(s) shall be subject to inspection by the Johnson County Building Official to determine said structure is safe for the expected occupancy related to the events or, in the alternative, the applicant shall provide a written certification from an appropriately licensed professional indicating said structure is safe for the expected occupancy related to the events. No matter how many multiple Special Events permits are applied for with respect to a single property, no more than twelve (12) special events may be held thereon within any given calendar year.

- This highlighted language is intended for when people wanted to use ag-exempt structures for A-2 Assembly uses that require significant upgrades per IBC. You will see in Seasonal Ag Events below (also highlighted) that we've actually done away with the "Building Official" giving a determination because our guys weren't comfortable signing off on a building unless they had inspected it from footings to final. So someone either has to get a permit, or have an outside engineer or architect stamp a certification.
- Our Board has also included a standard condition stating that the Zoning Administrator can approve a date change to the 12 permitted dates if requested in writing. This gives flexibility for rain dates for outside events without having to clog up the ZBA agenda, or call a special meeting just to approve a date change request.

Supplemental Conditions for Seasonal Ag Events (this permit was adopted 2 weeks ago so we haven't had a request yet. I anticipate ZBA having other conditions in addition to these).

Seasonal agricultural events are permitted in the A and AR Districts. The Board of Adjustment can permit temporary establishment of seasonal agricultural events during an specified event window of up to 120 days each calendar year. The permit shall expire at the end of the specified event window. Seasonal agricultural events are subject to the following conditions:

- i. A maximum of two (2) event windows, totaling a maximum of 120 days can be permitted each calendar year. The Board of Adjustment may limit the number of event days based on the unique characteristics of the land and area, to adequately safeguard the health, safety, and welfare of the surrounding residents and landowners and the general public.
- ii. The applicant must provide adequate off street parking.
- iii. If the proposed use is located on a gravel road, the applicant shall apply dust control at the County Engineer's discretion. When required, dust control shall be applied prior to the beginning of the event window, in accordance with Johnson County Secondary Roads standards,
- iv. The applicant shall obtain written approval for the proposed entrance to the public roadway from the appropriate authority.
- v. Any permanent structures where employees and the visiting public congregate must have a valid occupancy permit for the proposed use. If no occupancy permit is applicable, the applicant shall provide written certification from an appropriately licensed professional indicating said structure is safe for the expected occupancy related to the events.
- vi. The request shall comply with all Johnson County Public Health requirements and all other applicable state and local regulations.
- vii. The request must comply with the requirements of the Sensitive Areas Ordinance and the Stormwater Management Regulations.

process of certifying that the Wind Turbine Generator and associated equipment will not interfere with emergency communication transmissions shall be at the applicant's expense. (Ordinance #2008-07/06-06-08)

- .05 A Non-Commercial Wind Turbine Generator shall not be placed on a parcel of land or lot which is less than one (1) acre in size. (Ordinance #2009-06/06-05-09)

8.004.250 WINERY: The following provisions shall apply to vineyards and wineries, along with the various associated structures and uses: (Ordinance #2011-01/6-17-11)

- .01 Purposes: The purpose of the vineyard shall be to grow fruits to be processed into wine. The primary purpose of the winery shall be to process fruit grown on the property owned by the owner of the winery, who shall be allowed to process imported fruits and to ferment imported juices, in accordance with Iowa Native Wine license. (Ordinance #2011-01/6-17-11)

- .02 General Provisions: The following general provisions shall apply to vineyards and wineries: (Ordinance #2011-01/6-17-11)

- A. Wineries shall include those areas of a structure where grapes are crushed, fermented or pressed, where bulk wine is stored in tanks or barrels, or where winery operations such as racking, filtering, blending, or bottling of wines are carried out, and on-site case goods storage. (Ordinance #2011-01/6-17-11)
- B. Picnic areas and playgrounds shall be allowed provided they are subordinate to the winery and tasting room. (Ordinance #2011-01/6-17-11)
- C. Retail sales of merchandise, art, and pre-packaged food items shall be allowed within the tasting facility or retail sales area of the wine and shall not be under any circumstances located in a separate structure from that of the tasting room or retail sales area of the wine. Sale of non-wine merchandise shall be subordinate to wine sales. (Ordinance #2011-01/6-17-11)

- .02 Tasting Facilities (Ordinance #2011-01/6-17-11)

- A. Subordinate to Winery: Tasting facilities shall be clearly related and subordinate to the primary operation of the winery. The primary focus of the tasting facility shall be the marketing and sale of the wine and grape or fruit products processed, vintaged, or bottled at the winery. Snack foods that are consumed during wine tasting are allowed. (Ordinance #2011-01/6-17-11)
- B. Wine Sales: Retail and wholesale sales of wine shall include those processed, vintaged, or bottled by the winery operator and other Iowa Native Wines, subject to the provisions of the Iowa Native Wine license. (Ordinance #2011-01/6-17-11)
- C. Marketing: Tasting facilities include any marketing activities sponsored by a winery facility intended for the promotion and sale of the facility's products. Activities at a marketing event may include, but are not limited to: (Ordinance #2011-01/6-17-11)

1. Live music events; provided however that concerts, an event which includes more than one facility, or facility rental events, shall be considered Special Events as described in Subsection .03. (Ordinance #2011-01/6-17-11)
2. Grape growing and wine making promotional activities. (Ordinance #2011-01/6-17-11)
3. Meetings of groups of individuals and businesses formally organized, for example Western Iowa Grape Growers Association, to support and promote wineries. (Ordinance #2011-01/6-17-11)
4. Food may be served at marketing events. (Ordinance #2011-01/6-17-11)

.03 Special Events: Special events are activities that are not the tasting and marketing events described in Subsection .02.C above. Special Event are typically activities where the property owner is compensated for the use of the site or facilities, or by an admission fee, for activities such as but not limited to weddings, parties, company picnics, birthdays, reunions, or concerts. (Ordinance #2011-01/6-17-11)

- A. Number Permitted: Special events are limited to a total of 30 days per calendar year. (Ordinance #2011-01/6-17-11)
- B. Capacity Limitation: (Ordinance #2011-01/6-17-11)

Events that have less than 25 persons in attendance shall not be considered Special Events and shall not count against the total number of events allowed. (Ordinance #2011-01/6-17-11)

All Special Events are limited to 300 persons. In the case where a Special Event may be held on multiple consecutive days, capacity limitations shall be counted on a per day basis. (Ordinance #2011-01/6-17-11)

In zoning *districts* where allowed, events held with an attendance of greater than 300 persons shall be processed as a separate per event approval for "Temporary establishments or enterprises involving large assemblages of people or automobiles including, but not limited to, carnivals, circuses, rodeo grounds, show rings, livestock auction barns and yards, music festivals, sports festivals and similar uses". (Ordinance #2011-01/6-17-11)

- C. Existing Special Events: Any special events scheduled prior to the effective date of this section (8.004.250) shall be allowed to be held during the ensuing calendar year provided it is documented with the *Development Director* that said special event was contractually arranged in writing or publicly advertised prior to said effective date. Said documentation shall be presented to the *Development Director* within thirty (30) days of the effective date of this section. (Ordinance #2011-01/6-17-11)

- D. Special Events to be held on an ongoing basis from year to year with a capacity of 26 to 300 persons shall be processed as single *conditional use* permit, addressing the general concept of the events and shall not be limited to a specific number of Special Events per year other than the limitation of the number of events and capacity stipulated in this Section (8.004.250.03). Annual renewal of *conditional use* permits shall not generally be required for Special Events unless circumstances exist that in the opinion of the *Board* warrants a periodic review. (Ordinance #2011-01/6-17-11)
- .04 Dining Facilities: Dining facilities are an establishment where food is prepared and served to the public in an established indoor seating area. The dining facility must be subordinate to the winery. (Ordinance #2011-01/6-17-11)
- .05 All areas constructed to accommodate the public shall be subject to the Pottawattamie County Building Codes. Areas of the facility utilized for the production and storage of wine shall be considered agricultural exempt from the County Building Codes. Said agricultural exempt facilities are required to obtain State Electrical Permits. (Ordinance #2011-01/6-17-11)
- .06 Orchards and Cider Mills: The same standards and limitation established for wineries shall apply to cider mill facilities, except for those that deal with specifications on the production and licensing required for wine. In all other cases, wine and cider shall be interchangeable. (Ordinance #2011-01/6-17-11)

SCOTT COUNTY ORDINANCE NO. 18-_____

AN ORDINANCE TO AMEND A PORTION OF SECTION 6-10.D. SPECIAL PERMITTED USES IN THE “AGRICULTURAL-GENERAL DISTRICT (A-G)” OF THE ZONING ORDINANCE FOR UNINCORPORATED SCOTT COUNTY

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

Section 1. Amend Section 6-10 “Agricultural-General District (A-G)” of the Zoning Ordinance for Unincorporated Scott County

D. Special Permitted Uses by adding:

(3) Wineries for the production of native Iowa wine in conjunction with a vineyard and associated facilities for the production, bottling, marketing and sale of the wine. May also include associated facilities for tastings and other events held on the premises. Such facilities shall meet all building and health codes and any conditions for the approval of such facilities shall be established in conjunction with the review of the Special Use Permit and in accordance with Scott County Land Use Policies. Prior to the issuance of any building permit for the construction of such facilities a Site Plan Review will be approved by the Planning and Zoning Commission in accordance with provisions of Section 6-29 A.-F.

Section 2. The County Auditor is directed to record this ordinance in the County Recorder's Office.

Section 3. Severability Clause. If any of the provisions of this Ordinance are for any reason illegal or void, then the lawful provisions of the Ordinance, which are separate from said unlawful provisions shall be and remain in full force and effect, the same as if the Ordinance contained no illegal or void provisions.

Section 5. Repealer. All ordinances or part of ordinances in conflict with the provisions of the Ordinance are hereby repealed.

Section 6. Effective Date. This Ordinance shall be in full force and effect after its final passage and publication as by law provided.

Approved this ____ day of _____ 2018.

Tony Knobbe, Chair
Scott County Board of Supervisors

Roxanna Moritz, County Auditor

PLANNING & DEVELOPMENT

600 West Fourth Street
Davenport, Iowa 52801-1106
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Item #4
10/16/18

Timothy Huey
Director

To: Mahesh Sharma, County Administrator

From: Timothy Huey, Planning Director

Date: October 9, 2018

Re: Discussion of Public Hearing and Planning and Zoning Commission recommendation on an application to rezone 13.2 acres, more or less, from Single-Family Residential (R-1) to Agricultural-General (A-G) legally described as Lot 2 of Great River Hills Addition in Section 14 of LeClaire Township and located on the west side of Great River Road, ¼ mile south of 235th Street

This request is to rezone a 13.2-acre tract of land from Single Family Residential (R-1) back to Agricultural-General (A-G). This rezoning is to allow the applicant to request approval of a Special Use Permit for a winery and wine production facilities, tasting room and associated event center on this property. In a separate request, the applicant is petitioning for an amendment to the Zoning Ordinance text that would allow wineries and associated facilities as Special Permitted Uses in the A-G district. The applicant has indicated that, if the zoning text amendment and this zoning map amendment is approved by the Board of Supervisors, he would pursue approval of a Special Use Permit through the Zoning Board of Adjustment to operate a winery on the property. The text amendment and rezoning would have to be approved, then the Special Use Permit would have to be reviewed and approved, followed by the approval of a Site Plan Review, before any winery-related activities could take place on the property. Agricultural activities like growing grapes are allowed (and generally would be ag-exempt) in all zoning districts in rural Scott County.

This property is a portion of a larger 100-acre tract, the former Olathea Golf Course property, which was rezoned from A-G to R-1 on May 3, 2018. It was subsequently subdivided into four relatively large lots, including the 13-acre lot included in this application.

The Planning Commission unanimously recommended approval of both this rezoning map amendment and the associated text amendment to allow consideration of the development of a winery and associated facilities on this property. The Planning Commission will also be reviewing and making a recommendation on Land Use Policies to be used to evaluate and set the standards and conditions of approval of any such requests.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommends approval of the request to rezone 13.2 acres (more or less) from Single-Family Residential (R-1) to Agricultural-General (A-G) based on its compliance with a preponderance of the criteria of the Revised Land-Use Policies.

Vote: Unanimous (7-0)



PLANNING & ZONING COMMISSION
STAFF REPORT
October 2, 2018



Applicant: Michael Rubino

Request: Rezone 13.2 acres, more or less, from Single-Family Residential (R-1) to Agricultural-General (A-G)

Legal Description: Lot 2 of Great River Hills Addition in Section 14 of LeClaire Township

General Location: On the west side of Great River Road, ¼ mile south of 235th Street

Existing Zoning: Single-Family Residential (R-1)

Existing Land Use: Former Olathea Golf Course property

Surrounding Zoning:

- North:** Single-Family Residential (R-1), Agricultural-General (A-G)
- South:** Single-Family Residential (R-1)
- East:** Great River Road, Mississippi River
- West:** Single-Family Residential (R-1)

GENERAL COMMENTS: This request is to rezone a 13.2-acre tract of land from Single Family Residential (R-1) back to Agricultural-General (A-G). According to the petition to rezone, this rezoning is to allow the applicant to grow grapes for the production of wine on this property. In a separate request, the applicant is petitioning for an amendment to the Zoning Ordinance text that would allow wineries as Special Permitted Uses in the A-G district. The applicant has indicated that, if the amendment is approved by the Board of Supervisors, he would pursue approval of a Special Use Permit through the Zoning Board of Adjustment to operate a winery on the property. The text amendment and rezoning would have to be approved, then the Special Use Permit would have to be reviewed and approved, followed by the approval of a Site Plan Review, before any winery-related activities could take place on the property. Agricultural activities like growing grapes are allowed (and generally would be ag-exempt) in all zoning districts in rural Scott County.

This property is a portion of a larger 100-acre tract, the former Olathea Golf Course property, which was rezoned from A-G to R-1 on May 3, 2018. It was subsequently subdivided into four relatively large lots, including the 13-acre lot included in this application.

STAFF REVIEW: Staff has reviewed this request for its adherence to the Scott County Zoning Ordinance and to the Scott County Land Use Policies. Any proposed changes in zoning in the rural, unincorporated area of the county should comply with a preponderance of the applicable Scott County Land Use Policies:



PLANNING & ZONING COMMISSION
STAFF REPORT
October 2, 2018



Is the development in compliance with the adopted Future Land Use Map?

The area to be rezoned is shown on the Future Land Use Map as an appropriate area for residential land use, but as stated previously, it recently was zoned Ag-General. The Future Land Use Map is meant to act as a general guide when development is proposed and does not **require** the development of areas to be for the land use shown on the map. Any rezoning is reviewed on whether it meets a preponderance of all the criteria included in the land use policies.

Is the development on marginal or poor agricultural land?

The fact that this area is proposed to be rezoned back to A-G and the majority of the property would be planted as a vineyard would reduce the applicability of this criteria since the proposed use is agricultural. However, the area to be rezoned was previously a part of a 9-hole golf course that sat on a larger tract about 98 acres in size. The 98-acre tract has Corn Suitability Ratings (CSR's) ranging from 5 to 85. The County's land use policies consider any soils with ratings above 60 as prime agricultural land. This particular portion of the golf course property has CSRs ranging between 50 and 83, and is presumably, well suited for growing grapes.

Does the proposed development have access to adequately-constructed, paved roads?

The area to be rezoned has frontage along Great River Road, an adequately-constructed, paved State highway. The State DOT would have to approve all approach permits to serve this property. Its frontage and access to this major highway makes it well suited as a location for the proposed attraction.

Does the proposed development have adequate provision for public or private sewer and water services?

The property is not currently served by either public sewer or water service, and therefore any development must comply with State and County health regulations for private wells and on-site wastewater treatment. The County Health Department did not have any comments or concerns regarding the proposal at this time.

Is the area near existing employment centers, commercial areas and does not encourage urban sprawl?

The proposed use of vineyard, winery, tasting room and event center are uses that generally locate in rural settings. The area to be rezoned is about ½ mile south of the City of Princeton and about 2 miles north of the City of LeClaire, both of which have existing employment centers and commercial areas. There has been an historic trend of residential development among the bluffs along the Mississippi River in the unincorporated areas of the county, so the area to be rezoned is near, but not immediately adjacent to existing residential development to the south and north. Since the proposal is driven by the property's rural location, it would not be seen as encouraging urban sprawl.



PLANNING & ZONING COMMISSION
STAFF REPORT
October 2, 2018



Is the proposed development located where it is least disruptive to existing agricultural activities?

The proposed use of the property as a vineyard staff could be considered compatible with both nearby residential development and agricultural activities. The need for buffering or other measures to reduce the impact of a winery on this property can be considered with any Special Use Permit application.

Does the area have stable environmental resources?

The topography and eastern sun exposure, along with the soil types on the property, presumably lends itself to growing grapes. The use as a vineyard would make erosion control and protection of the property's environmental qualities crucial to such an enterprise. Furthermore the applicants have expressed the intention to create a water feature and landscaping that enhance visitors' enjoyment of the property.

Is the proposed development sufficiently buffered from other less intensive land uses?

As stated above, any determination of a need for buffering can be addressed during the Special Use Permit review.

Is there a recognized need for such development?

The applicants have made the determination that this is an optimal location for the proposed uses.

Staff has mailed notification to the adjacent property owners within five hundred feet (500') of this property of this hearing. A sign has also been placed on the property stating the date and time this request would be heard by the Planning and Zoning Commission. Staff as not, as of yet, received any calls or comments on this request.

Staff has also notified the County Engineer, County Health Department, Scott County soil conservationist, Bi-State Regional Commission, and the cities of LeClaire and Princeton for review and comment.

RECOMMENDATION: Staff recommends that the rezoning of this property from Single-Family Residential (R-1) to Agricultural-General (A-G) be approved based on its compliance with a preponderance of the criteria of the Revised Land-Use Policies.

Submitted by:
Timothy Huey, Director
September 27, 2018

PLANNING & DEVELOPMENT

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Timothy Huey, Director

Rezoning Petition

10/3

Date 8 / 28 / 2018

Dear Scott County Planning and Zoning Commission Members:

Michael Rubino, owners (purchasers) developers of the below described real estate, petition the Planning and Zoning Commission to consider re-zoning this property from R1 to AG 2 General. For the request to the Commission, please find the attached 13 copies of the plat/site plan and the filing fee of \$_____.

Number of acres to be re-zoned: 13.221

Legal Description (Attach separate sheet if necessary)

Lot 2 Great River Hills Addition

Statement of Intended Use: The intended new use of the property would include the following:

The intended use of the property is to farm and grow up to 5 acres of grape vines, build a wine production facility, tasting room, and event center to promote AG-tourism within Scott County.

How Will Such Use Comply With the Scott County Plan and Land Use Policies?

This parcel has recently been rezoned R1 from AG2. The vineyard and winery will return the undeveloped parcel back to agriculture, which is consistent with the...
(see back side)

Respectfully submitted,

Michael C. Rubino

Signature

Michael Rubino

Name of Applicant (printed)

3945 Wakonda Dr.

Mailing Address

Bettendorf / IA / 52722

City / State / Zip

(563) 349-3498

Phone

Susanne K. Leander

Signature

Susanne K. Leander
Name of Owner (if different from applicant)

23200 Great River Road

Mailing Address

LeClaire, IA 52753

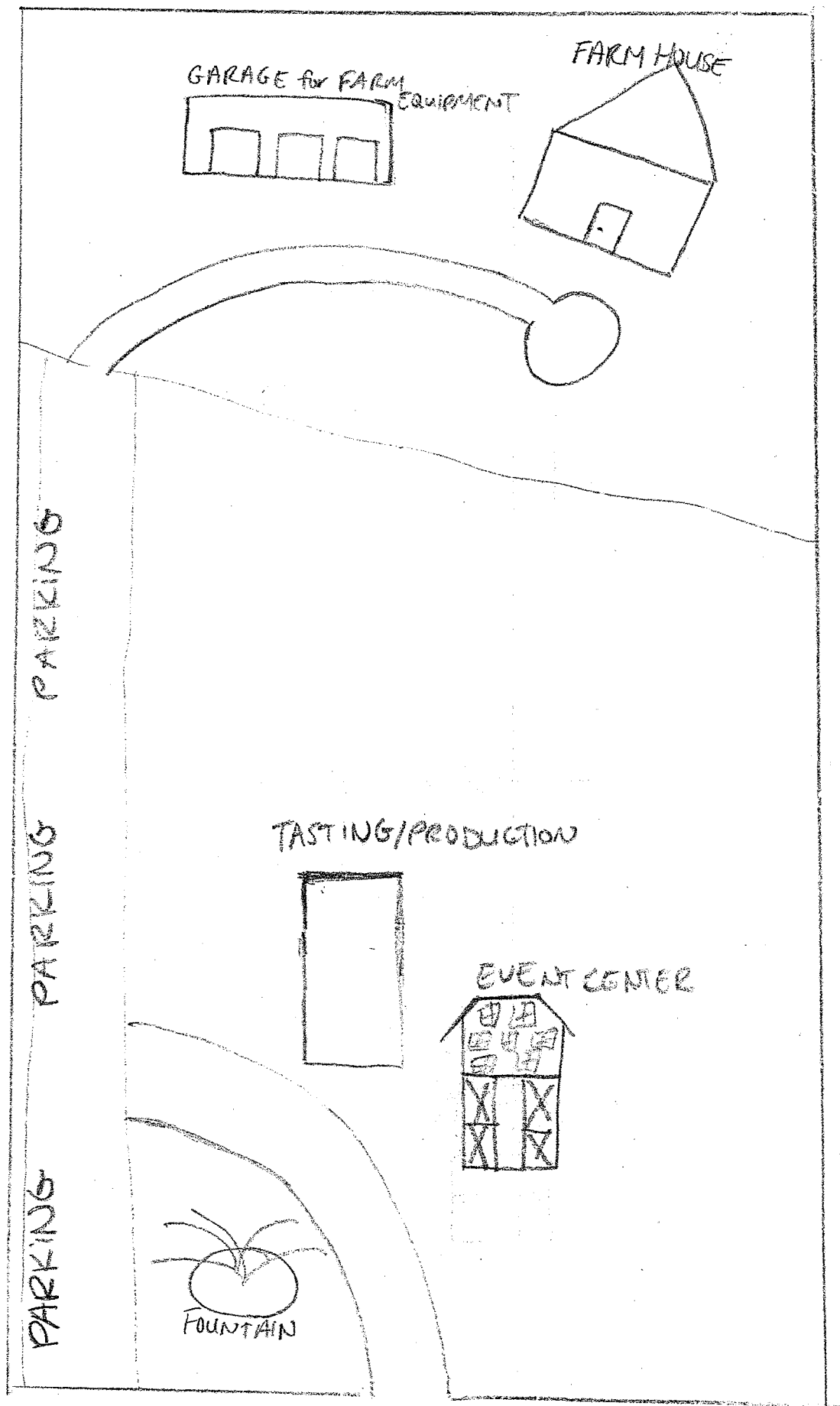
City / State / Zip

563-320-2392

Phone

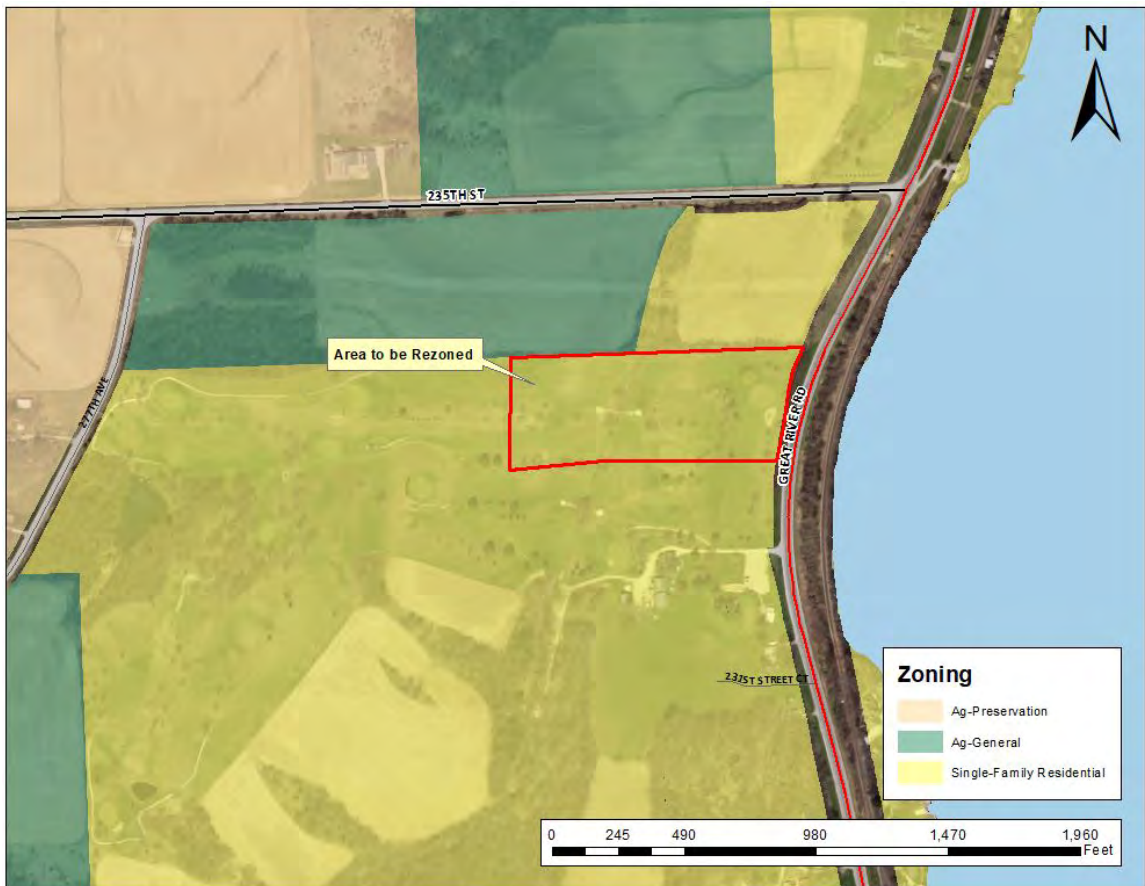
Received by US \$116 pd 9/5
Zoning Staff

future land use map. Prior to being rezoned R-1, the parcel had been used as a golf course. The land will be returned to a family farm and maintained by using best available farming practices while encouraging ag-tourism.



GREAT RIVER ROAD







235TH ST

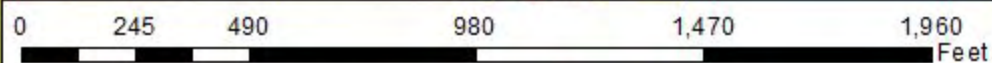
Area to be Rezoned

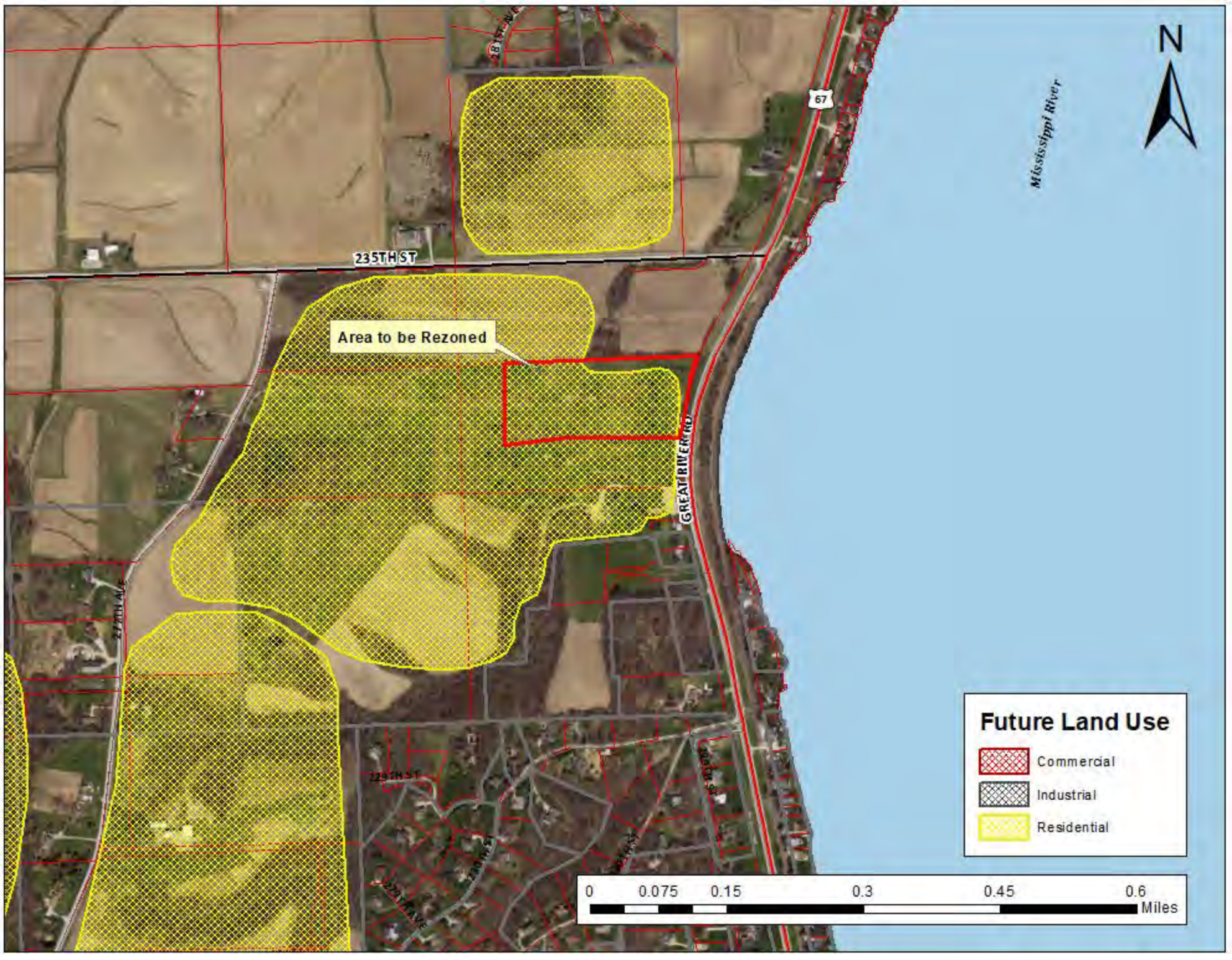
GREAT RIVER RD

237ST STREET CT

Zoning

- Ag-Preservation
- Ag-General
- Single-Family Residential





Mississippi River



235TH ST

67

Area to be Rezoned

GREAT RIVER RD

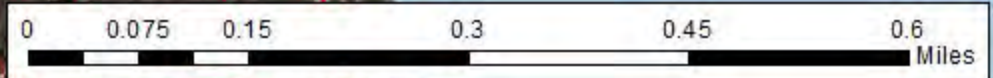
21TH AVE

229TH ST

222ND AVE

Future Land Use

-  Commercial
-  Industrial
-  Residential



Prepared by: Scott County Planning and Development, 600 West Fourth Street, Davenport Iowa

SCOTT COUNTY ORDINANCE NO. 18-_____

AN ORDINANCE TO AMEND THE ZONING MAP BY REZONING APPROXIMATELY 13.2 ACRES IN SECTION 14, LECLAIRE TOWNSHIP FROM SINGLE-FAMILY RESIDENTIAL (R-1) TO AGRICULTURAL-GENERAL (A-G), ALL WITHIN UNINCORPORATED SCOTT COUNTY.

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

Section 1. In accordance with Section 6-31 Scott County Code, the following described unit of real estate is hereby rezoned from Single-Family Residential (R-1) to Agricultural-General (A-G) to-wit:

Lot 2 of Great River Hills Addition
Section 14, LeClaire Township

Section 2. This ordinance changing the above described land to Agricultural-General (A-G) is approved as recommended by the Planning and Zoning Commission.

Section 3. The County Auditor is directed to record this ordinance in the County Recorder's Office.

Section 4. Severability Clause. If any of the provisions of this Ordinance are for any reason illegal or void, then the lawful provisions of the Ordinance, which are separate from said unlawful provisions shall be and remain in full force and effect, the same as if the Ordinance contained no illegal or void provisions.

Section 5. Repealer. All ordinances or part of ordinances in conflict with the provisions of the Ordinance are hereby repealed.

Section 6. Effective Date. This Ordinance shall be in full force and effect after its final passage and publication as by law provided.

Approved this ____ day of _____ 2018.

Tony Knobbe, Chair
Scott County Board of Supervisors

Roxanna Moritz, County Auditor

PLANNING & DEVELOPMENT

600 West Fourth Street
Davenport, Iowa 52801-1106
E-mail: planning@scottcountyia.com
Office: (563) 326-8643 Fax: (563) 326-8257



Item #5
10/16/18

Timothy Huey
Director

To: Planning & Zoning Commission

From: Timothy Huey, Planning & Development Director

Date: September 27, 2018

Re: Application to amend permitted and prohibited accessory uses in the Community Area Development Residential District

The Park View Owners Association (PVOA) has submitted an application for a text amendment to the CAD-R zoning district regulations which apply to the residential areas of Park View. The restrictive covenants that were in effect in Park View from its inception have expired. The PVOA has been unsuccessful in getting approval to put those covenants back in place. As an alternative, they have submitted this application to amend the residential zoning regulations for Park View. Currently those regulations are very similar to the R-1 regulations that cover the subdivisions in the rest of unincorporated Scott County with the exception of the required setbacks, minimum lot size and lot width; which are reduced in Park View. Because the residential areas of Park View are covered by separate zoning regulations, it is well suited to consider stricter regulations that would only apply to the two CADs (Village Oaks being the other) and not generally in all Scott County R-1 districts. Of course many rural subdivisions also have restrictive covenants that are also stricter than county R-1 regulations which the HOAs for those subdivisions enforce.

Staff has discussed these amendments with the PVOA and have indicated that we would cooperate with the Association on the enforcement of these regulations. It would be staff's recommendation that the first contact with property owners be from the PVOA if there was an apparent violation of these regulations. Hopefully, in many if not most of the cases, that would result in the property owner bringing the property into compliance. For those recalcitrant owners with chronic violations, staff would proceed with enforcement action up to and including citations and fines. Staff has always had the goal of using such enforcement actions to bring the property into compliance. Our standard observation when adjacent property owners file a complaint is that, even if we enforce the zoning regulations, we cannot turn people into good neighbors. But our primary interest is getting property into compliance and not assessing fines.

The one requirement that was in the expired Park View covenants that staff did not recommend be included in the zoning amendments was the requirement that each residence have an exterior yard light.

Representatives from the PVOA have indicated they will attend this public hearing to answer any questions and present their reasons for this application.

SEC 6-14“CAD-R” COMMUNITY AREA DEVELOPMENT RESIDENTIAL DISTRICT

CURRENT

c. Accessory Permitted Uses:

- (1) Accessory uses customarily incidental to any of the permitted uses in this District. Only one commercial vehicle may be parked and/or stored on the property unless it is used in conjunction with an approved home business. Accessory uses not permitted include, but are not limited to, the following uses: the visible accumulation of domestic junk such as vehicular parts tires, trailers, salvaged building materials, broken or junk appliances, and other sorts of junk, salvage or debris covering more than 100 square feet of area (cumulative for individual properties). In staying within the allowable 100 square feet, no individual junk, salvage or debris pile shall exceed six (6) feet in height. Two (2) or more junk vehicles on subdivision lots shall also be considered a prohibited accessory use (See Section 65.60. Junk Vehicle). Any accessory commercial use which is not approved as a home business as outlined in Section 6. V, is not permitted.
- (2) Home occupations in compliance with the requirements of Section. 6-6-V.
- (3) Private kennels.

PROPOSED

c. Accessory Permitted Uses:

- (1) Accessory uses customarily incidental to any of the permitted uses in this District. Only one commercial vehicle may be parked and/or stored on the property unless it is used in conjunction with an approved home business. Accessory uses not permitted include, but are not limited. to, the following uses: the visible accumulation of domestic junk such as vehicular parts, tires, trailers, salvaged building materials, broken or junk appliances, and the visible presence of any junk vehicle on a residential lot not stored entirely within an enclosed garage shall also be considered a prohibited accessory use (See Section 6-5.60. Junk 'Vehicle) Grasses and/or weeds that are in excess of 10 inches and are not a native or landscaped planting shall be considered a prohibited accessory use. Any accessory commercial use which is not approved as a home business as outlined in Section 6-6. V. is not permitted,
- (2) Home occupations conducted entirely within the dwelling (not in attached or detached garage) and in compliance with all other requirements of Section 6-6.V.
- (4) Not more than four domestic pets of any species. No public or private kennels for domestic animals nor any domestic livestock are permitted.

PLANNING & DEVELOPMENT

600 West Fourth Street

Davenport, Iowa 52801-1106

Office: (563) 326-8643

Fax: (563) 326-8257

Email: planning@scottcountyiowa.com



Timothy Huey, Director

Zoning Text Amendment Application

Date 8 / 27 / 2018

Applicant:

Park View Owners' Association

17 Lincoln Ave.

Eldridge, IA 52748

Statement of proposed text amendment: Cite Section of Zoning Ordinance to be amended and requested changes:

Edit to 6-14 "CAD-R" Community Area Development Residential District

C. Accessory Permitted Uses (1)

Remove the words covering more than 100 square feet of area (cumulative for individual properties). In staying within the allowable 100 square feet, no individual junk, salvage or debris pile shall exceed six (6) feet in height. Add period (.) after debris.

How will such an amendment Comply With the Scott County Comp Plan and Land Use Policies?

This change would comply with the Scott County Comp Plan, County Goals.

Ensure a decent home and suitable living environment for all families, present and future, living in Scott County. This change would ban junk piles in Park View.

Michael L. Wright PRES.

Signature

MICHAEL L. WRIGHT

Name of Applicant (printed)

4-TERRACE PK CT

Mailing Address

ELDRIDGE, IA 52748

City / State / Zip

563-343-9894

Phone

Signature

Name of co-applicant

Mailing Address

City / State / Zip

Phone

Received by US
Zoning Staff

\$100 rent
9/10

PLANNING & DEVELOPMENT

600 West Fourth Street

Davenport, Iowa 52801-1106

Office: (563) 326-8643

Fax: (563) 326-8257

Email: planning@scottcountyiowa.com



Timothy Huey, Director

Zoning Text Amendment Application

Date 8 / 27 / 2018

Applicant:

Park View Owners' Association

17 Lincoln Ave.

Eldridge, IA 52748

Statement of proposed text amendment: Cite Section of Zoning Ordinance to be amended and requested changes:

Edit to 6-14 "CAD-R" Community Area Development Residential District

C. Accessory Permitted Uses (1)

Remove the words Two (2) or more and replace with Any

How will such an amendment Comply With the Scott County Comp Plan and Land Use Policies?

This change would comply with the Scott County Comp Plan, County Goals.

Ensure a decent home and suitable living environment for all families, present and future, living in Scott County. This change would ban junk vehicles from Park View.

Michael L. Wright Pres.
Signature

MICHAEL L. WRIGHT

Name of Applicant (printed)

4-TERRACE PK CT

Mailing Address

ELDRIDGE IA 52748

City / State / Zip

563-343-9894

Phone

Signature

Name of co-applicant

Mailing Address

City / State / Zip

Phone

Received by UH

Zoning Staff

9100 row
9/10

PLANNING & DEVELOPMENT

600 West Fourth Street

Davenport, Iowa 52801-1106

Office: (563) 326-8643

Fax: (563) 326-8257

Email: planning@scottcountyiowa.com



Timothy Huey, Director

Zoning Text Amendment Application

Date 8 / 27 / 2018

Applicant:

Park View Owners' Association

17 Lincoln Ave.

Eldridge, IA 52748

Statement of proposed text amendment: Cite Section of Zoning Ordinance to be amended and requested changes:

Edit to 6-14 "CAD-R" Community Area Development Residential District

C. Accessory Permitted Uses Remove (3) Private kennels

How will such an amendment Comply With the Scott County Comp Plan and Land Use Policies?

This change would comply with the Scott County Comp Plan, County Goals.

Ensure a decent home and suitable living environment for all families, present and future, living in Scott County. This change would limit the number of domestic animals in each home.

Michael L Wright Pres.
Signature

MICHAEL L WRIGHT
Name of Applicant (printed)

4 - TERRACE PK CT
Mailing Address

ELDRIDGE, IA 52748
City / State / Zip

563-343-9894
Phone

Signature

Name of co-applicant

Mailing Address

City / State / Zip

Phone

Received by

UB \$100
Zoning Staff

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9/10

PLANNING & DEVELOPMENT

600 West Fourth Street

Davenport, Iowa 52801-1106

Office: (563) 326-8643

Fax: (563) 326-8257

Email: planning@scottcountyiowa.com



Timothy Huey, Director

Zoning Text Amendment Application

Date 8 / 27 / 2018

Applicant:

Park View Owners' Association

17 Lincoln Ave.

Eldridge, IA 52748

Statement of proposed text amendment: Cite Section of Zoning Ordinance to be amended and requested changes:

ADD to 6-14 "CAD-R" Community Area Development Residential District

C. Accessory Permitted Uses (1)

Grasses and/or weeds that are in excess of 10 inches and are not a native planting shall be considered a prohibited accessory use.

How will such an amendment Comply With the Scott County Comp Plan and Land Use Policies?

This change would comply with the Scott County Comp Plan, County Goals.

Ensure a decent home and suitable living environment for all families, present and future, living in Scott County. This change would encourage proper lawn maintenance.

Michael L. Wright Pres.
Signature
MICHAEL L. WRIGHT
Name of Applicant (printed)
4-TERRACE PK CT
Mailing Address
ELDRIDGE IA 52748
City / State / Zip
563-343-9894
Phone

Signature

Name of co-applicant

Mailing Address

City / State / Zip

Phone

Received by VA \$100 rwd
Zoning Staff 7/10

SCOTT COUNTY ORDINANCE NO. 18-_____

AN ORDINANCE TO AMEND A PORTION OF SECTION 6-14.C. ACCESSORY PERMITTED USES IN THE “COMMUNITY AREA DEVELOPMENT RESIDENTIAL DISTRICT (CAD-R)” OF THE ZONING ORDINANCE FOR UNINCORPORATED SCOTT COUNTY

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

Section 1. Amend Section 6-14 “Community Area Development Residential District (CAD-R)” of the Zoning Ordinance for Unincorporated Scott County

C. Accessory Permitted Uses by repealing and replacing with:

- (1) Accessory uses customarily incidental to any of the permitted uses in this District. Only one commercial vehicle may be parked and/or stored on the property unless it is used in conjunction with an approved home business. Accessory uses not permitted include, but are not limited to, the following uses: the visible accumulation of domestic junk such as vehicular parts, tires, trailers, salvaged building materials, broken or junk appliances, and the visible presence of any junk vehicle on a residential lot not stored entirely within an enclosed garage shall also be considered a prohibited accessory use (See Section 6-5.60. Junk Vehicle). Grasses and/or weeds that are in excess of 10 inches and are not a native or landscaped planting shall be considered a prohibited accessory use. Any accessory commercial use which is not approved as a home business as outlined in Section 6-6. V. is not permitted,
- (2) Home occupations conducted entirely within the dwelling (not in attached or detached garage) and in compliance with all other requirements of Section 6-6.V.,
- (3) Not more than four domestic pets of any species. No public or private kennels for domestic animals nor any domestic livestock are permitted.

Section 2. The County Auditor is directed to record this ordinance in the County Recorder's Office.

Section 3. Severability Clause. If any of the provisions of this Ordinance are for any reason illegal or void, then the lawful provisions of the Ordinance, which are separate from said unlawful provisions 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 part of ordinances in conflict with the provisions of the 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 _____ day of _____ 2018.

Tony Knobbe, Chair
Scott County Board of Supervisors

Roxanna Moritz, County Auditor



**Planning & Development
Scott County, Iowa**

Timothy Huey, Director

Email: planning@scottcountyiowa.com
Office: (563) 326-8643
Fax: (563) 326-8257

Administrative Center
600 West Fourth Street
Davenport, Iowa 52801-1106

To: Mahesh Sharma, County Administrator

From: Alan Sabat, Planning and Development Specialist

Date: October 8, 2018

Re: Acknowledging application to the Federal Emergency Management Agency (FEMA) for funding from the Hazard Mitigation Grant Program

Property owners Samuel and Mary Yarham have requested that Scott County, the applicable local government, submit an application for FEMA's Hazard Mitigation Grant for the acquisition of their property located at 31379 Scott Park Road, which is located in the Wapsipinicon River 100-year floodplain. The intent of the program is to acquire flood-prone properties and demolish vulnerable structures to prevent repetitive losses and further federal flood insurance payouts. The County would then retain ownership of this property in perpetuity to prevent future development within the floodplain. The regulations would allow the County to have passive uses on the property such as row crops, as the surrounding property is currently farmed. The Yarham's property has suffered repetitive losses from numerous flooding events since 2004 and before, so Planning and Development staff submitted a Notice of Intent to participate in the program after notifying the Board at their October 17, 2017 Committee of the Whole meeting. FEMA intends to announce the start of the program before calendar year 2019, and will begin selecting projects at an unknown date in 2019.

As it stands, this application may require a 25% local match for the buyout. No funding for such buyouts has been included in any recent County budget, but the property owners have expressed willingness to provide the local match themselves by effectively reducing the amount of their compensation to 75% of the value of the residential structures. However, the Iowa Homeland Security and Emergency Management Division (HSEMD) has notified staff that projects completed through the program may end up being 100% federally-funded, so a local match may not be required. In any event, the property owners would be responsible for the local match should it be required.

Passage of this resolution will allow the HSEMD to forward Scott County's application to FEMA once the program has officially begun.



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, ROCK ISLAND DISTRICT
PO BOX 2004 CLOCK TOWER BUILDING
ROCK ISLAND, ILLINOIS 61204-2004

rcvd 3/14

March 9, 2018

Operations Division

SUBJECT: CEMVR-OD-P-2018-169

Scott County
Planning and Development Department
600 West 4th Street
Davenport, Iowa 52801

To Whom It May Concern:

Our office reviewed the application received February 1, 2018, concerning the demolition of the residence, garage and shed, located in Section 6, Township 80 North, Range 4 East, Scott County, Iowa.

We determined your project as proposed does not occur in a Water of the United States and therefore does not require a Department of the Army (DA) Section 404 permit. The decision regarding this action is based on information found in the administrative record which documents the District's decision-making process, the basis for the decision, and the final decision. No indication of discharge of dredged or fill material was found to occur in waters of the United States (including wetlands). Therefore, this determination resulted.

This letter contains an approved jurisdictional determination for the subject site. If you object to this jurisdictional determination, you may request an administrative appeal under Corps regulations found at 33 CFR Part 331. Enclosed is a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this approved jurisdictional determination, you must submit a completed RFA form to the Mississippi Valley Division Office at the following address:

Administrative Appeals Officer
U.S. Army Corps of Engineers
Mississippi Valley Division
ATTN: CEMVD-PD-KM
Post Office Box 80
Vicksburg, Mississippi 39181-0080

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by May 8, 2018.

It is not necessary to submit an RFA form to the Division Office if you do not object to the approved jurisdictional determination contained in this letter.

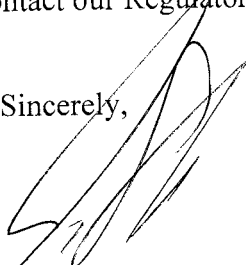
You are advised that this determination for your project is valid for five years from the date of this letter. If the project is not completed within this five-year period or your project plans change, you should contact our office for another determination.

Although an individual Department of the Army permit will not be required for your project, you must still acquire other applicable Federal, state, and local permits prior to initiating construction.

The Rock Island District Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, please take a moment to complete the attached postcard and return it or go to our Customer Service Survey found on our web site at http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey. (Be sure to select "Rock Island District" under the area entitled: Which Corps office did you deal with?)

Should you have any questions, please contact our Regulatory Branch by letter, or telephone Mrs. Jackie Groves at 309/794-5351.

Sincerely,


For Michael D. Hayes
Chief, Iowa Permit Section
Regulatory Branch

Copies Furnished:

Ms. Christine Schwake (3)
Iowa Department of Natural Resources
Water Resources Section
Wallace State Office Building
502 East 9th Street
Des Moines, Iowa 50319-0034

Sam Yarham
6 Blackhawk Court
Eldridge, Iowa 52748

DRY LAND APPROVED JURISDICTIONAL DETERMINATION FORM¹
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): March 9, 2018

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Rock Island District, Scott County, IA, 2018-169

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Iowa *Choose an item* County/parish/borough: Scott County City: Davenport

Center coordinates of site (lat/long in degree decimal format): Lat. 41.762155°, Long. -90.534322°

Universal Transverse Mercator: 15

Name of nearest waterbody: Wapsipinicon River

Name of watershed or Hydrologic Unit Code (HUC): 07080103

- ☒ Check if map/diagram of review area is available upon request.
- ☐ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

- ☒ Office (Desk) Determination. Date: March 9, 2018
- ☐ Field Determination. Date(s): *Click here to enter a date.*

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There are no "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There are no "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

SECTION III: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: location map
- ☐ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
- ☐ Office concurs with data sheets/delineation report.
- ☐ Office does not concur with data sheets/delineation report.
- ☐ Data sheets prepared by the Corps: *Click here to enter text.*
- ☒ U.S. Geological Survey Hydrologic Atlas: *Click here to enter text.*
- ☐ USGS NHD data.
- ☒ USGS 8 and 12 digit HUC maps.
- ☒ U.S. Geological Survey map(s). Cite scale & quad name: Davenport
- ☒ USDA Natural Resources Conservation Service Soil Survey. Citation: Google Earth Pro
- ☒ National wetlands inventory map(s). Cite name: Davenport, IA
- ☐ State/Local wetland inventory map(s): *Click here to enter text.*
- ☐ FEMA/FIRM maps: *Click here to enter text.*
- ☐ 100-year Floodplain Elevation is: *Click here to enter text.* (National Geodetic Vertical Datum of 1929)
- ☒ Photographs: ☒ Aerial (Name & Date): Google Earth
- ☐ or ☒ Other (Name & Date): ground level views of the two proposed borrow sites
- ☐ Previous determination(s). File no. and date of response letter: *Click here to enter text.*
- ☐ Applicable/supporting case law: *Click here to enter text.*
- ☐ Applicable/supporting scientific literature: *Click here to enter text.*
- ☐ Other information (please specify): *Click here to enter text.*

B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE REVIEW AREA ONLY INCLUDES DRY LAND: The project site is located in an upland area, no waters of the US are being impacted.

¹ This form is for use only in recording approved JDs involving dry land. It extracts the relevant elements of the longer approved JD form in use since 2007 for aquatic areas and adds no new fields.

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Scott County(Planning & Development)	File Number: 2018-169	Date: March 9, 2018
Attached is:		See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
	PERMIT DENIAL	C
X	APPROVED JURISDICTIONAL DETERMINATION	D
	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/appeals.aspx> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Jackie Groves
US Army Corps of Engineers District, Rock Island
ATTN: Regulatory Branch
Clock Tower Building
Post Office Box 2004
Rock Island, Illinois 61204-2004
309-794-5351

If you only have questions regarding the appeal process you may also contact:

Administrative Appeals Review Officer
Mississippi Valley Division
U.S. Army Corps of Engineers
1400 Walnut Street
Vicksburg, MS 39181-0080
601-634-5820

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Date:

Telephone number:

Signature of appellant or agent.

August 28, 2017

Scott County Board of Supervisor's

Samuel E. Yarham and Mary J. Yarham are respectfully requesting The Board's support in regards to mitigation of our property at 31379 Scott Park Road, Long Grove, Iowa due to repetitive losses to structure, contents and property at this address that has created financial losses to ourselves and has created an extreme difficulty in the pursuit of selling this property at market value.

We have received a letter (copy of said letter included) from our flood insurance provider indicating that our property meets the criteria for a subset of repetitive loss structures, designating this property as a "Severe Repetitive Loss Property". This letter also informs us that the Flood Insurance Reform Act of 2004 made it a top priority to reduce the number of SRL properties nationwide. Since 2004, this property has been inundated 4 times (2004, 2008, 2014 and 2016) with major flooding of the Wapsipinicon River that has reached the proportions requiring us to file claim with our flood insurance.

This property has been in our family since 2003, our son Nicholas Yarham and his wife Lisa purchased the home as their first home after getting married in 2003. They experienced the wrath of the 2004 and 2008 flood, the flood of 2004 occurred during the time Nicholas was deployed to Iraq as a member of Iowa National Guard. Each of these caused loss of use of the home during the flood, as well as the financial loss of repair, as they were required to pay the deductible amount of the insurance settlement.

In 2011 we (Samuel and Mary) purchased the home and property for our Son and his wife after they were unable to sell this property, partially due to the previous flooding issues, hardships and the subsequent cost of flood insurance. We have marketed this property as rental property since our purchase. During this time, we have encountered two major floods of the river, causing loss of the renter's use of the home, rental income loss as well as our financial loss of \$5,000.00 per claim to our flood insurance. This does not include the estimated \$3,000.00 that was incurred as a result of damages to the property (fences, decks, yard etc.) from the flood that were not covered by the flood insurance. This properties basement is constantly having anywhere from a wet floor to an inch (or two) of water in the basement due to the saturation of the ground due to the rising water table of the Wapsipinicon. Attempts have been made by the owners to subside this water by installation of foundation drain and submersible pump and pit equipment (Nicholas) and installing a larger submersible pump in the "sump pit" (Sam and Mary). This has lessened the effect of seeping water in the basement, but has not eliminated the problem. This issue has caused the basement, that was once semi-finished as recreational area, to be reduced to an unfinished area, where the furnace and water heater are located. These are still at times subjected to increased moisture and water. We have included documentation of losses and payments from the flood insurance companies. Please be aware that there has been a \$5,000.00 deductible payment (out of our pockets) associated with each claim. Also, I would like to mention that the insurance premiums for flood insurance has increased substantially over the past 3 years and is scheduled to increase for the next few years as the federal government has changed regulations.

I (Samuel) have been in touch with Mr. Jonathan Pogones, Lead Mitigation Project Officer – Property Acquisition and Demolition of the Iowa Department of Homeland Security and Emergency Management regarding mitigation of this issue/property. For the Board's review, I have included a copy of an email communication from Mr. Pogones concerning the acquisition of this property and his statement that this "will almost certainly be considered cost-effective".

I have also been in contact with Mr. Tim Huey from the Scott County Planning and Zoning. Mr. Huey is familiar with this property and situation and Mr. Huey has been extremely helpful with his guidance in our pursuit of this mitigation.

With this explanation, we are submitting the request to this Board to consider and their referral of this property for mitigation. We are aware that there will be a cost (up to 25%, we were informed) that is normally paid by the affected county associated with the acquisition at fair market value and demolition of said structures. If necessary, we, Samuel E. Yarham and Mary J. Yarham are willing to absorb these costs in lieu of Scott County, Iowa. Mr. Tim Huey informed us of this option and Mr. Pogones confirmed that this is a viable option of us as homeowners.

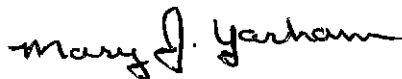
Please consider this an affidavit of our commitment to pay Scott County's portion of this mitigation.

Thank You;

Samuel E. Yarham

A handwritten signature in black ink, appearing to read "Samuel E. Yarham", written in a cursive style.

Mary J. Yarham

A handwritten signature in black ink, appearing to read "Mary J. Yarham", written in a cursive style.

District 6 Office/Highway Division

5455 Kirkwood Blvd SW | Cedar Rapids, Iowa 52404
Phone: 319-364-0235 | Email: Sam.Shea@iowadot.us

Alan Sabat
Scott County Planning & Development
600 W 4th St
Davenport, IA 52801

REF: Dubuque County Flood Buyout Program

January 25, 2018

Dear Mr. Sabat:

The Iowa Department of Transportation received your January 24th, 2018 request for consultation, regarding the FEMA Hazard Mitigation Grant Program.

Upon review of the properties (at 31379 Scott Park Road, Long Grove, in Scott County), the Iowa DOT has no future transportation needs for right-of-way at this property location.

If you have further questions on this matter, please contact me at 319-286-4907 or by email at sam.shea@iowadot.us.

Sincerely,



Sam J. Shea
Transportation Planner
District 6, Iowa DOT

CC: Sheila Lee – DOT Davenport Field Office
Danielle Mulholland – DOT Davenport Field Office
Jim Schnoebelen – DOT District 6 Engineer
Ken Yanna – DOT Assistant District 6 Engineer

FOR
FFY 20 **18** CA FOR (Name of Applicant)
Scott County

This summary sheet includes Assurances and Certifications that must be read, signed, and submitted as a part of the Application for Federal Assistance.

An applicant must check each item that they are certifying to:

- Part I ☒ FEMA Form 20-16A, Assurances-Nonconstruction Programs
- Part II ☒ FEMA Form 20-16B, Assurances-Construction Programs
- Part III ☒ FEMA Form 20-16C, Certifications Regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace Requirements
- Part IV ☒ SF LLL, Disclosure of Lobbying Activities (If applicable)

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the identified attached assurances and certifications.

Timothy Huey

Typed Name of Authorized Representative

Planning & Development Director

Title

Signature of Authorized Representative

Date Signed

NOTE: By signing the certification regarding debarment, suspension, and other responsibility matters for primary covered transaction, the applicant agrees that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by FEMA entering into this transaction.

The applicant further agrees by submitting this application that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the FEMA Regional Office entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions. (Refer to 44 CFR Part 17.)

Paperwork Burden Disclosure Notice

"Public reporting burden for this form is estimated to average 1.7 hours per response. Burden means the time, effort and financial resources expended by persons to generate, maintain, retain, disclose, or to provide information to us. You may send comments regarding the burden estimate or any aspect of the form, including suggestions for reducing the burden to: Information Collections Management, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, Paperwork Reduction Project (3067-0206). You are not required to respond to this collection of information unless a valid OMB control number appears in the upper right corner of this form. Please do not send your completed form to the above address.

**CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND
OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS**

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature on this form provides for compliance with certification requirements under 44 CFR Part 18, "New Restrictions on Lobbying; and 28 CFR Part 17, "Government-wide Debarment and suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Federal Emergency Management Agency (FEMA) determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

A. As required by section 1352, Title 31 of the U.S. Code, and implemented at 44 CFR Part 18, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 44 CFR Part 18, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any other funds than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or an employee of Congress, or employee of a member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontract(s) and that all subrecipients shall certify and disclose accordingly.

☒ Standard Form LLL, "Disclosure of Lobbying Activities" attached. *(This form must be attached to certification if nonappropriated funds are to be used to influence activities.)*

**2. DEBARMENT, SUSPENSION, AND OTHER
RESPONSIBILITY MATTERS
(DIRECT RECIPIENT)**

As required by Executive Order 12549, Debarment and Suspension, and implemented at 44 CFR Part 67, for prospective participants in primary covered transactions, as defined at 44 CFR Part 17, Section 17.510-A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civilian judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or perform a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public t transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or shall attached an explanation to this application.

**3. DRUG-FREE WORKPLACE
(GRANTEES OTHER THAN INDIVIDUALS)**

As required by the Drug-Free Workplace Act of 1988, and implemented at 44 CFR Part 17, Subpart F, for grantees, as defined at 44 CFR Part 17, Sections 17.615 and 17.620:

A. The applicant certifies that it will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug free awareness program to inform employees about:

- (1) The dangers of drug abuse in the workplace;
- (2) The grantee's policy of maintaining a drug-free workplace;
- (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
- (4) the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant to be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

(1) Abide by the terms of the statement; and

(2) Notify the employee in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to the applicable FEMA awarding office, i.e., regional office or FEMA office.

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.

(g) Making a good faith effort to continue to maintain a drug free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

8. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, City, County, State, Zip code)

Scott County Planning & Development

600 W 4th Street

Davenport, IA 52801

Check ☐ if there are workplaces on file that are not identified here.

Section 17.630 of the regulations provide that a grantee that is a State may elect to make one certification in each Federal fiscal year. A copy of which should be included with each application for FEMA funding. States and State agencies may elect to use a Statewide certification.

I, _____, hereby sign this form as of _____.

STATE OF IOWA
DESIGNATION OF APPLICANT'S AUTHORIZED REPRESENTATIVE

_____ is hereby authorized to execute on behalf of
(Name of Representative)

Scott County	this mitigation project and to file it with
(Applicant Entity)	

Iowa Homeland Security and Emergency Management (HSEMD) for the purpose of obtaining financial assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (PL 93-288, as amended) and the Code of Iowa, Chapter 29c.

Signed this _____ Day Of _____, 2018.

Chief Executive Officer
(Print Name and Title)

(Signature)

Timothy Huey, Planning & Development Director
Applicant's Authorized Representative
(Print Name and Title)

(Signature)

Attested: _____
(Print Name and Title)

(Signature)

DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure)

Approved by OMB
0348-0046

1. Type of Federal Action: <input checked="" type="checkbox"/> a. contract b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance		2. Status of Federal Action: <input checked="" type="checkbox"/> a. bid/offer/application b. initial award c. post-award		3. Report Type: <input checked="" type="checkbox"/> a. initial filing b. material change For Material Change Only: year _____ quarter _____ date of last report _____	
4. Name and Address of Reporting Entity: <input checked="" type="checkbox"/> Prime <input type="checkbox"/> Subawardee Scott County, Iowa Tier _____, if known. Congressional District, 1, if known.			5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime: NA Congressional District, if known:		
6. Federal Department/Agency: FEMA Region VII 9221 Ward Parkway Suite 300 Kansas City, MO 64114-3372			7. Federal Program Name/Description: Flood Mitigation Assistance Program / Hazard Mitigation Grant Program CFDA Number, if applicable: 97.029 / 97.039		
8. Federal Action Number, if known: NA			9. Award Amount, if known: \$		
10. a. Name and Address of Lobbying Registrant <i>(if individual, last name, first name, MI):</i>			b. Individuals Performing Services (including address if different from No. 10a) <i>(last name, first name, MI):</i>		
11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.			Signature: _____ Print Name: Timothy Huey Title: Planning & Development Director Telephone No.: 563-326-8643 Date: _____		
Federal Use Only:			Authorized for Local Reproduction Standard Form LLL (Rev. 7-97)		

Environmental & Historic Preservation Information

The applicant must provide certain environmental and historic preservation information and documentation to the State before the State and FEMA can adequately review any proposed project. Some projects require specific documentation depending upon the project type and its potential effects on the physical, biological and built environment. The following sections will help ensure that you provide the necessary information and documentation for the project you are proposing. Each of the sections below will begin with a specific question, for which you will provide a Yes, No or Unknown response. In each section where you select Yes or Unknown for any answer, please explain your response in the comments section, and provide any further information about this project that could assist the State and FEMA in their reviews.

A. National Historic Preservation Act - Historical Buildings and Structures

Contact the State Historical Society of Iowa to request a SHPO Comment:

http://www.iowahistory.org/preservation/review_compliance/request_for_shpo_comment_form.html

Does your project affect, or is it in close proximity to, any buildings or structures 50 years or more in age?

Yes

If yes, please confirm that you have provided the following:

The property address and original date of construction for each property affected. (This information may be contained in the Property Data Sheet.)

Yes

A minimum of two (2) color photos, showing at least three (3) sides of each structure. (Please label the photos accordingly.)

Yes

A diagram or USGS 1:24,000 scale quadrangle map, displaying the relationship of each property to the total project area.

Yes

To help FEMA evaluate the impact of the project, please indicate any other information you are providing:

Information gathered about potential historic properties in the project area, including any evidence indicating the age of the structure and presence of structures that are listed or eligible for listing on the National Register of Historic Places or within or near a National Register listed or eligible historic district. Sources for this information may include the SHPO/THPO, your local planning office, historical societies, or historic preservation organization.

Yes

Consideration of how the project design will minimize adverse effects on known or potential historic structures, and any alternatives considered or implemented to avoid or minimize effects on historic structures. Please address and note associated costs in your project budget.

For Acquisition/Demolition projects involving historic structures, have you provided any data regarding the consideration and feasibility of elevation, relocation or flood proofing as alternatives to demolition?

List all supporting documentation pertaining to historic structures attached to this application:

Request for SHPO comment form & ISIF or
Historical and Architectural Recon Survey

Additional comments regarding historic structures:

The project does not affect structures eligible for or potentially eligible for the national registry of historic places. Structures do not contribute to a historic district.

B. National Historic Preservation Act - Archeological Resources

Does your project involve disturbance of ground?

Yes

If yes, please confirm that you have provided the following:

A description of the ground disturbance by giving the dimensions (area, volume, depth, etc.) and location.

Yes

The past use of the area to be disturbed, noting the extent of previously disturbed ground.

Yes

A diagram or USGS 1:24,000 scale quadrangle map, displaying the relationship of each property to the total project area.

Yes

To help FEMA evaluate the impact of the project, please indicate any other information you are providing:

Information gathered about potential historic properties in the project area, including any archeological sites. Sources for this information may include the SHPO/THPO, or the Tribe's cultural resources contact if no THPO is designated. Include, if possible, a map showing the relation of any identified historic properties to the project area.

Yes

List all supporting documentation pertaining to archeological resources attached to this application:

Request for SHPO comment form or
Historical and Architectural Recon Survey
Isites map

Additional comments regarding archeological resources:

Areas of disturbance are limited to areas previously disturbed by the construction of homes. No suspected archaeological sites in the project area.

C. Endangered Species Act & Fish and Wildlife Coordination Act

1. Are federally listed threatened or endangered species or their critical habitat present in the area affected by the project?

No

If yes, please confirm that you have provided the following:
Information obtained to identify species in or near the project area. Provide the source and date of the information cited.

--

To help FEMA evaluate the impact of the project, please indicate any other information you are providing:

Any request for information and associated response from the United States Fish and Wildlife Service (USFWS) or the Iowa Game and Parks Commission, regarding potential listed species present and potential of the project to impact those species.

--

List all supporting documentation pertaining to the Endangered Species Act & Fish and Wildlife Coordination Act:

Additional comments regarding the Endangered Species Act & the Fish and Wildlife Coordination Act:

Per Iowa Code, DNR will be consulted in preparation for demolition.

2. Does your project remove or affect vegetation?

No

If yes, please confirm that you have provided the following:
Description of the amount (area) and type of vegetation to be removed or affected.

Select One

A site map showing the project area and the extent of vegetation affected.

Select One

Photographs or digital images that show both the vegetation affected and the vegetation in context.

Select One

To help FEMA evaluate the impact of the project, please indicate any other information you are providing:

List all supporting documentation pertaining to the Endangered Species Act & Fish and Wildlife Coordination Act:

Additional comments regarding vegetation:

Demolition of structures will not include the removal of trees or other vegetation.

3. Is your project in, near (within 200 feet), or likely to affect any type of waterway or body of water?

No

If yes, and the project is not within an existing structure, please confirm that you have provided the following:

A USGS 1:24,000 scale quadrangle map, showing the project activities in relation to all nearby bodies of water (within 200 feet).

Select One

Information about the type of water body nearby, including: dimensions, proximity of the project activity to the body of water, and expected and possible changes to the water body, if any. Identify all bodies of water regardless whether you think there may be an effect.

Select One

Photographs or digital images that show both the body of water affected and the project area.

Select One

To help FEMA evaluate the impact of the project, please indicate any other information you are providing:

Evidence of any discussions with the United States Fish and Wildlife Service (USFWS) or the Iowa Game and Parks Commission, regarding any potential impacts if there is the potential for the project to affect any body of water.

Select One

List all supporting documentation pertaining bodies of water:

Digital FIRMette showing project area & body of water

Additional comments regarding bodies of water:

Project seeks to return floodplain to it's natural function by removing structures and improvements and permanently restricting property to open space.

D. Clean Water Act, Rivers & Harbors Act, and Executive Order 11990 (Protection of Wetlands)

Will the project involve dredging or disposal of dredged material, excavating, adding fill material or result in any modification to bodies of water or wetlands as "waters of the U.S." as identified by the US Army Corps of Engineers or on the National Wetland Inventory?

No

If yes, please confirm that you have provided the following:

Documentation of the project location on a USGS 1:24,000 scale topographical map or image, and a copy of National Wetlands Inventory map or other available wetlands mapping information.

Select One

To help FEMA evaluate the impact of the project, please indicate any other information you are providing:

Request for information and response letter from the US Army Corps of Engineers and/or State resource agencies regarding the potential for wetlands, and applicability of permitting requirements.

Select One

Evidence of alternatives considered to eliminate or minimize impacts to wetlands.

Select One

List all supporting documentation pertaining to bodies of water or wetlands attached to this application:

Additional comments regarding bodies of water or wetlands for your project:

--

E. Executive Order 11988 (Floodplain Management)

1. Does a Flood Insurance Rate Map (FIRM), Flood Hazard Boundary Map (FHBM), hydrologic study or some other source indicate that the project is located in or will affect a 100-year floodplain, a 500-year floodplain if a critical facility, an identified regulatory floodway, or an area prone to flooding?

Yes

If Yes, please indicate in the comments section below any documentation to identify the means or the alternatives considered to eliminate or minimize the impacts to floodplains to help FEMA evaluate the impact of the project. (See the 8 step process found in 44 CFR §9.6.)

Comments regarding E.O. 11988 (Floodplain Management):

Project seeks to remove development in the floodplain and permanently convert land to open space, allowing it to serve its natural function. Alternatives were not as effective in minimizing impact on the floodplain.

2. Does the project alter a watercourse, water flow patterns or a drainage way, regardless of its floodplain designation?

No

If Yes, please indicate any other information you are providing to help FEMA evaluate the impact of the project:

Hydrologic/hydraulic information from a qualified engineer to demonstrate how drainage and flood flow patterns will be changed, and to identify up and down stream effects.

Select One

Evidence of consultation with the US Army Corps of Engineers. (May be included under Part D of this section.)

Select One

Request for information and response letter from the State waterway resource agency, if applicable, with jurisdiction over modifications of waterways.

Select One

List all documentation pertaining to Altering Watercourses, Water Flow Patterns, or Drainage Ways attached to this application:

Additional comments regarding Altering Watercourses, Water Flow Patterns or Drainage Ways:

--

F. Farmland Protection Policy Act

Will the project convert more than five (5) acres of "prime or unique" farmland outside city limits to non-agricultural use:

No

List all documentation pertaining the Farmland Protection Policy Act attached to this application:

Additional comments regarding the Farmland Protection Policy Act:

--

G. RCRA and CERCLA (Hazardous and Toxic Materials)

1. Is there reason to suspect that there are contaminants from a current or past use on the property associated with the proposed project?

No

If yes, please indicate below any other information you are providing to FEMA to evaluate the impact of the project:

Comments and any relevant documentation.

Select One

Results of any consultations with State or local agency to obtain permit with requirements for handling, disposing of or addressing the effects of hazardous or toxic materials related to project implementation.

Select One

List all documentation pertaining to Hazardous and Toxic Materials attached to this application:

Additional comments regarding Hazardous and Toxic Materials and your project:

--

2. Are there any studies, investigations or enforcement actions related to the property associated with the proposed project?

No

If yes, please indicate below any other information you are providing to FEMA to evaluate the impact of the project:

Comments and any relevant documentation.

No

Results of any consultations with State or local agency to obtain permit with requirements for handling, disposing of or addressing the effects of hazardous or toxic materials related to project implementation.

No

List all documentation pertaining to Studies, Investigations or Enforcement Actions attached to this application:

Additional comments regarding Studies, Investigations and Enforcement Actions and your project:

--

3. Do any project construction or operation activities involve the use of hazardous or toxic materials?

No

If yes, please indicate below any other information you are providing to FEMA to evaluate the impact of the project:

Comments and any relevant documentation.

Select One

Results of any consultations with State or local agency to obtain permit with requirements for handling, disposing of or addressing the effects of hazardous or toxic materials related to project implementation.

Select One

List all documentation pertaining to the use of Hazardous and Toxic Materials attached to this application:

Additional comments regarding the use of Hazardous and Toxic Materials and your project:

Prior to demolition, structures will be tested for asbestos. Any identified asbestos will be removed in accordance with EPA and DNR regulations. No new hazardous materials will be brought to the project site.

4. Do you know if any of the current or past land uses of the property affected by the proposed project or of the adjacent properties are associated with Hazardous or Toxic Materials?

No

If yes, please indicate below any other information you are providing to FEMA to evaluate the impact of the project:

Comments and any relevant documentation.

Select One

Results of any consultations with State or local agency to obtain permit with requirements for handling, disposing of or addressing the effects of hazardous or toxic materials related to project implementation.

Select One

List all documentation pertaining to the use of Hazardous and Toxic Materials related to Current or Past Land Uses attached to this application:

Additional comments regarding the use of Hazardous and Toxic Materials related to Current or Past Land Uses and your project:

Properties included in the project have been used for residential purposes.

H. Executive Order 12898, Environmental Justice for Low Income and Minority Populations

Are there low income or minority populations in the project's area of effect or adjacent to the project area?

No

If yes, please indicate below that you have provided the following:

Description of any disproportionate and adverse effects to these populations.

Select One

To help FEMA evaluate the impact of the project, please indicate any other information you are providing:

Description of the population affected and the portion of the population that would be disproportionately and adversely affected. Please include specific effects to address the adverse impacts in your proposal narrative and budget.

Select One

List all documentation pertaining to the EO 12898 attached to this application:

Minority Impact Statement

Additional comments regarding EO 12898:

Low income and minority populations will not be disproportionately impacted by the project. Project participants do not include minority or low income families. The County will offer relocation assistance as necessary to all households in the project.

I. Other Environmental / Historic Preservation Laws or Issues

1. Are there other environmental/historic preservation requirements associated with this project that you are aware of?

No

If yes, please provide a description of the requirements, issues or public involvement effort.

--

2. Are there controversial issues associated with this project?

No

If yes, please provide a description of the requirements, issues or public involvement effort.

--

3. Have you conducted any public meeting or solicited public input or comments on your specific proposed mitigation project?

No

If yes, please provide a description of the requirements, issues or public involvement effort.

--

List all documentation pertaining to Other Environmental/Historic Preservation Issues attached to this application:

Additional comments regarding Other Environmental/Historic Preservation Laws:

J. Summary and Cost of Potential Impacts

Having answered the questions in Parts A through I, have you identified any aspects of your proposed project that have the potential to impact environmental resources or historic properties?

No

If yes, please confirm that you have:

Evaluated these potential effects and provided the materials required in Parts A through I that identify the nature and extent of potential impacts to environmental resources and/or historic properties.

Select One

Consulted with appropriate parties to identify and measures needed to avoid or minimize these impacts.

Select One

Considered alternatives that could minimize both the impacts and the cost of the project.

Select One

Made certain that the costs of any measures to treat adverse effects are realistically reflected in the project budget estimate.

Select One

Please enter additional comments here:

Minority Impact Statement

Pursuant to 2008 Iowa Acts, HF 2393, Iowa Code Section 8.11, all grant applications submitted to the State of Iowa shall include a Minority Impact Statement. This is the state's mechanism to require grant applicants to consider the potential impact of the grant project's proposed programs or policies on minority groups.

Please choose the statement(s) that pertains to this grant application. Complete all the information requested for the chosen statement(s).

☐ The proposed grant project programs or policies could have a disproportionate or unique **positive** impact on minority persons.

Describe the positive impact expected from this project

Indicate which group is impacted:

- ☐ Women
- ☐ Persons with a Disability
- ☐ Blacks
- ☐ Latinos
- ☐ Asians
- ☐ Pacific Islanders
- ☐ American Indians
- ☐ Alaskan Native Americans
- ☐ Other

☐ The proposed grant project programs or policies could have a disproportionate or unique **negative** impact on minority persons.

Describe the negative impact expected from this project

Present the rationale for the existence of the proposed program or policy.

Provide evidence of consultation of representatives of the minority groups impacted.

Indicate which group is impacted:

- ☐ Women
- ☐ Persons with a Disability

- ☐ Blacks
- ☐ Latinos
- ☐ Asians
- ☐ Pacific Islanders
- ☐ American Indians
- ☐ Alaskan Native Americans
- ☐ Other

☐ The proposed grant project programs or policies are **not expected to have** a disproportionate or unique impact on minority persons.

Present the rationale for determining no impact.

I hereby certify that the information on this form is complete and accurate, to the best of my knowledge:

Timothy Huey

Printed Name

Planning & Development Director

Title

Signature

Date

Definitions

"Minority Persons", as defined in Iowa Code Section 8.11, mean individuals who are women, persons with a disability, Blacks, Latinos, Asians or Pacific Islanders, American Indians, and Alaskan Native Americans.

"Disability", as defined in Iowa Code Section 15.102, subsection 5, paragraph "b", subparagraph (1):

b. As used in this subsection:

- (1) "*Disability*" means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of the individual, a record of physical or mental impairment that substantially limits one or more of the major life activities of the individual, or being regarded as an individual with a physical or mental impairment that substantially limits one or more of the major life activities of the individual.

"*Disability*" does not include any of the following:

- (a) Homosexual or bisexuality.
- (b) Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments or other sexual behavior disorders.
- (c) Compulsive gambling, kleptomania, or pyromania
- (d) Psychoactive substance abuse disorders resulting from current illegal use of drugs.

"State Agency", as defined in Iowa Code Section 8.11, means a department, board, bureau, commission, or other agency or authority of the State of Iowa.

MITIGATION MODEL DEED RESTRICTION

In reference to the property or properties ("Property") conveyed by the Deed between [property owner] participating in the federally-assisted acquisition project ("the Grantor") and [local government], ("the Grantee"), its successors and assigns:

WHEREAS, the Robert T. Stafford Disaster Relief and Emergency Assistance Act, ("The Stafford Act"), 42 U.S.C. § 5121 et seq., identifies the use of disaster relief funds under § 5170c, **Hazard Mitigation Grant Program ("HMGP")**, including the acquisition and relocation of structures in the floodplain;

WHEREAS, the mitigation grant program provides a process for a local government, through the State, to apply for federal funds mitigation assistance to acquire interests in property, including the purchase of structures in the floodplain, to demolish and/or remove the structures, and to maintain the use of the Property as open space in perpetuity;

WHEREAS, the State of Iowa has applied for and been awarded such funding from the Department of Homeland Security, Federal Emergency Management Agency ("FEMA"), and has entered into a mitigation grant program Grant Agreement, dated June 6, 2008 and herein incorporated by reference; making it a mitigation grant program grantee.

WHEREAS, the Property is located in Scott County,
City, County

Scott County participates in the National Flood Insurance Program ("NFIP") and
City, County
is in good standing with NFIP as of the date of the Deed;

WHEREAS, Scott County, acting by and through the Scott County Board,
City, County *City/County Board*
has applied for and been awarded federal funds pursuant to an agreement with Iowa dated

 ("State-Local Agreement") and herein incorporated by reference, making it a mitigation grant program subgrantee;

WHEREAS, the terms of the mitigation grant program statutory authorities, Federal program requirements consistent with 44 C.F.R. Part 80, the Grant Agreement, and the State-local Agreement require that the Grantee agree to conditions that restrict the use of the land to open space in perpetuity in order to protect and preserve natural floodplain values;

NOW, therefore, the grant is made subject to the following terms and conditions:

1. Terms. Pursuant to the terms of HMGP program statutory authorities, Federal program requirements consistent with 44 C.F.R. Part 80, the Grant agreement, and the State-local agreement, the following conditions and restrictions shall apply in perpetuity to the Property described in the attached deed and acquired by the Grantee pursuant to FEMA program requirements concerning the acquisition of property for open space:

a. Compatible uses. The property shall be dedicated and maintained in perpetuity as open space for the conservation of natural floodplain functions. Such uses may include: parks for outdoor recreational activities; wetlands management; nature reserves; cultivation; grazing; camping (except where adequate warning time is not available to allow evacuation); unimproved, unpaved parking lots; buffer zones; and other uses consistent with FEMA guidance for open space acquisition, Hazard Mitigation Assistance, Requirements for Property Acquisition and Relocation for Open Space.

b. Structures. No new structures or improvements shall be erected on the property other than:

(1) A public facility that is open on all sides and functionally related to a designated open space or recreational use;

(2) A public restroom; or

(3) A structure that is compatible with open space and conserves the natural function of the floodplain, including the uses describe din Paragraph 1.a, above, and approved by the FEMA Administrator in writing before the construction of the structure begins.

Any improvements on the Property shall be in accordance with proper floodplain management policies and practices. Structures built on the Property according to paragraph b. of this section shall be floodproofed or elevated to at least the base flood level plus 1 foot of freeboard, or greater, if required by FEMA, or if required by any State, Tribal, or local ordinance, and in accordance with criteria established by the FEMA Administrator.

c. Disaster Assistance and Flood Insurance. No Federal entity or source may provide disaster assistance for any purpose with respect to the Property, nor may any application for such assistance be made to any federal entity or source. The Property is not eligible for coverage under the NFIP for damage to structures on the property occurring after the date of the property settlement, except for pre-existing structures being relocated off the property as a result of the project.

d. Transfer. The Grantee, including successors in interest, shall convey any interest in the Property only if the FEMA Regional Administrator, through the State, gives prior written approval of the transfer in accordance with this paragraph.

i. The request by the Grantee, through the State, to the FEMA Regional Administrator must include a signed statement from the proposed transferee that it acknowledges and agrees to be bound by the terms of this section, and documentation of its status as a qualified conservation organization if applicable.

ii. The Grantee may convey a property interest only to a public entity or to a qualified conservation organization. However, the Grantee may convey an easement or lease to a private individual or entity for purposes compatible with the uses described in paragraph (a), of this section, with the prior approval of the FEMA Regional Administrator, and so long as they conveyance does not include authority to control and enforce the terms and conditions of this section.

iii. If title to the Property is transferred to a public entity other than one with a conservation mission, it must be conveyed subject to a conservation easement that shall be recorded with the deed and shall incorporate all terms and conditions set forth in this section, including the easement holder's responsibility to enforce the easement. This shall be accomplished by one of the following means:

a) The Grantee shall convey, in accordance with this paragraph, a conservation easement to an entity other than the title holder, which shall be recorded with the deed, or

b) At the time of title transfer, the Grantee shall retain such conservation easement, and record it with the deed.

iv. Conveyance of any property interest must reference and incorporate the original deed restrictions providing notice of the conditions in this section and must incorporate a provision for the property interest to revert to the State, Tribe, or local government in the event that the transferee ceases to exist or loses its eligible status under this section.

2. Inspection. FEMA, its representatives and assigns including the State or Tribe shall have the right to enter upon the Property, at reasonable times and with reasonable notice, for the purpose of inspecting the Property to ensure compliance with the terms of this part, the Property conveyance and of the grant award.

3. Monitoring and Reporting. Every three years on _____, the Grantee (mitigation grant program subgrantee), in coordination with any current successors in interest, shall submit through the State to the FEMA Regional Administrator a report certifying that the Grantee has inspected the Property within the month preceding the report, and that the Property continues to be maintained consistent with the provisions of 44 C.F.R. Part 80, the property conveyance, and the grant award.

4. Enforcement. The Grantee (mitigation grant program subgrantee), the State, FEMA, and their respective representatives, successors and assigns, are responsible for taking measures to bring the Property back into compliance if the Property is not maintained according to the terms of 44 C.F.R. Part 80, the property conveyance, and the grant award. The relative rights and responsibilities of FEMA, the State, the Grantee and subsequent holders of the property interest at the time of enforcement, shall include the following:

a. The State will notify the Grantee and any current holder of the property interest in writing and advise them that they have 60 days to correct the violation.

i. If the Grantee or any current holder of the property interest fails to demonstrate a good faith effort to come into compliance with the terms of the grant within the 60-day period, the State shall enforce the terms of the grant by taking any measures it deems appropriate, including but not limited to bringing an action at law or in equity in a court of competent jurisdiction.

ii. FEMA, its representatives, and assignees may enforce the terms of the grant by taking any measures it deems appropriate, including but not limited to 1 or more of the following:

a) Withholding FEMA mitigation awards or assistance from the State or Tribe, and Grantee; and current holder of the property interest.

b) Requiring the transfer of title. The Grantee or the current holder of the property interest shall bear the costs of bringing the Property back into compliance with the terms of the grant; or

c) Bringing an action at law or in equity in a court of competent jurisdiction against any or all of the following parties: the State, the Tribe, the local community, and their respective successors.

5. Amendment. This agreement may be amended upon signatures of FEMA, the State, and the Grantee only to the extent that such amendment does not affect the fundamental and statutory purposes underlying the agreement.

6. Severability. Should any provision of this grant or the application thereof to any person or circumstance be found to be invalid or unenforceable, the rest and remainder of the provisions of this grant and their application shall not be affected and shall remain valid and enforceable.

_____ Grantor's Signature	_____ (property owner) Name (printed or typed)	_____ Date
_____ Grantee's Signature	_____ (local official) Name & Title (printed or typed)	_____ Date

State of Iowa

County of Scott

Signed and sworn to (or affirmed) before me on _____ by

Names of Persons

Notary Public:

Signature

Title

My commission expires:

Date

Stamp/Seal

Application for Federal Assistance SF-424

* 1. Type of Submission:

- ☐ Preapplication
☒ Application
☐ Changed/Corrected Application

* 2. Type of Application:

- ☒ New
☐ Continuation
☐ Revision

* If Revision, select appropriate letter(s):

* Other (Specify):

* 3. Date Received:

06/13/2018

4. Applicant Identifier:

Scott County, IA

5a. Federal Entity Identifier:

FEMA

5b. Federal Award Identifier:

Hazard Mitigation Grant P

State Use Only:

6. Date Received by State: 06/13/2018

7. State Application Identifier: F0S398 Scott County Yarham Acq

8. APPLICANT INFORMATION:

* a. Legal Name: Scott County

* b. Employer/Taxpayer Identification Number (EIN/TIN):

42-6004465

* c. Organizational DUNS:

50812361

d. Address:

* Street1: 600 W 4th Street

Street2:

* City: Davenport

County/Parish:

Scott

* State:

IA: Iowa

Province:

* Country:

USA: UNITED STATES

* Zip / Postal Code: 52801

e. Organizational Unit:

Department Name:

Division Name:

f. Name and contact information of person to be contacted on matters involving this application:

Prefix:

Mr.

* First Name:

Timothy

Middle Name:

* Last Name:

Huey

Suffix:

Title: Planning & Development Director

Organizational Affiliation:

Scott County

* Telephone Number: 563-326-8643

Fax Number:

* Email: timothy.huey@scottcountyiowa.com

Application for Federal Assistance SF-424

* 9. Type of Applicant 1: Select Applicant Type:

B: County Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

* 10. Name of Federal Agency:

Federal Emergency Management Agency

11. Catalog of Federal Domestic Assistance Number:

97.039 / 97.029

CFDA Title:

Hazard Mitigation Grant Program / Flood Mitigation Assistance Program

* 12. Funding Opportunity Number:

DR-4334 / FMA 2018

* Title:

Iowa Severe Storms, Tornadoes, Straight-line Winds, And Flooding / Flood Mitigation Assistance Program 2018

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Add Attachment

Delete Attachment

View Attachment

* 15. Descriptive Title of Applicant's Project:

Scott County 2018 Property Acquisition and Conversion to Open Space

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

Application for Federal Assistance SF-424**16. Congressional Districts Of:**

* a. Applicant

2

* b. Program/Project

2

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment

Delete Attachment

View Attachment

17. Proposed Project:

* a. Start Date:

07/06/2018

* b. End Date:

01/06/2020

18. Estimated Funding (\$):

* a. Federal	138,868.00
* b. Applicant	0.00
* c. State	0.00
* d. Local	0.00
* e. Other	
* f. Program Income	
* g. TOTAL	138,868.00

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**☐ a. This application was made available to the State under the Executive Order 12372 Process for review on☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.☒ c. Program is not covered by E.O. 12372.*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**☐ Yes☒ No

If "Yes", provide explanation and attach

Add Attachment

Delete Attachment

View Attachment

21. *By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

☒ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix:

Mr.

* First Name:

Timothy

Middle Name:

* Last Name:

Huey

Suffix:

* Title:

Planning & Development Director

* Telephone Number:

563-326-8643

Fax Number:

* Email:

timothy.huey@scottcountyiowa.com

* Signature of Authorized Representative:

* Date Signed:

ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee- 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.
19. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL <div style="border: 1px solid black; height: 50px; width: 100%; background-color: yellow;"></div>	TITLE <div style="border: 1px solid black; padding: 2px;">Planning & Development Specialist</div>
APPLICANT ORGANIZATION <div style="border: 1px solid black; padding: 2px;">Scott County</div>	DATE SUBMITTED <div style="border: 1px solid black; height: 20px; width: 100%; background-color: yellow;"></div>

ASSURANCES - CONSTRUCTION PROGRAMS

OMB Number: 4040-0009
Expiration Date: 01/31/2019

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0042), Washington, DC 20503.



PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain Federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards of merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
10. Will comply with all Federal statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681 1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
12. Will comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333) regarding labor standards for federally-assisted construction subagreements.
14. Will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq).
18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.
20. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL 	TITLE Planning & Development Specialist
APPLICANT ORGANIZATION Scott County	DATE SUBMITTED 

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

October 18, 2018

ACKNOWLEDGING APPLICATION TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR FUNDING FROM THE HAZARD MITIGATION GRANT PROGRAM

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

Section 1. WHEREAS, Scott County (hereinafter called "the Subgrantee"), County of Scott, has made application through the Iowa Homeland Security and Emergency Management Division (HSEMD) to the Federal Emergency Management Agency (FEMA) for funding from the Hazard Mitigation Grant Program, in the amount of \$138,868 for the total project cost, and

Section 2. WHEREAS, the Subgrantee recognizes the fact that this grant may be based on a cost share basis with the federal share not exceeding 75%, the state share not exceeding 10% and the local share being a minimum of 15% of the total project cost, and

Section 3. WHEREAS, in the event that this grant is based on a cost share basis, Samuel E. and Mary J. Yarham (hereinafter called "the subrecipients"), shall provide the Subgrantee's local share being a minimum of 15% of the total project cost on its behalf, and

Section 4. THEREFORE, on behalf of the Subgrantee, the subrecipients agree to provide and make available up to \$34,717 (thirty-four thousand, seven hundred and seventeen dollars) of personal monies to be used to meet the minimum 15% match requirement for this mitigation grant application.

Section 5. This Resolution shall take effect immediately.

HUMAN RESOURCES DEPARTMENT
600 W. 4TH Street
Davenport, IA 52801

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



Date: October 10, 2018

To: Mahesh Sharma, County Administrator

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

Subject: Insurance Recommendations

Health/Pharmaceutical

We are in year 3 of a three year agreement for our third party administrative services with United Health Care.

Stop Loss Coverage

We do not have a final price on our Specific Stop Loss and Aggregate Stop Loss coverage. We will present this at a future Board meeting.

Dental

We are in year 2 of a three year agreement for our third party administrative services with Delta Dental of Iowa.

Vision

Our consultant Holmes Murphy reviewed our current plan with those available from other providers. We took actual bids two years ago. In reviewing the options we considered the plan disruption by moving to other low cost providers. The recommendation is to remain with Avesis who has been our provider since 2010. There is a 3% rate increase. Holmes Murphy was able to secure a 4 year rate guarantee.

Health Care Rates

The County has reviewed our health care rates with our actuarial, Silverstone Group. Our claims remain up this year although the number of large claims is significantly reduced. Their recommendation is for a 10.09% increase for health. They do not recommend an increase for dental for the base plan. Instead the

recommendation is to increase the premiums of the supplemental plan due to usage of the option over the past few years. The recommended increase is \$3.00 a month for single coverage. Additionally there is a recommendation to differentiate between the single and family supplement by increasing the family supplement by \$11.00 a month. As the vision plan is fully funded there is a 3% increase as noted above. These changes result in an employee single increase of \$2.90 a month and a family premium increase of \$20.80 a month.

Flex Savings Plan

We recommend the automatic renewal of our flex savings plan with Wage Works. The flex savings plan allows employees to pay pre-tax dollars for medical and dependent care expenses. The County pays \$5.25 PPPM (per participant per month). The cost averages around \$1,200 monthly or \$14,400 annually and is based on participation of employees.

The supporting documentation is attached.

Cc: David Farmer, Director of Budget and Administrative Services
Anna Evans, Holmes Murphy
Hiliary McKay, Benefits Coordinator

HUMAN RESOURCES DEPARTMENT

600 West Fourth Street
Davenport, Iowa 52801-1030

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



Date: October 10, 2018

To: Mahesh Sharma, County Administrator

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

Subject: Approval of Health Insurance Premium Rates for CY19

The final rates for the Medical, Dental and Vision benefits are as follows:

United Healthcare Plan (TPA) (Self Funded as of 1-1-10)	CY18 Rates	CY19 Rates	Employee Rate
	\$ 586.77 Single \$1,595.01 Family	\$ 644.73 Single \$1,756.69 Family	\$ 32.24 Single ¹ \$ 222.38 Family

¹ Single premium rate for Teamsters is not effective until 7-1-19

Delta Dental (TPA) (Self funded as of 7-1-10)	CY18 Rates	CY19 Rates	Employee Rate
	\$30.36 Single \$90.96 Family	\$ 30.36 Single \$ 90.96 Family	\$ 1.52 Single ^{1 2} \$ 12.12 Family ²

² Employee's opting to take the Dental supplemental plan shall pay an additional \$8.00/month for single or \$16/month for family coverage.

Avesis Vision (Contracted since 7-1-10)	CY18 Rates	CY19 Rates	Employee Rate
	\$7.35 Single \$16.92 Family	\$7.57 Single \$17.43 Family	\$0.38 Single ¹ \$1.96 Family



RE: **Scott County IA**

Avesis is privileged to have Scott County IA as our client.

We are committed to maintaining our high customer satisfaction rating by ensuring that our clients receive the best vision care experience available. We look forward to continuing our relationship with you and serving as your vision carrier of choice in the upcoming years.

Currently we are pleased to offer a (4) year guarantee with the following premium rates:

Option 1

Group Number:	60790-774
Renewal Period:	January 01, 2019 - December 31, 2022
Current Rates:	\$7.35/ \$16.92
Renewal Rates:	\$7.57/ \$17.43
Current Wholesale Frame Allowance:	\$50
Current Contact Lens Allowance:	\$130
Current Lens Option Package:	N/A

We would like to offer your group some additional benefits to better suit their needs!

Option 2

Plan	050130DZ-L3
Lens Option Package:	L3
Wholesale Frame Allowance:	\$50
Contact Lens Allowance:	\$130
Renewal Rates:	\$9.31 / \$21.79

Option 3

Plan	050130DZ-L5
Lens Option Package:	L5
Wholesale Frame Allowance:	\$50
Contact Lens Allowance:	\$130
Renewal Rates:	\$10.23 / \$24.09

Your vision benefits will renew automatically on the date shown above, unless otherwise indicated by you in advance of the scheduled renewal date. If you have any questions please contact me at acarfrae@avesis.com or by phone at 4104139302.

Selection:

Option 1	<input checked="" type="checkbox"/>
Option 2	<input type="checkbox"/>
Option 3	<input type="checkbox"/>

Signature

Date

Printed Name

Sincerely,

Amie Carfrae





**Scott County
Vision Renewal Analysis
Effective January 1, 2019**

Carrier	CURRENT Avesis		RENEWAL Avesis ORIGINAL		RENEWAL Avesis REVISED	
	Network Benefits	Non-Network Amount Covered	Network Benefits	Non-Network Amount Covered	Network Benefits	Non-Network Amount Covered
BENEFIT COPAYMENTS						
EXAMS - (Once every 12 Months)	\$10	Up to \$35	\$10	Up to \$35	\$10	Up to \$35
MATERIALS	\$20	See Below	\$20	See Below	\$20	See Below
ONE TIME LASIK BENEFIT	\$150 Allowance		\$150 Allowance		\$150 Allowance	
FREQUENCY GUIDELINES						
EXAMINATION	12 months	12 months	12 months	12 months	12 months	12 months
LENSES	12 months	12 months	12 months	12 months	12 months	12 months
FRAMES	24 Months	24 Months	24 Months	24 Months	24 Months	24 Months
MAXIMUM ALLOWANCES						
FRAMES - (Once every 24 Months)*	\$50 Wholesale Allowance*	Up to \$45	\$50 Wholesale Allowance*	Up to \$45	\$50 Wholesale Allowance*	Up to \$45
LENSES - (Once every 12 Months)						
Elective Contacts	Up to \$130	Up to \$130	Up to \$130	Up to \$130	Up to \$130	Up to \$130
Medical Necessary Contacts	In Full	Up to \$250	In Full	Up to \$250	In Full	Up to \$250
Lens Package	N/A	N/A	N/A	N/A	N/A	N/A
Single Vision	In Full	Up to \$25	In Full	Up to \$25	In Full	Up to \$25
Bifocals	In Full	Up to \$40	In Full	Up to \$40	In Full	Up to \$40
Trifocals	In Full	Up to \$50	In Full	Up to \$50	In Full	Up to \$50
Lenticular	In Full	Up to \$80	In Full	Up to \$80	In Full	Up to \$80
PROVISIONS						
Rate Guarantee	Two Year Rate Guarantee		Two Year Rate Guarantee		Four Year Rate Guarantee	
CENSUS						
150 Single	\$7.35		\$7.57		\$7.57	
333 Family	\$16.92		\$17.43		\$17.43	
MONTHLY PREMIUM	\$6,736.86		\$6,939.69		\$6,939.69	
ANNUAL PREMIUM	\$80,842.32		\$83,276.28		\$83,276.28	
Estimated Savings/Increase \$			\$2,433.96		\$2,433.96	

Note: This is only a summary of the benefits/premium rates associated with the Group Insurance Program. Please refer to the plan carrier's illustration for full disclosure.

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

October 18, 2018

APPROVAL OF FAMILY HEALTH CARE PREMIUM RATES FOR SCOTT COUNTY EMPLOYEES IN CALENDAR YEAR 2019

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

Section 1. The following schedule of single health care premium rates for Scott County employees in calendar year 2019 is hereby approved:

Health/Pharmaceutical	\$ 32.24 / mo
Dental	\$ 1.52 / mo
Avesis Vision	\$ 0.38 / mo

Section 2. The following schedule of family health care premium rates for Scott County employees in calendar year 2019 is hereby approved:

Health/Pharmaceutical	\$ 222.38 / mo
Dental	\$ 12.12 / mo
Avesis Vision	\$ 1.96 / mo

Section 3. Employee's opting to take the Dental supplemental plan shall pay an additional \$8.00/month for single or \$16/month for family coverage.

Section 4. This resolution shall take effect on January 1, 2019.

THE COUNTY AUDITOR'S SIGNATURE CERTIFIES
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SCOTT COUNTY AUDITOR

R E S O L U T I O N

SCOTT COUNTY BOARD OF SUPERVISORS

October 18, 2018

APPROVAL OF FOUR YEAR AGREEMENT WITH AVESIS FOR VISION COVERAGE

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

Section 1. That the proposal from Avesis for four years for a fully funded vision plan is hereby accepted and approved.

Section 2. That the Human Resources Director hereby authorized to sign the vision insurance contracts for services on behalf of the Board.

Section 3. This resolution shall take effect immediately.

THE COUNTY AUDITOR'S SIGNATURE CERTIFIES
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APPROVED BY THE BOARD OF SUPERVISORS ON

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SCOTT COUNTY AUDITOR

R E S O L U T I O N

SCOTT COUNTY BOARD OF SUPERVISORS

October 18, 2018

APPROVAL OF ONE YEAR RENEWAL FOR FLEX SAVINGS PLAN ADMINISTRATION

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

Section 1. That the annual renewal with WageWorks for administration of the County's flex savings program is hereby approved.

Section 2. That the Human Resources Director hereby authorized to sign any necessary contracts for services on behalf of the Board.

Section 3. This resolution shall take effect immediately.

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

October 18, 2018

APPROVAL OF STAFF APPOINTMENTS

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

Section 1. The hiring of Farrah Roberts for the position of part-time Detention Youth Counselor in the Juvenile Detention Center at the entry level rate.

Section 2. The hiring of Joel Driscoll for the position of part-time Bailiff in the Sheriff's Office at the entry level rate.

Section 3. The hiring of Russell Griffin for the position of part-time Bailiff in the Sheriff's Office at the entry level rate.

Section 4. The hiring of Ogechi Anyaugo for the position of Corrections Officer in the Sheriff's Office at the entry level rate.

Section 5. The hiring of Kevin Delveau for the position of Corrections Officer in the Sheriff's Office at the entry level rate.

Section 6. The hiring of Cory Elam for the position of Corrections Officer in the Sheriff's Office at the entry level rate.

Section 7. The hiring of Edward Mauro for the position of Corrections Officer in the Sheriff's Office at the entry level rate.



Scott County Health Department

600 W. 4th Street | Davenport, IA 52801-1030 | P. 563-326-8618 | F. 563-326-8774
health@scottcountyiowa.com | www.scottcountyiowa.com/health

October 8, 2018

To: Mahesh Sharma, County Administrator
From: Edward Rivers, Health Director

RE: Overfill Correctional Health Coordinator Position

Marybeth Wood, Correctional Health Coordinator, has announced that she will be retiring from the Scott County Health Department on January 2, 2019. The Health Department is requesting a four-week overfill in order to allow the new employee an opportunity to work side by side with Marybeth prior to her retirement. The anticipated costs for the overfill would range from \$6,150 to \$7,900 depending upon the starting salary of the individual as well as whether he/she selects single or family health insurance.

THE COUNTY AUDITOR'S SIGNATURE CERTIFIES
THAT THIS RESOLUTION HAS BEEN FORMALLY
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DATE

SCOTT COUNTY AUDITOR

R E S O L U T I O N

SCOTT COUNTY BOARD OF SUPERVISORS

October 18, 2018

APPROVAL OF THE REQUEST TO OVERFILL THE CORRECTIONAL HEALTH COORDINATOR POSITION.

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

- Section 1. That the request to overfill the Correctional Health Coordinator position from December 3, 2018 to January 2, 2019 is hereby approved.
- Section 2. This resolution shall take effect immediately.

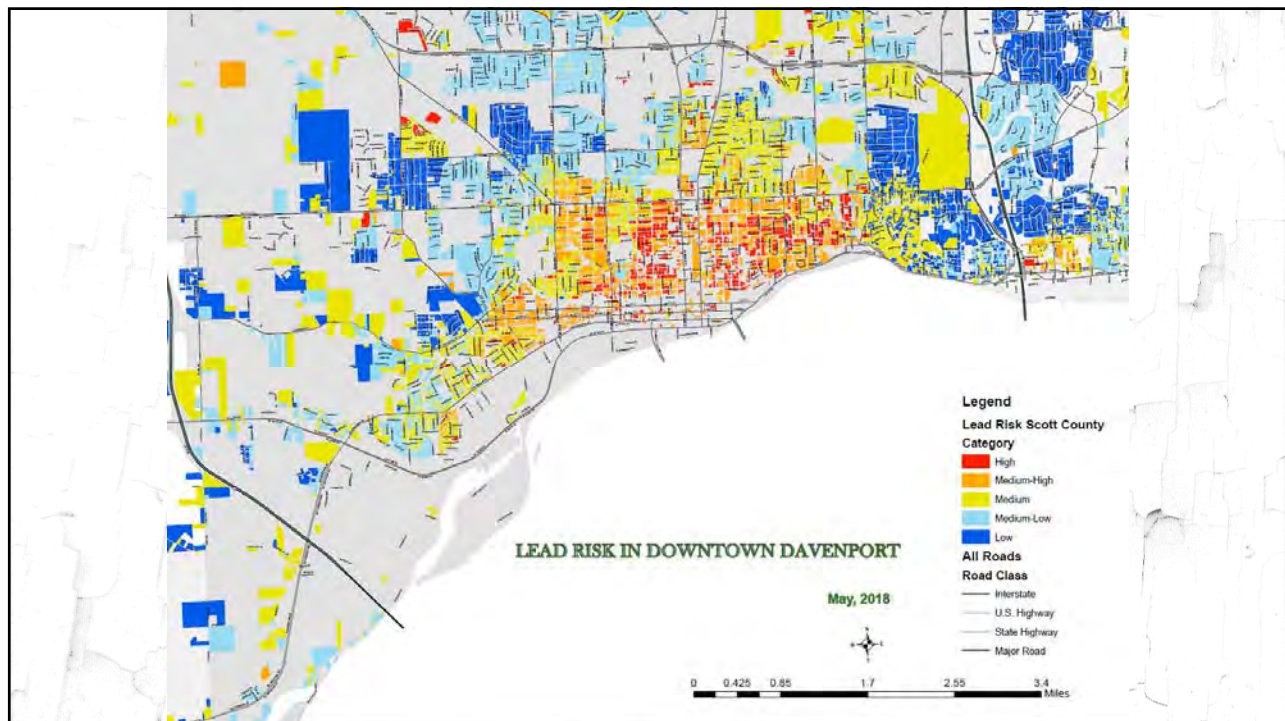
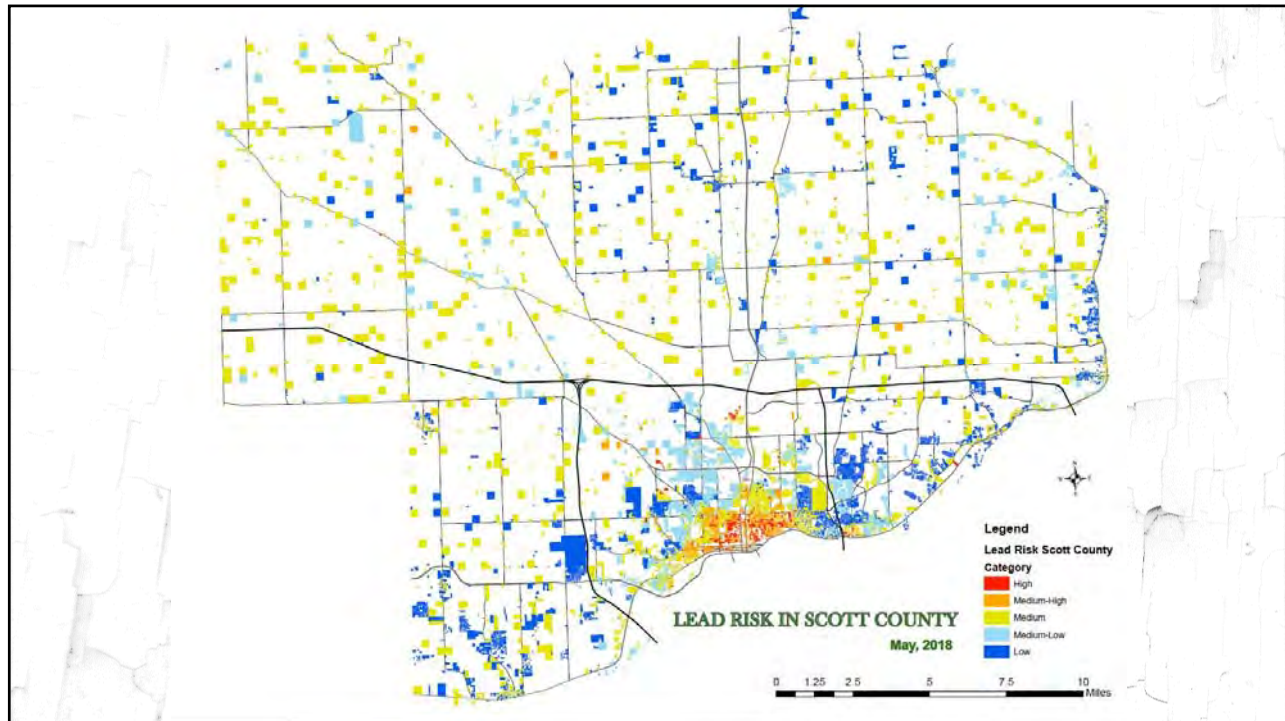
Lead Paint Hazards in Scott County

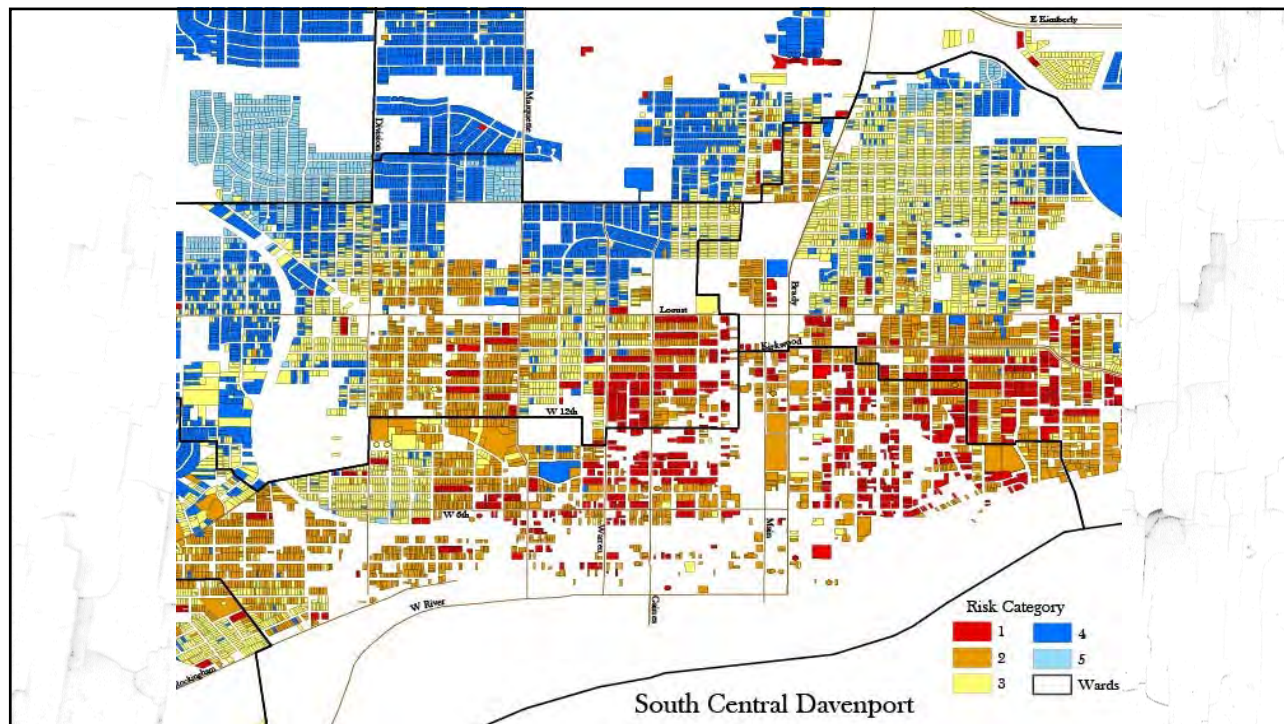
A report of the collaboration between



Goals of the collaboration

1. Establish a baseline, through survey and geospatial analysis, of the lead hazards in Scott County.
2. Reengage the community in solving the problem.
3. Determine methods for financing remediation, not primarily dependent on federal grants.





EBL Cases in Pre-1979 Housing Stock (41321 parcels)

Priority Zone	Number of Parcels	% of Pre-1979 Housing Stock	% of Parcels with Elevated BLLs	Number Elevated BLLs	% of Elevated BLLs Captured	Ratio of Parcels Without Elevated BLL to Parcels With Elevated BLL	Home Age	Renter Occupancy Risk	% African American of Neighborhood Risk	Combined Risk using only significant regression predictors	Number of HUD Remediated Properties Captured	Percent of HUD Remediated Properties Captured
1	1955	5	21	410	28	5	1915	56	57	177	50	21
2	3843	9	11	430	29	9	1899	55	13	148	101	43
3	10545	26	3	364	25	29	1938	44	9.5	95	57	24
4	13786	33	1	167	11	83	1960	32	4	56	23	10
5	11192	27	1	88	6	127	1964	12	2	28	2	1

Model validated using addresses where children poisoned since 2000 under data-sharing agreement with Iowa Department of Public Health (1459 cases)

EBL Cases in Pre-1979 Housing Stock (41321 parcels)

Priority Zone	Number of Parcels	% of Pre-1979 Housing Stock	% of Parcels with Elevated BLLs	Number Elevated BLLs	% of Elevated BLLs Captured	Ratio of Parcels Without Elevated BLL to Parcels With Elevated BLL	Home Age	Renter Occupancy Risk	% African American of Neighborhood Risk	Combined Risk using only significant regression predictors	Number of HUD Remediated Properties Captured	Percent of HUD Remediated Properties Captured
1	1955	5	21	410	28	5	1915	56	57	177	50	21
2	3843	9	11	430	29	9	1899	55	13	148	101	43

57% of EBL cases in 14% of pre-79 housing stock! (5798 parcels)

Association of Risk Areas with mapping for other issues

- City of Davenport Police Department: Elevated crime rates and violent crime.
- Davenport School System: Increased absence rates and behavioral incidents.
- Augustana is conducting a project using Juvenile Justice data to test an association with risk areas.

Since the problem was localized, what have has been done about the other two goals?

Lead-based paint study finds 5,000 Davenport homes at high risk

Devan Patel dpatel@qtimes.com Oct 18, 2017

TRY 1 MONTH FOR 99¢



Precautions were taken when lead paint was removed from the porch of this Davenport house in 2010. Lead paint remediation has come to a standstill in Scott County. [BUY NOW](#)

Lead-based paint study finds 5,000 Davenport homes at high risk

Devan Patel dpatel@qctimes.com Oct 18, 2017

Looking at the high risk areas in Davenport, Mayor Frank Klipsch said it stressed the importance of looking at investing more in the central city to help combat the problem.

"It sounds as if the three overlapping hot spot areas really reiterate the importance of looking at the urban revitalization of Davenport," Klipsch said.



Precautions were taken when lead paint was removed from the porch of this Davenport house in 2010. Lead paint remediation has come to a standstill in Scott County. [BUY NOW](#)

Lead-based paint study finds 5,000 Davenport homes at high risk

Devan Patel dpatel@qctimes.com Oct 18, 2017

- Met with Mayor Klipsch to encourage the city's participation in coalition and action.
 - "You've done a really good job convincing me."
- Mahesh Sharma, Tony Knobbe, Genesis, Augustana met with Mayor
 - Pledged to task Urban Revitalization resources to lead remediation.
 - Agreed to advocate for inclusion of lead-safe requirement in rental ordinance.
 - Will assign a city representative to participate in coalition.

Precautions were taken when lead paint was removed from the porch of this Davenport house in 2010. Lead paint remediation has come to a standstill in Scott County. [BUY NOW](#)

Live Lead Free Quad Cities



- After the Year One kickoff of SCHD/Augustana project in August 2016, Genesis Health System inquired how it could join the effort.
- Staff from Genesis were delegated to work with SCHD/Augustana to develop ways to address the clinical and community engagement issues.
- Meetings began under the “Community Lead Reduction Project” banner in March 2017.

Live Lead Free Quad Cities



- First meeting of “Live Lead Free QC” 12/11/17.
- “Live Lead Free Quad Cities” incorporated in Iowa 8/10/18.
- 501 (c) 3 status application submitted to IRS and status pending.
- Work has begun on applications to philanthropic groups for funding.

Live Lead Free Quad Cities Board



- - Augustana College: Dr. Alexander Cohen (Secretary)
- - Community Health Care: Tom Bowman
- - City of Moline: Kaye J Whitley
- - City of Rock Island: Drake Daley
- - Community Action of Eastern Iowa: Tom Wiebenga
- - Genesis Health System: Vanessa Lee (Vice-President)
- - Rock Island Health Department: Janet Hill
- - Scott County Board of Supervisors: Tony Knobbe (President)
- - Scott County Health Department: Edward Rivers
- - Scott County Housing Council: Leslie Kilgannon

Regular Participants



- Augustana College: Dr. Michael Reisner
- Genesis Health System: Henry Marquardt, Michele Dane, Tanner Pugh
- Quad City Health Initiative: Nicole Carkner
 - Board membership pending approval by QCHI Board.
- Scott County: David Farmer: (Treasurer), Tiffany Tjepkes, Sue VanDeWalle
- UnityPoint Health - Trinity: Daniel Joiner
- World Relief: Leah Cox

Methods of Finance

- Augustana Finance class examined several methods of procuring funding other than federal grants:
 - Tax Increment Financing
 - Original intent was for “blighted” areas.
 - Increase in property value after repairs is not sufficient.
 - Urban Revitalization Tax Exemption
 - Feasible: requires 10% increase in property value.
 - Revolving Fund
 - Funds from public or private sources provide low interest or forgivable loans.

Methods of Finance

- Augustana Finance class examined several methods of procuring funding other than federal grants:
 - Community Reinvestment Act
 - Small, low interest loans by FDIC insured financial institutions.
 - Philanthropic funds
 - Targeted remediations for properties involved in EBL case management.
 - Could populate revolving fund, housing trust.
 - May have specific restrictions per grantor.

What has been done in other communities?

- Massachusetts:
 - Massachusetts Lead Abatement Program
 - Grant program with \$3 million focused on high risk communities.
 - Lead Safe Boston
 - For property owners: forgivable loan up to \$8500
 - Get the Lead Out
 - 0% deferred payment loan not due until sale/refinancing.
 - Home Improvement Loan Program
 - 5% loans for lead abatement - \$7.5K - \$50K
 - Lead Removal Tax Credit
 - Up to \$1500 tax credit for permanent removal.

What has been done in other communities?

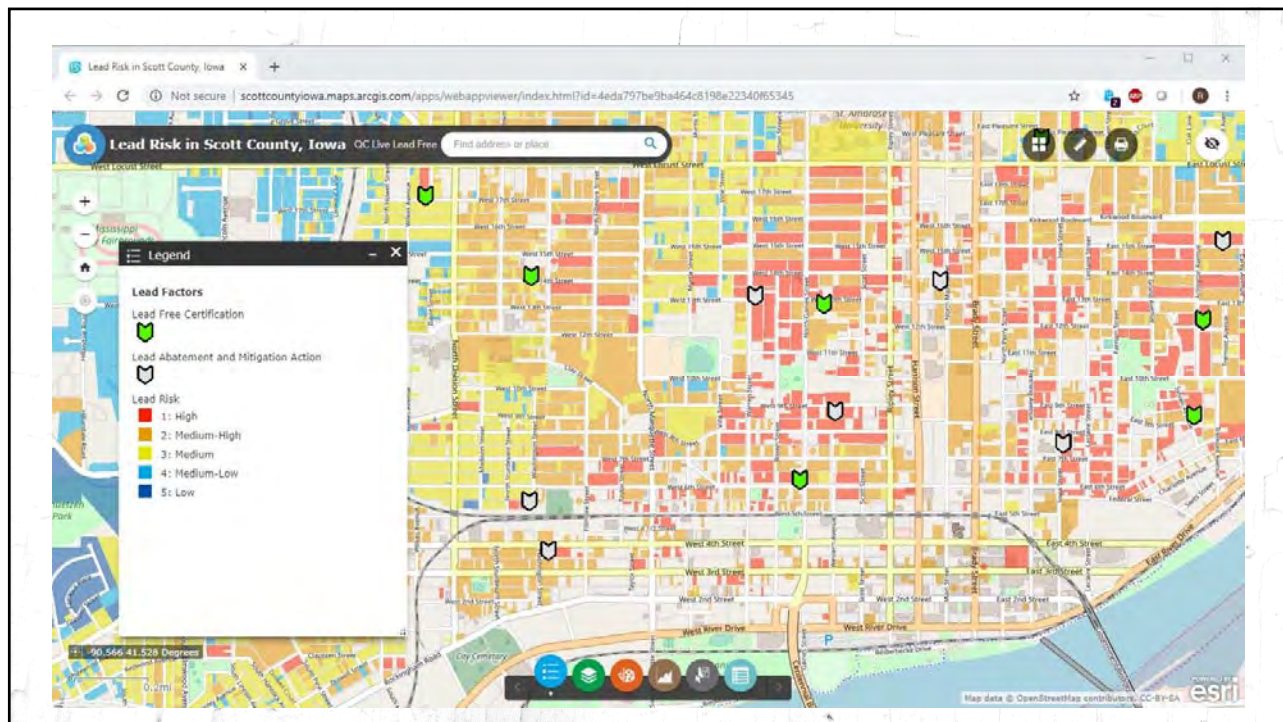
- Maryland:
 - Lead Hazard Reduction Grant and Loan Program
 - Maximum of \$25,000 per unit.
 - 0% - 10% match, income dependent
- Alameda County, California
 - \$10,000 grant per unit
 - Residential - family housing – low income
 - Rental properties must be made available to low income families with priority to children under six.

Scott County Action on Lead

- Inclusion in Strategic Plan as “High Priority”
- Appropriated \$100,000 for FY 19
- Partnership with Live Lead Free Quad Cities
- Encouragement and support for charitable applications.
- Staff time allocated for participation

Scott County Action on Lead

- Scott County GIS is working with LLFQC to develop a Lead-Safe Housing Registry.
- Available as a webpage or mobile app.
- Identifies lead safe properties for those seeking to rent or purchase.
- Functionality much like Zillow and Trulia



Scott County Action on Lead

Now, we'll move forward on remediation cases with the funds provided by the Board of Supervisors.

Scott County Action on Lead

- List of nine properties meeting criteria.
- Reach out to owners regarding interest and cost sharing.
- Scott County Housing Council will be operational arm.
- CAEI has agreed to also perform remediation.
- Scott County Health Department will perform lead clearances for cases under our management.

Remediation case selection hierarchy Scott County Government Funds

1. Blood level 20 mcg/dl or greater*
2. Blood level 15-19 mcg/dl*
3. Blood level 10-14 mcg/dl*
4. Blood level 3.5-9 mcg/dl *
 - a. Verified lead risk residence
 - b. In risk area 1 or 2*
 - c. In risk area 3*
5. Newborn to reside in known lead risk residence
6. Newborn to reside in high risk area
 - a. In risk area 1 or 2**
 - b. In risk area 3**
7. Structure in risk area 1-3 with children in residence: no child with positive blood lead test. † **
 - a. Number of children in residence and level of hazard considered if prioritization needed.

* Venous results

** Requires verification of lead presence.

† Childhood lead poisoning prevention.

Questions?



Community Services Department

600 W. 4th St.
Davenport, Iowa 52801



(563) 326-8723 Fax (563) 326-8730

October 8, 2018

To: Mahesh Sharma

From: Lori A. Elam

Re: Approval of Tax Suspension Request

This is a request for approval of a tax suspension as presented.

As you are aware, tax suspensions may be directed by the Department of Human Services if the taxpayer is receiving specific assistance from that Department. In these directed suspensions, the suspension remains in effect as long as the person continues to own the property and receive the specified assistance from the Department of Human Services.

Additionally, under the Board of Supervisors policy, taxpayers may apply for suspension based on financial criteria. These are considered requested suspensions and are for the period only of the tax year and relates to the amounts owed at the time of the suspension. Persons may, of course, reapply each year if they continue to meet the eligibility criteria.

The county has received tax suspension petition requests as follows:

DIRECTED TAX SUSPENSION:

Lindsay Faust
1302 West 6th Street
Davenport, IA 52802

Suspend: The 2017 property taxes due in September 2018 and March 2019 in the amount of \$758.00.

This application is directed by the Dept. of Human Services.

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

OCTOBER 18, 2018

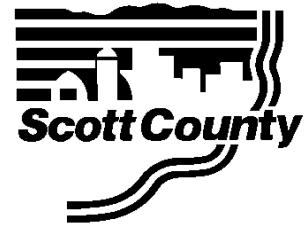
**SUSPENDING THE 2017 PROPERTY TAXES FOR LINDSAY FAUST, 1302 WEST 6TH STREET,
DAVENPORT, IOWA, AS DIRECTED BY THE IOWA DEPARTMENT OF HUMAN SERVICES IN THE
AMOUNT OF \$758.00 INCLUDING INTEREST.**

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

- Section 1. That Scott County has been directed by the Iowa Department of Human Services to suspend the collection of property taxes, assessments and rates or charges, including interest, fees, and costs for Lindsay Faust. The 2017 property taxes for Lindsay Faust 1302 West 6th Street, Davenport, Iowa, in the amount of \$758.00 including interest are hereby suspended.
- Section 2. That the collection of all property taxes, special assessments, and rates or charges, including interest, fees, and costs assessed against the parcel at 1302 West 6th Street, Davenport, Iowa remaining unpaid shall be suspended for such time as Lindsay Faust remains the owner of such property, and during the period he/she receives assistance as described in Iowa Code Section 427.9.
- Section 3. That the County Treasurer is hereby directed to suspend collection of the above stated taxes, assessments, and rates or charges, including interest, fees, and costs, thereby establishing a lien on said property as required by law, with future collection to include statutory interest.
- Section 4. This resolution shall take effect immediately.

Community Services Department

600 W. 4th St.
Davenport, Iowa 52801



(563) 326-8723 Fax (563) 326-8730

October 8, 2018

To: Mahesh Sharma

From: Lori A. Elam

Re: Approval of Tax Suspension Request

The County has received a tax suspension request to have the property taxes currently owed suspended as follows:

REQUESTED TAX SUSPENSION:

Theresa Hall
5610 North Street
Bettendorf, IA 52722

Suspend: The 2017 property taxes, due September 2018 and March 2019 in the amount of \$3,377.00 including interest.

The application meets the Board Suspension Policy requirements. It is recommended that the Board suspend these taxes at their next Board meeting.

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

OCTOBER 18, 2018

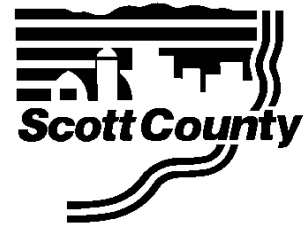
**SUSPENDING THE 2017 PROPERTY TAXES DUE SEPTEMBER 2018 AND MARCH 2019 FOR
THERESA HALL, 5610 NORTH STREET, BETTENDORF, IOWA, IN THE AMOUNT OF \$3,377.00
INCLUDING INTEREST.**

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

- Section 1. The 2017 property taxes due September 2018 and March 2019 for Theresa Hall,
5610 North Street, Bettendorf, Iowa, in the amount of \$3,377.00 including interest
are hereby suspended.
- Section 2. The County Treasurer is hereby requested to suspend the collection of the above
stated taxes thereby establishing a lien on said property as required by law with
future collection to include statutory interest, if any.
- Section 3. This resolution shall take effect immediately.

Community Services Department

600 W. 4th St.
Davenport, Iowa 52801



(563) 326-8723 Fax (563) 326-8730

October 8, 2018

To: Mahesh Sharma

From: Lori A. Elam

Re: Approval of Tax Suspension Request

This is a request for approval of a tax suspension as presented.

As you are aware, tax suspensions may be directed by the Department of Human Services if the taxpayer is receiving specific assistance from that Department. In these directed suspensions, the suspension remains in effect as long as the person continues to own the property and receive the specified assistance from the Department of Human Services.

Additionally, under the Board of Supervisors policy, taxpayers may apply for suspension based on financial criteria. These are considered requested suspensions and are for the period only of the tax year and relates to the amounts owed at the time of the suspension. Persons may, of course, reapply each year if they continue to meet the eligibility criteria.

The county has received tax suspension petition requests as follows:

DIRECTED TAX SUSPENSION:

Cara Shelton
3010 Rockingham Road
Davenport, IA 52802

Suspend: The 2017 property taxes due in September 2018 and March 2019 in the amount of \$1,363.00 including interest.

This application is directed by the Dept. of Human Services.

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

OCTOBER 18, 2018

SUSPENDING THE 2017 PROPERTY TAXES FOR CARA SHELTON, 3010 ROCKINGHAM ROAD, DAVENPORT, IOWA, AS DIRECTED BY THE IOWA DEPARTMENT OF HUMAN SERVICES IN THE AMOUNT OF \$1,363.00 INCLUDING INTEREST.

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

- Section 1. That Scott County has been directed by the Iowa Department of Human Services to suspend the collection of property taxes, assessments and rates or charges, including interest, fees, and costs for Cara Shelton. The 2017 property taxes for Cara Shelton, 3010 Rockingham Road, Davenport, Iowa, in the amount of \$1,363.00 including interest are hereby suspended.
- Section 2. That the collection of all property taxes, special assessments, and rates or charges, including interest, fees, and costs assessed against the parcel at 3010 Rockingham Road, Davenport, Iowa remaining unpaid shall be suspended for such time as Cara Shelton remains the owner of such property, and during the period he/she receives assistance as described in Iowa Code Section 427.9.
- Section 3. That the County Treasurer is hereby directed to suspend collection of the above stated taxes, assessments, and rates or charges, including interest, fees, and costs, thereby establishing a lien on said property as required by law, with future collection to include statutory interest.
- Section 4. This resolution shall take effect immediately.

INFORMATION TECHNOLOGY

400 West Fourth Street
Davenport, Iowa 52801-1104

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



Item #12
10/16/18

October 8, 2018

To: Mahesh Sharma, County Administrator

From: Tim Lane, County Sheriff
Roger Kean, Director Conservation
Tom Leonard, Sergeant Sheriff's Office
Nick Clausen, Technology Systems Coordinator, Information Technology
Matt Hirst, Director Information Technology

Subject: Mobile Data Computer Project

Quotes have been received for the purchase of equipment necessary to replace Mobile Data Computers (MDC's) and communication gateways in the Sheriff's Office and Conservation Department's public safety vehicles.

Quote summaries for the MDC's are as follows:

Description	Vendor		
	Dell	Racom (Getac)	Keltek (Panasonic)
55 Ruggedized Laptops w/ GPS, Docks, Port Replicators, 3 Years Warranty	\$98,331.75 (1787.85)	\$211,528.67 (2349.30)	\$163,441.00 (2199.00)

Quote summaries for installation of MDC docks in vehicles are as follows:

Description	Vendor	
	RACOM	Keltek
Professional Installation services	\$20,150	\$30,645.46

Quote summaries for the communication gateways are as follows:

Description	Vendor	
	Racom (Cradlepoint)	Keltek (Sierra Wireless)
In-Vehicle Gateways w/ Antenna, Installation, Server Software	\$86,234.10	\$110,158.34

It is recommended that the Board approve the quotes from Kelteck for the MDC's replacement project in Sheriff's Office and Conservation Department's public safety vehicles with a total project cost of \$304,244.80.

This project will replace MDC's currently installed in Sheriff's Office and Conservation Department public safety vehicles which are five (5) years old. The upgrade will facilitate the following public safety activities:

- Improve computing capabilities and performance with current MDC's
- Improve communication capabilities and performance with 4G LTE wireless communication
- Allow continued use of State of Iowa TraCS (Traffic and Criminal Software) application – TraCS allows printing of citations, accidents forms, OWI forms and vehicle inventories. TraCS also enables scanning of driver licenses and registrations data into forms to be created as well as viewing driver license information including photos. Presently TraCS is being used at 180 plus law enforcement agencies, plus the State Patrol and the Motor Vehicle Enforcement Officers of Iowa.
- Allow continued use of NWS Aegis application used to communicate with SECC, other agencies, other deputies, and perform FBI NCIC (National Crime Information Center) lookups for criminal history.
- Support continued use of advantages of MDC's including: ease of use, ease of installation, access to Internet for weather conditions, and access to the Scott County network via Virtual Private Network (VPN) connectivity. (County VPN connectivity provides access to any and all County applications including e-mail, MS Office, and Computer Aided Dispatch/Records Management System (CAD/RMS)).

Budget dollars are available in the FY'19 CIP budget.



A quote for your consideration!

Total: \$764.72

Based on your business needs, we put the following quote together to help with your purchase decision. Please review your quote details below, then contact your sales rep when you're ready to place your order.

Quote number:	Quote date:	Quote expiration:	Deal ID:
3000023183136.1	Mar. 15, 2018	Apr. 14, 2018	15238271

Company name:	Customer number:	Phone:
SCOTT COUNTY	21258716	(563) 326-8793

Sales rep information:	Billing Information:
Eric Hollowell	SCOTT COUNTY
Eric_Hollowell@Dell.com	INFORMATION TECH
(800) 456-3355	400 W 4TH ST
Ext: 5130145	DAVENPORT
	IA 52801-1104
	US
	(563) 326-8793

Pricing Summary

Item	Qty	Unit Price	Subtotal
Havis PKG-PSM-153 - mounting kit	1	\$192.03	\$192.03
Docking Station for Dell's Latitude 14 Rugged and Latitude 12 & 14 Rugged Extreme Notebooks with Power Supply (Advanced Port Replication)	1	\$572.69	\$572.69
Subtotal:			\$764.72
Shipping:			\$0.00
Environmental Fees:			\$0.00
Non-Taxable Amount:			\$764.72
Taxable Amount:			\$0.00
Estimated Tax:			\$0.00
Total:			\$764.72

Special lease pricing may be available for qualified customers. Please contact your DFS Sales Representative for details.

Dear Customer,

Your Quote is detailed below; please review the quote for product and information accuracy. If you find errors or desire certain changes please contact me as soon as possible.

Regards,

Eric Hollowell

Order this quote easily online through your [Premier page](#), or if you do not have Premier, using [Quote to Order](#)

Shipping Group 1

Shipping Contact: NICK CLAUSSEN	Shipping phone: (563) 328-3212	Shipping via: DELL Standard Delivery	Shipping Address: 400 WEST 4TH ST DAVENPORT IA 52801 US
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SKU	Description	Qty	Unit Price	Subtotal
	Havis PKG-PSM-153 - mounting kit	1	\$192.03	\$192.03

Estimated delivery date: Apr. 10, 2018

Contract No: 70137

Customer Agreement No: Dell Std Terms

A5726137	Havis PKG-PSM-153 - mounting kit	1	-	-
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SKU	Description	Qty	Unit Price	Subtotal
	Docking Station for Dell's Latitude 14 Rugged and Latitude 12 & 14 Rugged Extreme Notebooks with Power Supply (Advanced Port Replication)	1	\$572.69	\$572.69

Estimated delivery date: Apr. 17, 2018

Contract No: 70137

Customer Agreement No: Dell Std Terms

A7916311	Docking Station for Dell's Latitude 14 Rugged and Latitude 12 & 14 Rugged Extreme Notebooks with Power Supply (Advanced Port Replication)	1	-	-
----------	---	---	---	---

Subtotal: \$764.72

Shipping: \$0.00

Environmental Fees: \$0.00

Estimated Tax: \$0.00

Total: \$764.72

Unless you have a separate written agreement that specifically applies to this order, your order is subject to [Dell's Terms of Sale](#) (for consumers the terms include a binding arbitration provision). Please see the legal disclaimers below for further information.

Important Notes

Terms of Sale

Unless you have a separate written agreement that specifically applies to this order, your order will be subject to and governed by the following agreements, each of which are incorporated herein by reference and available in hardcopy from Dell at your request: Dell's Terms of Sale (www.dell.com/learn/us/en/uscorp1/terms-of-sale), which include a binding consumer arbitration provision and incorporate Dell's U.S. Return Policy (www.dell.com/returnpolicy) and Warranty (for [Consumer warranties](#) ; for [Commercial warranties](#)).

If this purchase includes services: in addition to the foregoing applicable terms, the terms of your service contract will apply ([Consumer](#); [Commercial](#)). If this purchase includes software: in addition to the foregoing applicable terms, your use of the software is subject to the license terms accompanying the software, and in the absence of such terms, then use of the Dell-branded application software is subject to the Dell End User License Agreement - Type A (www.dell.com/AEULA) and use of the Dell-branded system software is subject to the Dell End User License Agreement - Type S (www.dell.com/SEULA).

If your purchase is for Mozy, in addition to the foregoing applicable terms, your use of the Mozy service is subject to the terms and conditions located at <https://mozy.com/about/legal/terms>.

You acknowledge having read and agree to be bound by the foregoing applicable terms in their entirety. Any terms and conditions set forth in your purchase order or any other correspondence that are in addition to, inconsistent or in conflict with, the foregoing applicable online terms will be of no force or effect unless specifically agreed to in a writing signed by Dell that expressly references such terms.

Pricing, Taxes, and Additional Information

All product, pricing, and other information is valid for U.S. customers and U.S. addresses only, and is based on the latest information available and may be subject to change. Dell reserves the right to cancel quotes and orders arising from pricing or other errors. Please indicate any tax-exempt status on your PO, and fax your exemption certificate, including your Customer Number, to the Dell Tax Department at 800-433-9023. Please ensure that your tax-exemption certificate reflects the correct Dell entity name: **Dell Marketing L.P.**

Note: All tax quoted above is an estimate; final taxes will be listed on the invoice.

If you have any questions regarding tax please send an e-mail to Tax_Department@dell.com.

For certain products shipped to end-users in California, a State Environmental Fee will be applied to your invoice. Dell encourages customers to dispose of electronic equipment properly.



A quote for your consideration!

Based on your business needs, we put the following quote together to help with your purchase decision. Please review your quote details below, then contact your sales rep when you're ready to place your order.

Total: \$94,500.00

Quote number:	Quote date:	Quote expiration:	Deal ID:
3000020014425.1	Nov. 27, 2017	Dec. 27, 2017	14565292
Company name:	Customer number:	Phone:	Purchase Order:
CITY OF DAVENPORT	76767333	(563) 326-7718	01801230
Sales rep information:	Billing Information:		
Les Szabo	CITY OF DAVENPORT		
Les_Szabo@Dell.com	226 W 4TH ST		
(800) 456-3355	DAVENPORT		
Ext: 5131521	IA 52801		
	US		
	(563) 326-7718		

Pricing Summary

Item	Qty	Unit Price	Subtotal
LAT,7202,LIVINGSTONE	54	\$1,750.00	\$94,500.00
Subtotal:			\$94,500.00
Shipping:			\$0.00
Environmental Fees:			\$0.00
Non-Taxable Amount:			\$94,500.00
Taxable Amount:			\$0.00
Estimated Tax:			\$0.00
Total:			\$94,500.00

Special lease pricing may be available for qualified customers. Please contact your DFS Sales Representative for details.

Dear Customer,

Your Quote is detailed below; please review the quote for product and information accuracy. If you find errors or desire certain changes please contact me as soon as possible.

Regards,
Les Szabo

Order this quote easily online through your [Premier page](#), or if you do not have Premier, using [Quote to Order](#)

Shipping Group 1

Shipping Contact:	Shipping phone:	Shipping via:	Shipping Address:
Ron Perkins	(563) 888-2002	Standard Ground	226 WEST FOURTH STREET IT DEPT - CITY HALL DAVENPORT IA 52801-0000 US

SKU	Description	Qty	Unit Price	Subtotal
	LAT,7202,LIVINGSTONE	54	\$1,750.00	\$94,500.00
	Estimated delivery date: Dec. 19, 2017 Contract No: 70137 Customer Agreement No: Dell Std Terms			
210-AEQJ	Latitude 12 Rugged Tablet	54	-	-
338-BLLH	Intel Core M-5Y71 Processor with 8GB Memory and Dedicated GPS and Etched Glass	54	-	-
319-BBDL	2MP HD Webcam / 8MP Rear Camera with Flash and Dual Microphones	54	-	-
619-AHKN	Win 10 Pro 64 English, French, Spanish	54	-	-
658-BCSB	Microsoft(R) Office 30 Days Trial	54	-	-
379-BBXX	Intel Core M-5Y71 processor	54	-	-
340-ACQQ	No Option Included	54	-	-
631-AAPI	Intel vPro Technologys Advanced Management Features	54	-	-
370-ACDM	8GB 1600MHz LPDDR3 Memory	54	-	-
400-AJUE	128G SSD Latitude, Rugged	54	-	-
391-BCDD	11.6 HD (1366x768) Outdoor-Readable Glove-Capable Touchscreen with Gorilla Glass	54	-	-
555-BCLW	Intel Dual Band Wireless 7265 802.11ac Wi-Fi + BT 4.0 LE	54	-	-

	Driver			
555-BCCH	Intel 7265AC Dual-Band 2x2 802.11 ac WiFi	54	-	-
555-BCOP	Wireless LAN card bracket	54	-	-
389-BHDB	Regulatory Label for DE5808/DE5809 for Latitude Systems	54	-	-
556-BBJE	DW5808E Gobi5000 4G/LTE Wireless WAN Card for AT&T, Latitude Rugged Tablet	54	-	-
556-BBKD	WWAN Bracket for Latitude Rugged Tablet	54	-	-
451-BBOP	2-cell (26Wh) Lithium Ion Primary Battery	54	-	-
492-BBCQ	45 Watt 3Pin AC Adapter	54	-	-
620-AAOH	No Media	54	-	-
817-BBBB	No FGA	54	-	-
340-ADFZ	Dell Power Manager	54	-	-
340-AJFC	Kickstart Product Registration	54	-	-
340-APSH	Platform Quickset, 7202	54	-	-
525-BBCL	SupportAssist	54	-	-
640-BBLW	Dell(TM) Digital Delivery Cirrus Client	54	-	-
658-BBMR	Dell Client System Update (Updates latest Dell Recommended BIOS, Drivers, Firmware and Apps)	54	-	-
658-BBNF	Waves Maxx Audio Royalty	54	-	-
658-BCUV	Dell Developed Recovery Environment	54	-	-
537-BBBD	E5 Power Cord (US)	54	-	-
340-APSJ	Getting Started Guide - English	54	-	-
340-AGIK	Safety/Environment and Regulatory Guide (English/French Multi-language)	54	-	-
451-BBOQ	2-cell (26Wh) Lithium Ion Secondary Battery	54	-	-
332-1286	US Order	54	-	-
340-AAFC	System Shipment	54	-	-
340-AQMD	Shipping Material, Shuttle	54	-	-
389-BHFU	Regulatory Label for WWAN	54	-	-
460-BBEX	No Carrying Case	54	-	-

340-ACQQ	No Option Included	54	-	-
750-AAKI	Flex 2	54	-	-
389-BDCE	No UPC Label	54	-	-
804-0513	ProSupport Plus: Next Business Day Onsite, 3 Years	54	-	-
997-6988	Dell Limited Hardware Warranty Initial Year	54	-	-
997-7005	ProSupport Plus: Accidental Damage Service, 3 Years	54	-	-
997-7006	ProSupport Plus: Keep Your Hard Drive, 3 Years	54	-	-
997-7040	ProSupport Plus: 7x24 Technical Support, 3 Years	54	-	-
997-8367	Thank you for choosing Dell ProSupport Plus. For tech support, visit www.dell.com/contactdell or call 1-866-516-3115	54	-	-
988-5542	Extended Battery Service for Years 2 and 3 of System Life	54	-	-
			Subtotal:	\$94,500.00
			Shipping:	\$0.00
			Environmental Fees:	\$0.00
			Estimated Tax:	\$0.00
			Total:	\$94,500.00

Important Notes

Terms of Sale

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If this purchase includes services: in addition to the foregoing applicable terms, the terms of your service contract will apply ([Consumer](#); [Commercial](#)). If this purchase includes software: in addition to the foregoing applicable terms, your use of the software is subject to the license terms accompanying the software, and in the absence of such terms, then use of the Dell-branded application software is subject to the Dell End User License Agreement - Type A (www.dell.com/AEULA) and use of the Dell-branded system software is subject to the Dell End User License Agreement - Type S (www.dell.com/SEULA).

If your purchase is for Mozy, in addition to the foregoing applicable terms, your use of the Mozy service is subject to the terms and conditions located at <https://mozy.com/about/legal/terms>.

You acknowledge having read and agree to be bound by the foregoing applicable terms in their entirety. Any terms and conditions set forth in your purchase order or any other correspondence that are in addition to, inconsistent or in conflict with, the foregoing applicable online terms will be of no force or effect unless specifically agreed to in a writing signed by Dell that expressly references such terms.

Pricing, Taxes, and Additional Information

All product, pricing, and other information is valid for U.S. customers and U.S. addresses only, and is based on the latest information available and may be subject to change. Dell reserves the right to cancel quotes and orders arising from pricing or other errors. Please indicate any tax-exempt status on your PO, and fax your exemption certificate, including your Customer Number, to the Dell Tax Department at 800-433-9023. Please ensure that your tax-exemption certificate reflects the correct Dell entity name: **Dell Marketing L.P.**

Note: All tax quoted above is an estimate; final taxes will be listed on the invoice.

If you have any questions regarding tax please send an e-mail to Tax_Department@dell.com.

For certain products shipped to end-users in California, a State Environmental Fee will be applied to your invoice. Dell encourages customers to dispose of electronic equipment properly.



A quote for your consideration!

Based on your business needs, we put the following quote together to help with your purchase decision. Please review your quote details below, then contact your sales rep when you're ready to place your order.

Total: \$3,575.70

Quote number:	Quote date:	Quote expiration:	Deal ID:
3000020975437.1	Jan. 3, 2018	Feb. 2, 2018	15238271

Company name:	Customer number:	Phone:
SCOTT COUNTY	21258716	(563) 326-8793

Sales rep information:	Billing Information:
Les Szabo Les_Szabo@Dell.com (800) 456-3355 Ext: 5131521	SCOTT COUNTY INFORMATION TECH 400 W 4TH ST DAVENPORT IA 52801-1104 US (563) 326-8793

Pricing Summary

Item	Qty	Unit Price	Subtotal
Latitude 14 Rugged 5414	2	\$1,787.85	\$3,575.70
Subtotal:			\$3,575.70
Shipping:			\$0.00
Environmental Fees:			\$0.00
Non-Taxable Amount:			\$3,575.70
Taxable Amount:			\$0.00
Estimated Tax:			\$0.00
Total:			\$3,575.70

Special lease pricing may be available for qualified customers. Please contact your DFS Sales Representative for details.

Dear Customer,

Your Quote is detailed below; please review the quote for product and information accuracy. If you find errors or desire certain changes please contact me as soon as possible.

Regards,
Les Szabo

Order this quote easily online through your [Premier page](#), or if you do not have Premier, using [Quote to Order](#)

Shipping Group 1

Shipping Contact: MATT HIRST	Shipping phone: (563) 328-3261	Shipping via: Next Day	Shipping Address: 400 WEST 4TH ST SCOTT COUNTY, IOWA DAVENPORT IA 52801 US
--	--	----------------------------------	--

SKU	Description	Qty	Unit Price	Subtotal
	Latitude 14 Rugged 5414	2	\$1,787.85	\$3,575.70
	Estimated delivery date: Jan. 19, 2018			
	Contract No: 70137			
	Customer Agreement No: Dell Std Terms			
210-AJRP	Latitude 5414, XCTO	2	-	-
338-BJIO	Intel Core i5-6300U Processor, Security, (Dual Core, 3M Cache, 2.40 GHz)	2	-	-
619-AHKN	Win 10 Pro 64 English, French, Spanish	2	-	-
630-AARX	No Software	2	-	-
631-AAZD	Intel vPro Technologys Advanced Management Features	2	-	-
370-ACDD	8GB (1x8GB) 2133MHz DDR4 Memory	2	-	-
400-ANBJ	128GB Solid State Drive	2	-	-
340-AJPV	TPM Enabled	2	-	-
490-BDCP	Intel Integrated HD Graphics 520	2	-	-
391-BCRS	14.0" FHD(1920 x 1080) Outdoor-readable, Touch, with Microphone only	2	-	-
580-ABYR	Sealed Internal RGB Backlit English Keyboard	2	-	-
570-AADK	No Mouse	2	-	-

555-BCZH	Intel Dual-Band Wireless-AC 8260 Driver	2	-	-
555-BCMT	Intel Dual Band Wireless 8260 (802.11ac) W/ Bluetooth	2	-	-
362-BBBB	No Wireless WWAN Card	2	-	-
451-BBWD	9-cell (97Wh) Lithium Ion Battery With ExpressCharge	2	-	-
492-BBCU	E5 90W AC Adapter, 3-pin	2	-	-
817-BBBB	No FGA	2	-	-
450-AAEJ	US Power Cord	2	-	-
325-BBZJ	Optical Drive Airbay	2	-	-
340-AGIK	Safety/Environment and Regulatory Guide (English/French Multi-language)	2	-	-
340-BICE	Quick Setup Guide (English)	2	-	-
332-1286	US Order	2	-	-
387-BBFE	Energy Star	2	-	-
389-BDCE	No UPC Label	2	-	-
620-AAOH	No Media	2	-	-
340-ACQQ	No Option Included	2	-	-
340-AFRW	ODM Info	2	-	-
340-BIRL	Shipping Material for Latitude 14 Rugged (5414)	2	-	-
575-BBCH	No Stand included	2	-	-
389-BKKW	Regulatory label	2	-	-
389-BJUF	Intel Core i5 Vpro Processor Label	2	-	-
800-BBGF	BTO Standard shipment Air	2	-	-
340-ADFZ	Dell Power Manager	2	-	-
422-0007	Dell Data Protection Security Tools Digital Delivery/NB	2	-	-
525-BBCL	SupportAssist	2	-	-
640-BBLW	Dell(TM) Digital Delivery Cirrus Client	2	-	-
640-BBQK	System Driver, Dell Rugged Latitude 5414	2	-	-
658-BBMR	Dell Client System Update (Updates latest Dell Recommended BIOS, Drivers, Firmware and Apps)	2	-	-
658-BBNF	Waves Maxx Audio Royalty	2	-	-

658-BCUV	Dell Developed Recovery Environment	2	-	-
460-BBEX	No Carrying Case	2	-	-
540-BBLW	No PCMCIA Card or ExpressCard Reader	2	-	-
590-TEVW	Docking connector for Rugged Docking Station only	2	-	-
429-AAGQ	PowerDVD Software not included	2	-	-
590-TEVT	No Additional Ports	2	-	-
340-ACQQ	No Option Included	2	-	-
389-BKNC	Regulatory Label for Non Rubber Keyboard with WLAN	2	-	-
808-6797	ProSupport Plus: Next Business Day Onsite, 3 Years	2	-	-
808-6805	Dell Limited Hardware Warranty Initial Year	2	-	-
808-6817	ProSupport Plus: Accidental Damage Service, 3 Years	2	-	-
808-6818	ProSupport Plus: Keep Your Hard Drive, 3 Years	2	-	-
808-6847	ProSupport Plus: 7X24 Technical Support, 3 Years	2	-	-
997-8367	Thank you for choosing Dell ProSupport Plus. For tech support, visit www.dell.com/contactdell or call 1-866-516-3115	2	-	-
365-0531	Client ProSupport Asset Label with Company Name	2	-	-
377-8262	CFI,Information,VAL,CHASSISDEF,Factory Install	2	-	-
			Subtotal:	\$3,575.70
			Shipping:	\$0.00
			Environmental Fees:	\$0.00
			Estimated Tax:	\$0.00
			Total:	\$3,575.70

Important Notes

Terms of Sale

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If this purchase includes services: in addition to the foregoing applicable terms, the terms of your service contract will apply ([Consumer](#); [Commercial](#)). If this purchase includes software: in addition to the foregoing applicable terms, your use of the software is subject to the license terms accompanying the software, and in the absence of such terms, then use of the Dell-branded application software is subject to the Dell End User License Agreement - Type A (www.dell.com/AEULA) and use of the Dell-branded system software is subject to the Dell End User License Agreement - Type S (www.dell.com/SEULA).

If your purchase is for Mozy, in addition to the foregoing applicable terms, your use of the Mozy service is subject to the terms and conditions located at <https://mozy.com/about/legal/terms>.

You acknowledge having read and agree to be bound by the foregoing applicable terms in their entirety. Any terms and conditions set forth in your purchase order or any other correspondence that are in addition to, inconsistent or in conflict with, the foregoing applicable online terms will be of no force or effect unless specifically agreed to in a writing signed by Dell that expressly references such terms.

Pricing, Taxes, and Additional Information

All product, pricing, and other information is valid for U.S. customers and U.S. addresses only, and is based on the latest information available and may be subject to change. Dell reserves the right to cancel quotes and orders arising from pricing or other errors. Please indicate any tax-exempt status on your PO, and fax your exemption certificate, including your Customer Number, to the Dell Tax Department at 800-433-9023. Please ensure that your tax-exemption certificate reflects the correct Dell entity name: **Dell Marketing L.P.**

Note: All tax quoted above is an estimate; final taxes will be listed on the invoice.

If you have any questions regarding tax please send an e-mail to Tax_Department@dell.com.

For certain products shipped to end-users in California, a State Environmental Fee will be applied to your invoice. Dell encourages customers to dispose of electronic equipment properly.



201 West State Street
Marshalltown, IA 50158
800-722-6643
Fax 641-752-0674
www.racom.net

Proposal Prepared for: **Scott County**

Address 400 West Fourth Street
City Davenport
State & Zip Code IA 52801
County
Phone/FAX 563-328-3212
Contact Name Claussen, Nicholas C.
Contact E-mail Nicholas.Claussen@scottcountyia.com

Getac S410 Computers

ITEM	QTY	PART NO.	DESCRIPTION	UNIT	EXTENDED
1	54		S410 G2 - Intel Core i5 Processor, 14", Microsoft Windows 10 Pro x64 with 8GB RAM, 128GB SSD (main) + LF / HF RFID, Sunlight Readable (Full HD IPS + Touchscreen), Multi language+US KBD+US Power cord, Membrane Backlit KBD (RED Light), Wifi+BT, SD Card Reader, Low Temp -21°C, TPM 2.0, IP52, 3 Year Limited Warranty	\$ 2,166.90	\$ 117,012.60
				\$ -	\$ -
				\$ -	\$ -
				\$ -	\$ -
2	54		Option S410 DVD Upgrade	\$ 84.15	\$ 4,544.10
3	54		256G SSD Upgrade	\$ 182.40	\$ 9,849.60
			Vehicle Dock	\$ -	\$ -
4	42		S410 Havis Vehicle Dock w/o RF (include 120w vehicle adapter) (black)	\$ 742.00	\$ 31,164.00
5			Option Gamber Johnson Dock w/o RF (include 120w vehicle adapter)	\$ 592.00	\$ -
6	23		Office Dock For S410 w/ 110 Power Supply	\$ 275.00	\$ 6,325.00
				\$ -	\$ -
7	42		Cradlepoint FIPS Certified IBR1700 Mobile Router - Band14/FirstNet Compliant Router	\$ 1,519.00	\$ 63,798.00
8	42	PROMO	Trade In Of Sierra Wireless Routers	\$ (225.00)	\$ (9,450.00)
9	42		5 Year 24/7 CradleCare Prime FIPS Support, NetCloud MGR, Warranty and VPN Tunnel Management Su	\$ 840.00	\$ 35,280.00
10	42	PROMO	First Year FREE of Cradelpoint FIPS Services	\$ (189.00)	\$ (7,938.00)
				\$ -	\$ -
			FREE S410 Laptop	\$ -	\$ -
11	1		S410 G2 - Intel Core i5 Processor, 14", Microsoft Windows 10 Pro x64 with 8GB RAM, 256GB SSD (main) + LF / HF RFID, Sunlight Readable (Full HD IPS + Touchscreen), Multi language+US KBD+US Power cord, Membrane Backlit KBD (RED Light), Wifi+BT, SD Card Reader, Low Temp -21°C, TPM 2.0, IP52, 3 Year Limited Warranty	\$ -	\$ -
				\$ -	\$ -
				\$ -	\$ -
				\$ -	\$ -
				\$ -	\$ -
				\$ -	\$ -
12	1		Scott County Getac Self Maintainer Program	\$ 2,200.00	\$ 2,200.00
13	1	PROMO	FREE Getac Self Maintainer Program	\$ (2,200.00)	\$ (2,200.00)
14	1		FREE 24/7 Tier 1 Getac Support	\$ -	\$ -
15	1		FREE 8-5 Monday-Friday Tier 2&3 Getac Support	\$ -	\$ -
				Total Equipment Price	\$ 297,762.77
				Installation	\$ -
				Subtotal	\$ 297,762.77
				Taxes	\$ -
				Shipping	\$ -
				Total	\$ 297,762.77

Terms of Purchase: Shipping at actual rate. Scott County responsible for bringing vehicles to RACOM Davenport shop for deployment. RACOM Lifetime Warranty on Craftmanship. For any additional information contact Business Development Manager Cody Brink 641-750-1825 cody.brink@racom.net.

Tax Rate

Scope of Work: RACOM to replace OMG2000 Mobile Routers with IBR1700 Routers and Panasonic Docks w/Power Supplies with Getac Docks w/ Power Supplies on exsisting MDT Mounts. RACOM to install MDT's no routers in 5 Vehicles listed on order. Getac support on deployment of computers and configurations. Cradlepoint support for mobile router configuration, system design and network support. Including VPN configuration using NetCloud and IT Support. 24/7 Support from both Getac and Cradlepoint. Warranty to be done via RACOM Davenport Shop. Any questions or assistance from RACOM on project 8-5 Mon- Fri.

Proposal Presented By: Cody Brink

Date: 8-2-2018

Proposal Accepted By: _____

Date: _____



ITEM	QTY	Part No.	DESCRIPTION	UNIT	EXTENDED
			MDT Pole Systems	\$ -	\$ -
16	1		2015 – Escape	\$ 400.33	\$ 400.33
17	1		2013 – Edge	\$ 390.00	\$ 390.00
18	1		2017 – Equinox	\$ 417.60	\$ 417.60
19	1		2015 – Taurus	\$ 400.33	\$ 400.33
20	1		2013 – Taurus	\$ 400.33	\$ 400.33
21	5		S410 Havis Vehicle Dock w/o RF (include 120w vehicle adapter) (black)	\$ 742.00	\$ 3,710.00
22	5		Power Timers and 60Amp Power Relay - Keep From Dead batteries	\$ 69.00	\$ 345.00
				\$ -	\$ -
			Installation	\$ -	\$ -
23	42		Fleet Change Over of Mobile Routers, Docks, and Power Supplies Using Existing Antennas	\$ 300.00	\$ 12,600.00
24	42		Adding New Antennas	\$ 150.00	\$ 6,300.00
25	5		Install MDT in Vehicles - No Mobile Routers	\$ 250.00	\$ 1,250.00
				\$ -	\$ -
			Antenna Solutions	\$ -	\$ -
26	42		9 In One Antenna CERTIFIED for IBR1700 / IBR900 w/ Dock and MG90 Mobile Routers	\$ 513.14	\$ 21,551.88
			Lifetime of the Vehicle Warranty - WHITE COLOR	\$ -	\$ -
27	42	PROMO	Instant Rebate on 9 in One Antenna w/ Purchase of Cradlepoint IBR1700	\$ (50.00)	\$ (2,100.00)
28	42		Ridge Roof Mounting Kit for 9 in 1 Antennas	\$ 36.00	\$ 1,512.00
				\$ -	\$ -
29			Option to Update Current Mobile Router Antennas and New Antennas to Match Fleet	\$ 14,973.32	\$ -
			28 Cable Upgraders, 14 New Antennas	\$ -	\$ -
			Going this route would be a total of \$10,778.56 in savings with Parts and Labor	\$ -	\$ -
				\$ -	\$ -
30	1		Getac In-Field Engineer Available to come on site per request of customer -FREE	\$ -	\$ -
31	1		CradlePoint 1 Day Pre Deployment 2 Sales Engineers On Site with Customer - FREE	\$ -	\$ -
				\$ -	\$ -



☐ Internal Approval
☐ Customer Approval Date _____

CONFIRMATION

Quote Number: 22232A

Quote Date: 10/1/2018

Main Phone: 641-227-2222

Email: sales@keltekinc.com

Address: PO Box 14 Baxter, IA 50028

Quote Total: \$110,158.34

Quoted To:

Scott Co Sheriff
400 West 4th Street

Davenport
IA 52801

Ph: 563-3268628

Deliver To:

Scott County Sheriff
400 West 4th Street

Davenport
IA 52801

Quote Notes:

Account	Customer Contact	Order Ref		Terr	Rep	Quote Valid for:
100680	Judy	MG90 SOLUTION (4		1	KM	30 Days
Item Code	Item Description	Quantity	List	Disc %	Unit Price	Line Total
NO FREIGHT	Do not add freight to the shipment	1.00	\$0.00	0.00	\$0.00	\$0.00
NASPO-IA	NASPO-IA contract number MNWNC-124	1.00	\$0.00	0.00	\$0.00	\$0.00
ARB HD CONTRACT	Iowa DAS Arbitrator HD System IOWA CONTRACT NUMBER 4840-15	1.00	\$0.00	0.00	\$0.00	\$0.00
LABOR CONTRACT	Iowa DAS KELTEK Labor Master Agreement 0055090-15 Nick Claussen Technology Systems Coordinator Scott County Iowa 400 West Fourth Street Davenport, IA 52801 Desk 563-328-3212 Mobile 563-528-4338 (40) MG90 Solutions	1.00	\$0.00	0.00	\$0.00	\$0.00
1102695	Sierra Wireless AirLink MG90 Multi-Network Vehicle Router LTE-A - NA & EMEA Mobile Router, Antenna(s) -1 Hr Re-Use Existing Antennas	42.00	\$1599.00	10.00	\$1439.10	\$60442.20
AP-CCWWWG-Q-WH	AP-CCWWWG-Q-S222222-RP345-WH MG90 MP70 Antenna Plus 2xLTE, 3xWi-Fi, 1xGNSS Bolt Mt, WHITE Mobile Router, Accessories -1 Hr None Mobile Router, Support -1 Hr MG90, ACM, AMM Licensing for New Devices *40 Existing Licenses Covered Under Separte Renewal*	84.00	\$238.57	0.00	\$238.57	\$20040.14
9010204	Sierra Wireless AMM Client License - MG90 (per device)	2.00	\$295.00	0.00	\$295.00	\$590.00
9010208	Sierra Wireless ACM Client License - MG90 (per device) MG90 Licensing and Support 5 Years	2.00	\$150.00	0.00	\$150.00	\$300.00
9010201	Sierra Wireless AirLink 2 Year Warranty Extension, MG90 = 5 Years Total	42.00	\$200.00	0.00	\$200.00	\$8400.00

Continued...



QUOTATION

Main Phone: 641-227-2222

Email: sales@keltekinc.com

Account	Order Ref	Whse	Terr	Rep	Our Order No.	Quote Valid for
100680	MG90 SOLUTION (4	MAIN	1	KM	22232A	30 Days
Item Code	Item Description	Quantity	List	Disc %	Unit Price	Line Total
PROJECT FEE	Mobile Router, Professional Services –1 Hr KELTEK MG90 Configuration and (5) Years Virtual Support *Deployment and Annual Support Includes Wi-Fi BackHaul Integration, DNS Issue Resolution Includes all project expense (travel time, overnight fees, mileage, installation & supp)	1.00	\$20386.00	0.00	\$20386.00	\$20386.00

Complete Shipments vs Partial –KELTEK only ships complete orders unless partials are specifically requested (shipments may be from multiple manufacturers). Partial shipments may result in multiple shipments and multiple invoices with payment terms starting at time of invoice.

Returns: Special order item sales are final. Returns need to be completed within 90 days of invoice. All returns are subject to a 50% restocking fee or a replacement order of 1.5 times the original order amount. Items need to be unopened and in original packaging. Please contact your inside sales rep for RA information.

Warranty: Please contact your inside sale rep for details.

Payment Methods: KELTEK accepts cash, check, Visa or Mastercard. There is a 2.31% processing fee for use of a credit card. Prepayment required if new account or no terms.

Subtotal:	110,158.34
Sales Tax:	0.00
Grand Total:	110,158.34



☐ Internal Approval
☐ Customer Approval Date _____

CONFIRMATION

Quote Number: 22244C

Quote Date: 10/1/2018

Main Phone: 641-227-2222

Email: sales@keltekinc.com

Address: PO Box 14 Baxter, IA 50028

Quote Total: \$163,441.00

Quoted To:

Scott Co Sheriff
 400 West 4th Street

Davenport
 IA 52801

Ph: 563-3268628

Deliver To:

Scott County Sheriff
 400 West 4th Street

Davenport
 IA 52801

Quote Notes:

Account	Customer Contact	Order Ref		Terr	Rep	Quote Valid for:
100680	Judy	CF-54 (55) LAPTO		1	KM	30 Days
Item Code	Item Description	Quantity	List	Disc %	Unit Price	Line Total
NO FREIGHT	Do not add freight to the shipment	1.00	\$0.00	0.00	\$0.00	\$0.00
NASPO-IA	NASPO-IA contract number MNWNC-124	1.00	\$0.00	0.00	\$0.00	\$0.00
ARB HD CONTRACT	Iowa DAS Arbitrator HD System IOWA CONTRACT NUMBER 4840-15	1.00	\$0.00	0.00	\$0.00	\$0.00
LABOR CONTRACT	Iowa DAS KELTEK Labor Master Agreement 0055090-15 Nick Claussen Technology Systems Coordinator Scott County Iowa 400 West Fourth Street Davenport, IA 52801 Desk 563-328-3212 Mobile 563-528-4338 (55) CF-54 Laptop Solution	1.00	\$0.00	0.00	\$0.00	\$0.00
CF-54J2-06VM	CF-54 EliteRFID i5-7300,14"FHD Touch,256SSD,8GB RAM,WiFi,BT WCAM,EBK,A-LTE,dGPS,CSR,TPM2.0 Computer Dock - 1 Hr	55.00	\$2199.00	0.00	\$2199.00	\$120945.00
7170-0250-P	Gamber Toughbook CF-54 Docking Station with Lind Power Supply No RF Pass Thru Computer, Antenna - 1 Hr None, Connection Provided Via Mobile Router Computer, GPS - .5 Hrs None, Connection Provided Via Mobile Router Computer, Accessories - .5 Hrs	47.00	\$719.00	0.00	\$719.00	\$33793.00
CF-VEB541AU	Panasonic Desktop Port Replicator for CF54 MK1 Computer Computer, Ext Keyboard & Mount - 1 Hrs None Computer, Dock Mounting Equip - 1 Hr Re-Use Existing Pole and Slide, Replacing Tilt Swivel	23.00	\$360.00	20.00	\$288.00	\$6624.00
7160-0775	Gamber Short Tilt / Swivel Vesa 75MM, GJ 4x2, NEC, AMPS	42.00	\$90.00	45.00	\$49.50	\$2079.00

Continued...



QUOTATION

Main Phone: 641-227-2222

Email: sales@keltekinc.com

Account	Order Ref	Whse	Terr	Rep	Our Order No.	Quote Valid for
100680	CF-54 (55) LAPTO	MAIN	1	KM	22244C	30 Days
Item Code	Item Description	Quantity	List	Disc %	Unit Price	Line Total
	Computer, Professional Services – 1 Hr None					

Complete Shipments vs Partial –KELTEK only ships complete orders unless partials are specifically requested (shipments may be from multiple manufacturers). Partial shipments may result in multiple shipments and multiple invoices with payment terms starting at time of invoice.

Returns: Special order item sales are final. Returns need to be completed within 90 days of invoice. All returns are subject to a 50% restocking fee or a replacement order of 1.5 times the original order amount. Items need to be unopened and in original packaging. Please contact your inside sales rep for RA information.

Warranty: Please contact your inside sale rep for details.

Payment Methods: KELTEK accepts cash, check, Visa or Mastercard. There is a 2.31% processing fee for use of a credit card. Prepayment required if new account or no terms.

Subtotal:	163,441.00
Sales Tax:	0.00
Grand Total:	163,441.00



☐ Internal Approval
☐ Customer Approval Date _____

CONFIRMATION

Quote Number: 22742A

Quote Date: 10/1/2018

Main Phone: 641-227-2222

Email: sales@keltekinc.com

Address: PO Box 14 Baxter, IA 50028

Quote Total: \$1,925.46

Quoted To:

Scott Co Sheriff
400 West 4th Street

Davenport
IA 52801

Ph: 563-3268628

Deliver To:

Scott County Sheriff
400 West 4th Street

Davenport
IA 52801

Quote Notes:

Account	Customer Contact	Order Ref		Terr	Rep	Quote Valid for:
100680	Judy	CF-54 MOUNTING		1	KM	30 Days
Item Code	Item Description	Quantity	List	Disc %	Unit Price	Line Total
NO FREIGHT	Do not add freight to the shipment	1.00	\$0.00	0.00	\$0.00	\$0.00
NASPO-IA	NASPO-IA contract number MNWNC-124	1.00	\$0.00	0.00	\$0.00	\$0.00
ARB HD CONTRACT	Iowa DAS Arbitrator HD System IOWA CONTRACT NUMBER 4840-15	1.00	\$0.00	0.00	\$0.00	\$0.00
LABOR CONTRACT	Iowa DAS KELTEK Labor Master Agreement 0055090-15 <i>Nick Claussen</i> <i>Technology Systems Coordinator</i> <i>Scott County Iowa</i> <i>400 West Fourth Street</i> <i>Davenport, IA 52801</i> <i>Desk 563-328-3212</i> <i>Mobile 563-528-4338</i> <i>2015 Ford Escape</i>	1.00	\$0.00	0.00	\$0.00	\$0.00
7160-0451	2013+ Ford Escape Vehicle Base <i>2013 Ford Edge</i> <i>2017 Ford Equinox</i>	1.00	\$114.00	43.00	\$64.98	\$64.98
7160-0572	Gamber Johnson Vehicle base for 2010-2016 GMC Terrain or Chevy Equinox <i>2015 Ford Taurus</i>	1.00	\$136.00	43.00	\$77.52	\$77.52
7160-0350	2011+ Ford Explorer Vehicle Base <i>2013 Ford Taurus</i>	1.00	\$154.00	43.00	\$87.78	\$87.78
7160-0350	2011+ Ford Explorer Vehicle Base <i>Common Components:</i>	1.00	\$154.00	43.00	\$87.78	\$87.78
DS-LOWER-9	9in lower pole assembly	5.00	\$60.00	43.00	\$34.20	\$171.00
7160-0178	7in Center Upper Pole	5.00	\$86.00	43.00	\$49.02	\$245.10
7160-0928	Mongoose 9in Locking Slide Arm with Short Clevis	5.00	\$341.00	43.00	\$194.37	\$971.85
7160-0230	Adjustable Support Brace	5.00	\$77.00	43.00	\$43.89	\$219.45

Continued...



QUOTATION

Main Phone: 641-227-2222

Email: sales@keltekinc.com

Account	Order Ref	Whse	Terr	Rep	Our Order No.	Quote Valid for
100680	CF-54 MOUNTING	MAIN	1	KM	22742A	30 Days
Item Code	Item Description	Quantity	List	Disc %	Unit Price	Line Total
	Short					

Complete Shipments vs Partial –KELTEK only ships complete orders unless partials are specifically requested (shipments may be from multiple manufacturers). Partial shipments may result in multiple shipments and multiple invoices with payment terms starting at time of invoice.

Returns: Special order item sales are final. Returns need to be completed within 90 days of invoice. All returns are subject to a 50% restocking fee or a replacement order of 1.5 times the original order amount. Items need to be unopened and in original packaging. Please contact your inside sales rep for RA information.

Warranty: Please contact your inside sale rep for details.

Payment Methods: KELTEK accepts cash, check, Visa or Mastercard. There is a 2.31% processing fee for use of a credit card. Prepayment required if new account or no terms.

Subtotal:	1,925.46
Sales Tax:	0.00
Grand Total:	1,925.46



☐ Internal Approval
☐ Customer Approval Date _____

CONFIRMATION

Quote Number: 22745A

Quote Date: 10/1/2018

Main Phone: 641-227-2222

Email: sales@keltekinc.com

Address: PO Box 14 Baxter, IA 50028

Quote Total: \$28,720.00

Quoted To:

Scott Co Sheriff
400 West 4th Street

Davenport
IA 52801

Ph: 563-3268628

Deliver To:

Scott County Sheriff
400 West 4th Street

Davenport
IA 52801

Quote Notes:

Account	Customer Contact	Order Ref		Terr	Rep	Quote Valid for:
100680	Judy	CF-54, MG90 INST		3	KM	30 Days
Item Code	Item Description	Quantity	List	Disc %	Unit Price	Line Total
LABOR CONTRACT	Iowa DAS KELTEK Labor Master Agreement 0055090-15 <i>On-Site Installation Services</i> <i>(42) Vehicles</i> <i>Remove existing oMG2000 Mobile Router</i> <i>Install new MG90 Mobile Router</i> <i>Install new Antenna Solutions</i> <i>Remove existing CF-53 Dock</i> <i>Install new Tilt Swivel</i> <i>Install new Dock</i> <i>(5) Vehicles</i> <i>Install new Pole Mount Solution</i> <i>Install new Dock</i> <i>Install Power Management</i>	1.00	\$0.00	0.00	\$0.00	\$0.00
RETRO-PWRMGMT	Materials for installing wire harness and power management-partial build	5.00	\$199.00	0.00	\$199.00	\$995.00
PROJECT FEE	Includes all project expense (travel time, overnight fees, mileage, installation & supp)	1.00	\$27725.00	0.00	\$27725.00	\$27725.00

Complete Shipments vs Partial -KELTEK only ships complete orders unless partials are specifically requested (shipments may be from multiple manufacturers). Partial shipments may result in multiple shipments and multiple invoices with payment terms starting at time of invoice.

Returns: Special order item sales are final. Returns need to be completed within 90 days of invoice. All returns are subject to a 50% restocking fee or a replacement order of 1.5 times the original order amount. Items need to be unopened and in original packaging. Please contact your inside sales rep for RA information.

Warranty: Please contact your inside sale rep for details.

Payment Methods: KELTEK accepts cash, check, Visa or Mastercard. There is a 2.31% processing fee for use of a credit card. Prepayment required if new account or no terms.

Subtotal:	28,720.00
Sales Tax:	0.00
Grand Total:	28,720.00

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

October 18, 2018

APPROVING MOBILE DATA COMPUTER PROJECT

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

Section 1. The replacement of Mobile Data Computers in Sheriff's Office and Conservation Department's public safety vehicles with a total project cost of \$304,244.80 is hereby approved. The quotes from Keltek for 55 Toughbook CF54 MDC's, 47 docking stations, and 23 port replicators, in the amount of \$163,441; 42 Sierra Wireless in-vehicle communication gateways, antennas, and installation services in the amount of \$110,158.34; and console and MDC installation in 47 vehicles in the amount of \$30,645.46 are hereby approved.

Section 2. This resolution shall take effect immediately.

INFORMATION TECHNOLOGY

400 West Fourth Street
Davenport, Iowa 52801-1104

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



October 9, 2018

To: Mahesh Sharma, County Administrator
From: Matt Hirst, Information Technology Director
Subject: Judicial Dialog Maintenance and Support

Judicial Dialog software license maintenance and support is due for renewal. Judicial Dialog is the case management application utilized by the Attorney's Office.

The Scott County Attorney's office handles over 5,000 cases annually and archives upwards of 150,000 cases using the Judicial Dialog application.

The quote summary from Judicial Dialog Systems is as follows:

<u>Product</u>	<u>Total</u>
Judicial Dialog	\$ 19,392.73
- ICCU Interface	\$ 1,823.26
- HOX Interface	\$ 1,823.26
- ICIS Interface	\$ 3,500.00
Total	\$ 26,539.25

It is recommended that the Board approve the bid from Judicial Dialog Systems in the amount of \$26,539.25.

The Judicial Dialog maintenance and support contract provides Information Technology the ability to obtain the latest updates and patches to the software as well software support 24x7 on behalf of the Attorney's Office. The result is a more functional and dependable computing environment for the Attorney's Office.

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

Notes:

- Judicial Dialog license maintenance and support costs were \$26,365.61 in FY'17.

Cc: Mike Walton, County Attorney
Kathy Walsh, Attorney's Office Administrator

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

October 18, 2018

APPROVING PURCHASE OF JUDICIAL DIALOG MAINTENANCE AND SUPPORT

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

Section 1. The purchase of Judicial Dialog maintenance and support in the
amount of \$26,539.25 is hereby approved.

Section 2. This resolution shall take effect immediately.

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
robert.cusack@scottcountyiowa.com
WEB SITE - www.scottcountyiowa.com



Item #14
10/16/18

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

October 9, 2018

Memo regarding tax abatement request of North Ridge Community Church

Background: On January 5, 2018, North Ridge Community Church ("the Church") purchased Parcel No. 932451201 located at 1700 E. Blackhawk Trail, Eldridge. On or about January 19, 2018, the Church applied for tax exempt status pursuant to §427.1(8). The filing deadline for 2018 was February 1, 2018, therefore, the Church's application was timely. The Church, at the real estate closing, correctly prorated the taxes for the 1st installment of 2017 taxes.

Analysis: The 1st installment for 2017 in the amount of \$8,388.00 is due and owing October 1, 2018. The Church has received a credit in this amount from the previous owner and is going to make this payment.

2017 Tax Year

1 st installment	July 1, 2017-December 31, 2017	Due: October 1, 2018
2 nd installment	January 1, 2018-June 30, 2018	Due: April 1, 2019

The issue arises regarding the 2nd installment for 2017. Those taxes accrued beginning January 1, 2018 through June 30, 2018 and are due April 1, 2019. The Church has requested that these taxes be abated.

Scott County General Policy 15 prohibits tax abatement retroactively and for property owners that do not make timely filings under state law. This is not a request for retroactive abatement as the 2nd installment for 2017 is not yet due.¹ Further, the Church did make a timely filing for exemption from property taxes, therefore, the Board is not in violation of Policy 15 in granting an exemption for the 2nd installment of 2017 taxes. Unlike previous cases, the Church is requesting an abatement for taxes that accrued during the time period when it actually filed for exemption.

Most importantly, this is not a request for abatement pursuant to §427.3 which pertains to filings for property transferred after the February 1st deadline. Rather, I interpret this as a request under §427.19 which states that credits and exemptions shall be granted for the fiscal year in which the application is filed. The application in this case was filed in January, 2018, which was still actually fiscal year 2017 for the purposes of the 2nd installment of taxes.

¹ Previous requests were for tax abatements for years prior to the year the property owner filed for exemption. In other words, they were untimely requests and were usually cases where past taxes were incorrectly prorated at closing.

Conclusion: Because the application was timely filed in the fiscal year in which the taxes accrued, the Board should abate the 2nd installment of the 2017 tax year² pursuant to Iowa Code §427.19.

Bottom line: General Policy 15 does not apply in this case. The real reason this is coming up is our taxing system is usually 18 months behind and, along with fiscal year versus calendar year, there is confusion. The property owner and attorney in this case did everything right and this abatement is really just the process of the system correcting itself.

Please feel free to contact me if you have any questions.

Sincerely,

Rob Cusack

² It is up to the powers-that-be whether to tax for the five days up to when the Church bought the property on January 5, 2018. In reviewing the closing statement, the taxes were prorated from 7/1/17 through 1/5/18.

PASTRNAK LAW FIRM, P.C.

Attorneys at Law
313 W. 3rd Street
Davenport IA 52801
Phone: (563) 323-7737, Ext. 220
Fax: (563) 323-7739
E-mail: tpastrnak@pastrnak.com

Thomas J. Pastnak*
Candy K. Pastnak*

Troy D. Venner**

Thomas R. Schulz – Of Counsel*
Gregory S. Jager – Of Counsel**
Dee A. Runnels – Of Counsel *

*Attorneys Admitted in Iowa and Illinois

**Attorneys Admitted in Iowa

ILLINOIS OFFICE:
6300 75th Ave., Suite A
Milan, IL 61264

File No. 3482.001

September 19, 2018

Scott County Board of Supervisors
Attn: Tony Knobbe, Chair
600 W. 4th Street
Davenport, IA 52801

Re: Abatement Request for North Ridge Community Church ("Church")
Parcel No. 932451201 ("Property")

Dear Mr. Knobbe:

Please be apprised that the undersigned represents the Church which closed on the Property on January 5, 2018. Based on this closing a prorate of the real estate taxes occurred, resulting with the Church receiving a credit for 2017 taxes in the sum of \$8,730.25. A copy of the closing statement showing the tax prorate is provided for your review.

It would appear based upon Iowa Code §427 and Scott County's regulations, that abatement of taxes may be granted by the Board of Supervisors for that first interim period that occurs once the Property is properly rendered and classified exempt. Request is hereby made for the abatement of second installment of 2017 taxes after applying all credits received from the Seller for the tax prorate, which included payment of the 1st installment of 2017 taxes for the Property.

PASTRNAK LAW FIRM, P.C.

Scott County Board of Supervisors – Mr. Tony Knobbe, Chair
September 19, 2018
Page 2 of 2

Your consideration and relief from this obligation would be greatly appreciated. If oral hearing is needed to further advise of the issues, please don't hesitate to contact me and we'll gladly make ourselves available for discussion or hearing before the Board of Supervisors.

Very truly yours,


PASTRNAK LAW FIRM, P.C.

Thomas J. Pastrnak

TJP/jlr

Cc: Pastor Douglas J. Evenhouse
Kent Wiersema
Robert Cusack

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

October 18, 2018

APPROVING PARTIAL ABATEMENT OF PROPERTY TAXES FOR PROPERTY AT 1700 E. BLACKHAWK TRAIL, ELDRIDGE IA

WHEREAS, the North Ridge Community Church purchased property at 1700 E. Blackhawk Trail in Eldridge for use as a church;

WHEREAS, the property was purchased on January 5, 2018 and they timely requested Iowa Property Tax Exemption and correctly prorated the 1st installment of 2017 taxes however the 2nd installment didn't begin accruing until January 1, 2018 and wouldn't be due until April 1, 2019; and

WHEREAS, Iowa Code Section 427.19 permits the Board of Supervisors to abate taxes levied against the property within the year of the exemption was applied for.

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

Section 1. That upon determination by the County Assessor that the property located at 1700 E. Blackhawk Trail, Eldridge, IA qualifies as exempt pursuant to applicable state law, that the 2nd installment of the 2017 property taxes are hereby abated.

Section 2. This resolution shall take effect immediately.

TIM LANE
Scott County Sheriff



Item #15
10/16/18

SHAWN ROTH
Chief Deputy Sheriff

BRYCE SCHMIDT
Chief Deputy Sheriff

EMERGENCY 9-1-1
(563) 326-8625
(563) 326-8689 (FAX)

400 West 4th Street
Davenport, Iowa 52801-1104

www.scottcountyiowa.com/sheriff
sheriff@scottcountyiowa.com

DATE: October 16, 2018

TO: Board of Supervisors

From: Sheriff Tim Lane

REF: **FY18 Edward Byrne Memorial Justice Assistance Grant (JAG) Program**

The Sheriff's Office applied for funds from the U.S. Department of Justice FY18 Edward Byrne Memorial Justice Assistance Grant Program in August, 2018 to help fund MEG officers from the Bettendorf Police Department and Scott County Sheriff's Office. This grant supports the Hotel/Motel Interdiction unit (HIDE) of the Quad City Metropolitan Enforcement Group (QCMEG) providing drug trafficking enforcement in the Quad Cities. Officers assigned to the HIDE are a combination from the Bettendorf Police Department and the Scott County Sheriff's Office. Currently, the Davenport Police Department does not have an officer assigned. Each agency submits documentation of officers' salaries, benefits and partial overtime to the County for reimbursement. The County submits quarterly and annual reports to the Office of Justice Programs.



The Scott County Sheriff's Office serves as the multi-agency fiscal officer. JAG awards are based on a formula between population and reported crime statistics and for FY18, Scott County has been awarded \$85,774.

The Sheriff's Office is still waiting on the FY17 JAG award in the amount of \$84,249 due to sanctuary city litigation. This money is expected any time.

Attached is the Grant Award and Special Conditions documents.

The Sheriff's Office is asking for the grant award and special conditions be approved by the Board.

Please let me know if I can be of any further assistance.

 <p style="text-align: center;">U.S. Department of Justice Office of Justice Programs Bureau of Justice Assistance</p>	<p>Grant</p>	<p>PAGE 1 OF 22</p>																
<p>1. RECIPIENT NAME AND ADDRESS (Including Zip Code)</p> <p>Scott County 400 West Fourth Street Davenport, IA 52801-1104</p>	<p>4. AWARD NUMBER: 2018-DJ-BX-0925</p>																	
<p>2a. GRANTEE IRS/VENDOR NO. 426004465</p>	<p>5. PROJECT PERIOD: FROM 10/01/2017 TO 09/30/2021 BUDGET PERIOD: FROM 10/01/2017 TO 09/30/2021</p>																	
<p>2b. GRANTEE DUNS NO. 050812361</p>	<p>6. AWARD DATE 10/01/2018</p>	<p>7. ACTION Initial</p>																
<p>3. PROJECT TITLE FY 18 JAG Local</p>	<p>8. SUPPLEMENT NUMBER 00</p>																	
<p>9. PREVIOUS AWARD AMOUNT</p>	<p>\$ 0</p>																	
<p>10. AMOUNT OF THIS AWARD</p>	<p>\$ 85,774</p>																	
<p>11. TOTAL AWARD</p>	<p>\$ 85,774</p>																	
<p>12. SPECIAL CONDITIONS</p> <p>THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).</p>																		
<p>13. STATUTORY AUTHORITY FOR GRANT</p> <p>This project is supported under FY18(BJA - JAG State & JAG Local) Title I of Pub. L. No. 90-351 (generally codified at 34 U.S.C. 10101 - 10726), including subpart I of part E (codified at 34 U.S.C. 10151 - 10158); see also 28 U.S.C. 530C(a)</p>																		
<p>14. CATALOG OF DOMESTIC FEDERAL ASSISTANCE (CFDA Number)</p> <p>16.738 - Edward Byrne Memorial Justice Assistance Grant Program</p>																		
<p>15. METHOD OF PAYMENT</p> <p>GPRS</p>																		
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%; border: 1px solid black; background-color: black; color: white; padding: 2px;">AGENCY APPROVAL</div> <div style="width: 45%; border: 1px solid black; background-color: black; color: white; padding: 2px;">GRANTEE ACCEPTANCE</div> </div>																		
<p>16. TYPED NAME AND TITLE OF APPROVING OFFICIAL</p> <p>Matt Dummermuth Principal Deputy Assistant Attorney General</p>	<p>18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL</p> <p>Pamela A. Brown Office Administrator</p>																	
<p>17. SIGNATURE OF APPROVING OFFICIAL</p> 	<p>19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL</p>	<p>19A. DATE</p>																
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%; border: 1px solid black; background-color: black; color: white; padding: 2px;">AGENCY USE ONLY</div> <div style="width: 45%; border: 1px solid black; background-color: black; color: white; padding: 2px;"></div> </div>																		
<p>20. ACCOUNTING CLASSIFICATION CODES</p> <table border="1" style="width: 100%; border-collapse: collapse; font-size: small;"> <thead> <tr> <th>FISCAL YEAR</th> <th>FUND CODE</th> <th>BUD. ACT.</th> <th>DIV. OFC.</th> <th>REG.</th> <th>SUB.</th> <th>POMS</th> <th>AMOUNT</th> </tr> </thead> <tbody> <tr> <td>X</td> <td>B</td> <td>DJ</td> <td>80</td> <td>00</td> <td>00</td> <td></td> <td>85774</td> </tr> </tbody> </table>	FISCAL YEAR	FUND CODE	BUD. ACT.	DIV. OFC.	REG.	SUB.	POMS	AMOUNT	X	B	DJ	80	00	00		85774	<p>21. TDJUGT1084</p>	
FISCAL YEAR	FUND CODE	BUD. ACT.	DIV. OFC.	REG.	SUB.	POMS	AMOUNT											
X	B	DJ	80	00	00		85774											

OJP FORM 4000/2 (REV. 5-87) PREVIOUS EDITIONS ARE OBSOLETE.

OJP FORM 4000/2 (REV. 4-88)



U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

**AWARD CONTINUATION
SHEET**
Grant

PAGE 2 OF 22

PROJECT NUMBER 2018-DJ-BX-0925

AWARD DATE 10/01/2018

SPECIAL CONDITIONS

1. Requirements of the award; remedies for non-compliance or for materially false statements

The conditions of this award are material requirements of the award. Compliance with any certifications or assurances submitted by or on behalf of the recipient that relate to conduct during the period of performance also is a material requirement of this award.

Failure to comply with any one or more of these award requirements -- whether a condition set out in full below, a condition incorporated by reference below, or a certification or assurance related to conduct during the award period -- may result in the Office of Justice Programs ("OJP") taking appropriate action with respect to the recipient and the award. Among other things, the OJP may withhold award funds, disallow costs, or suspend or terminate the award. The Department of Justice ("DOJ"), including OJP, also may take other legal action as appropriate.

Any materially false, fictitious, or fraudulent statement to the federal government related to this award (or concealment or omission of a material fact) may be the subject of criminal prosecution (including under 18 U.S.C. 1001 and/or 1621, and/or 34 U.S.C. 10271-10273), and also may lead to imposition of civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. 3729-3730 and 3801-3812).

Should any provision of a requirement of this award be held to be invalid or unenforceable by its terms, that provision shall first be applied with a limited construction so as to give it the maximum effect permitted by law. Should it be held, instead, that the provision is utterly invalid or -unenforceable, such provision shall be deemed severable from this award.

2. Applicability of Part 200 Uniform Requirements

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by DOJ in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this FY 2018 award from OJP.

The Part 200 Uniform Requirements were first adopted by DOJ on December 26, 2014. If this FY 2018 award supplements funds previously awarded by OJP under the same award number (e.g., funds awarded during or before December 2014), the Part 200 Uniform Requirements apply with respect to all funds under that award number (regardless of the award date, and regardless of whether derived from the initial award or a supplemental award) that are obligated on or after the acceptance date of this FY 2018 award.

For more information and resources on the Part 200 Uniform Requirements as they relate to OJP awards and subawards ("subgrants"), see the OJP website at <https://ojp.gov/funding/Part200UniformRequirements.htm>.

Record retention and access: Records pertinent to the award that the recipient (and any subrecipient ("subgrantee") at any tier) must retain -- typically for a period of 3 years from the date of submission of the final expenditure report (SF 425), unless a different retention period applies -- and to which the recipient (and any subrecipient ("subgrantee") at any tier) must provide access, include performance measurement information, in addition to the financial records, supporting documents, statistical records, and other pertinent records indicated at 2 C.F.R. 200.333.

In the event that an award-related question arises from documents or other materials prepared or distributed by OJP that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the recipient is to contact OJP promptly for clarification.



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SPECIAL CONDITIONS

3. Compliance with DOJ Grants Financial Guide

References to the DOJ Grants Financial Guide are to the DOJ Grants Financial Guide as posted on the OJP website (currently, the "DOJ Grants Financial Guide" available at <https://ojp.gov/financialguide/DOJ/index.htm>), including any updated version that may be posted during the period of performance. The recipient agrees to comply with the DOJ Grants Financial Guide.

4. Reclassification of various statutory provisions to a new Title 34 of the United States Code

On September 1, 2017, various statutory provisions previously codified elsewhere in the U.S. Code were editorially reclassified to a new Title 34, entitled "Crime Control and Law Enforcement." The reclassification encompassed a number of statutory provisions pertinent to OJP awards (that is, OJP grants and cooperative agreements), including many provisions previously codified in Title 42 of the U.S. Code.

Effective as of September 1, 2017, any reference in this award document to a statutory provision that has been reclassified to the new Title 34 of the U.S. Code is to be read as a reference to that statutory provision as reclassified to Title 34. This rule of construction specifically includes references set out in award conditions, references set out in material incorporated by reference through award conditions, and references set out in other award requirements.

5. Required training for Point of Contact and all Financial Points of Contact

Both the Point of Contact (POC) and all Financial Points of Contact (FPOCs) for this award must have successfully completed an "OJP financial management and grant administration training" by 120 days after the date of the recipient's acceptance of the award. Successful completion of such a training on or after January 1, 2016, will satisfy this condition.

In the event that either the POC or an FPOC for this award changes during the period of performance, the new POC or FPOC must have successfully completed an "OJP financial management and grant administration training" by 120 calendar days after-- (1) the date of OJP's approval of the "Change Grantee Contact" GAN (in the case of a new POC), or (2) the date the POC enters information on the new FPOC in GMS (in the case of a new FPOC). Successful completion of such a training on or after January 1, 2016, will satisfy this condition.

A list of OJP trainings that OJP will consider "OJP financial management and grant administration training" for purposes of this condition is available at <https://www.ojp.gov/training/fmts.htm>. All trainings that satisfy this condition include a session on grant fraud prevention and detection.

The recipient should anticipate that OJP will immediately withhold ("freeze") award funds if the recipient fails to comply with this condition. The recipient's failure to comply also may lead OJP to impose additional appropriate conditions on this award.

6. Requirements related to "de minimis" indirect cost rate

A recipient that is eligible under the Part 200 Uniform Requirements and other applicable law to use the "de minimis" indirect cost rate described in 2 C.F.R. 200.414(f), and that elects to use the "de minimis" indirect cost rate, must advise OJP in writing of both its eligibility and its election, and must comply with all associated requirements in the Part 200 Uniform Requirements. The "de minimis" rate may be applied only to modified total direct costs (MTDC) as defined by the Part 200 Uniform Requirements.



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SPECIAL CONDITIONS

7. Requirement to report potentially duplicative funding

If the recipient currently has other active awards of federal funds, or if the recipient receives any other award of federal funds during the period of performance for this award, the recipient promptly must determine whether funds from any of those other federal awards have been, are being, or are to be used (in whole or in part) for one or more of the identical cost items for which funds are provided under this award. If so, the recipient must promptly notify the DOJ awarding agency (OJP or OVW, as appropriate) in writing of the potential duplication, and, if so requested by the DOJ awarding agency, must seek a budget-modification or change-of-project-scope grant adjustment notice (GAN) to eliminate any inappropriate duplication of funding.

8. Requirements related to System for Award Management and Universal Identifier Requirements

The recipient must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at <https://www.sam.gov/>. This includes applicable requirements regarding registration with SAM, as well as maintaining the currency of information in SAM.

The recipient also must comply with applicable restrictions on subawards ("subgrants") to first-tier subrecipients (first-tier "subgrantees"), including restrictions on subawards to entities that do not acquire and provide (to the recipient) the unique entity identifier required for SAM registration.

The details of the recipient's obligations related to SAM and to unique entity identifiers are posted on the OJP web site at <https://ojp.gov/funding/Explore/SAM.htm> (Award condition: System for Award Management (SAM) and Universal Identifier Requirements), and are incorporated by reference here.

This condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

9. Requirement to report actual or imminent breach of personally identifiable information (PII)

The recipient (and any "subrecipient" at any tier) must have written procedures in place to respond in the event of an actual or imminent "breach" (OMB M-17-12) if it (or a subrecipient)-- 1) creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of "personally identifiable information (PII)" (2 CFR 200.79) within the scope of an OJP grant-funded program or activity, or 2) uses or operates a "Federal information system" (OMB Circular A-130). The recipient's breach procedures must include a requirement to report actual or imminent breach of PII to an OJP Program Manager no later than 24 hours after an occurrence of an actual breach, or the detection of an imminent breach.

10. All subawards ("subgrants") must have specific federal authorization

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements for authorization of any subaward. This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a "subaward" (and therefore does not consider a procurement "contract").

The details of the requirement for authorization of any subaward are posted on the OJP web site at <https://ojp.gov/funding/Explore/SubawardAuthorization.htm> (Award condition: All subawards ("subgrants") must have specific federal authorization), and are incorporated by reference here.



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SPECIAL CONDITIONS

11. Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed \$150,000

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements to obtain specific advance approval to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold (currently, \$150,000). This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a procurement "contract" (and therefore does not consider a subaward).

The details of the requirement for advance approval to use a noncompetitive approach in a procurement contract under an OJP award are posted on the OJP web site at <https://ojp.gov/funding/Explore/NoncompetitiveProcurement.htm> (Award condition: Specific post-award approval required to use a noncompetitive approach in a procurement contract (if contract would exceed \$150,000)), and are incorporated by reference here.

12. Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP authority to terminate award)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of recipients, subrecipients ("subgrantees"), or individuals defined (for purposes of this condition) as "employees" of the recipient or of any subrecipient.

The details of the recipient's obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at <https://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm> (Award condition: Prohibited conduct by recipients and subrecipients related to trafficking in persons (including reporting requirements and OJP authority to terminate award)), and are incorporated by reference here.

13. Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable laws, regulations, policies, and official DOJ guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (as that term is defined by DOJ), including the provision of food and/or beverages at such conferences, and costs of attendance at such conferences.

Information on the pertinent DOJ definition of conferences and the rules applicable to this award appears in the DOJ Grants Financial Guide (currently, as section 3.10 of "Postaward Requirements" in the "DOJ Grants Financial Guide").

14. Requirement for data on performance and effectiveness under the award

The recipient must collect and maintain data that measure the performance and effectiveness of work under this award. The data must be provided to OJP in the manner (including within the timeframes) specified by OJP in the program solicitation or other applicable written guidance. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, and other applicable laws.

15. OJP Training Guiding Principles

Any training or training materials that the recipient -- or any subrecipient ("subgrantee") at any tier -- develops or delivers with OJP award funds must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <https://ojp.gov/funding/Implement/TrainingPrinciplesForGrantees-Subgrantees.htm>.



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SPECIAL CONDITIONS

16. Effect of failure to address audit issues

The recipient understands and agrees that the DOJ awarding agency (OJP or OVW, as appropriate) may withhold award funds, or may impose other related requirements, if (as determined by the DOJ awarding agency) the recipient does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.

17. Potential imposition of additional requirements

The recipient agrees to comply with any additional requirements that may be imposed by the DOJ awarding agency (OJP or OVW, as appropriate) during the period of performance for this award, if the recipient is designated as "high-risk" for purposes of the DOJ high-risk grantee list.

18. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 42

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 42, specifically including any applicable requirements in Subpart E of 28 C.F.R. Part 42 that relate to an equal employment opportunity program.

19. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 54

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 54, which relates to nondiscrimination on the basis of sex in certain "education programs."

20. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 38

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 38, specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries.

Among other things, 28 C.F.R. Part 38 includes rules that prohibit specific forms of discrimination on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38 also sets out rules and requirements that pertain to recipient and subrecipient ("subgrantee") organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to recipients and subrecipients that are faith-based or religious organizations.

The text of the regulation, now entitled "Partnerships with Faith-Based and Other Neighborhood Organizations," is available via the Electronic Code of Federal Regulations (currently accessible at <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>), by browsing to Title 28-Judicial Administration, Chapter 1, Part 38, under e-CFR "current" data.



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SPECIAL CONDITIONS

21. Restrictions on "lobbying"

In general, as a matter of federal law, federal funds awarded by OJP may not be used by the recipient, or any subrecipient ("subgrantee") at any tier, either directly or indirectly, to support or oppose the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government. See 18 U.S.C. 1913. (There may be exceptions if an applicable federal statute specifically authorizes certain activities that otherwise would be barred by law.)

Another federal law generally prohibits federal funds awarded by OJP from being used by the recipient, or any subrecipient at any tier, to pay any person to influence (or attempt to influence) a federal agency, a Member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of a federal grant or cooperative agreement, subgrant, contract, subcontract, or loan, or with respect to actions such as renewing, extending, or modifying any such award. See 31 U.S.C. 1352. Certain exceptions to this law apply, including an exception that applies to Indian tribes and tribal organizations.

Should any question arise as to whether a particular use of federal funds by a recipient (or subrecipient) would or might fall within the scope of these prohibitions, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

22. Compliance with general appropriations-law restrictions on the use of federal funds (FY 2018)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions, including from various "general provisions" in the Consolidated Appropriations Act, 2018, are set out at <https://ojp.gov/funding/Explore/FY18AppropriationsRestrictions.htm>, and are incorporated by reference here.

Should a question arise as to whether a particular use of federal funds by a recipient (or a subrecipient) would or might fall within the scope of an appropriations-law restriction, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

23. Reporting Potential Fraud, Waste, and Abuse, and Similar Misconduct

The recipient and any subrecipients ("subgrantees") must promptly refer to the DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection with funds under this award -- (1) submitted a claim that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct.

Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by-- (1) mail directed to: Office of the Inspector General, U.S. Department of Justice, Investigations Division, 1425 New York Avenue, N.W. Suite 7100, Washington, DC 20530; and/or (2) the DOJ OIG hotline: (contact information in English and Spanish) at (800) 869-4499 (phone) or (202) 616-9881 (fax).

Additional information is available from the DOJ OIG website at <https://oig.justice.gov/hotline>.



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SPECIAL CONDITIONS

24. Restrictions and certifications regarding non-disclosure agreements and related matters

No recipient or subrecipient ("subgrantee") under this award, or entity that receives a procurement contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

1. In accepting this award, the recipient--

a. represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

b. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

2. If the recipient does or is authorized under this award to make subawards ("subgrants"), procurement contracts, or both--

a. it represents that--

(1) it has determined that no other entity that the recipient's application proposes may or will receive award funds (whether through a subaward ("subgrant"), procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

(2) it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and

b. it certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.



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25. Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees)

The recipient (and any subrecipient at any tier) must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant.

The recipient also must inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712.

Should a question arise as to the applicability of the provisions of 41 U.S.C. 4712 to this award, the recipient is to contact the DOJ awarding agency (OJP or OVW, as appropriate) for guidance.

26. Encouragement of policies to ban text messaging while driving

Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), DOJ encourages recipients and subrecipients ("subgrantees") to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this award, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

27. Requirement to disclose whether recipient is designated "high risk" by a federal grant-making agency outside of DOJ

If the recipient is designated "high risk" by a federal grant-making agency outside of DOJ, currently or at any time during the course of the period of performance under this award, the recipient must disclose that fact and certain related information to OJP by email at OJP.ComplianceReporting@ojp.usdoj.gov. For purposes of this disclosure, high risk includes any status under which a federal awarding agency provides additional oversight due to the recipient's past performance, or other programmatic or financial concerns with the recipient. The recipient's disclosure must include the following: 1. The federal awarding agency that currently designates the recipient high risk, 2. The date the recipient was designated high risk, 3. The high-risk point of contact at that federal awarding agency (name, phone number, and email address), and 4. The reasons for the high-risk status, as set out by the federal awarding agency.

28. Cooperating with OJP Monitoring

The recipient agrees to cooperate with OJP monitoring of this award pursuant to OJP's guidelines, protocols, and procedures, and to cooperate with OJP (including the grant manager for this award and the Office of Chief Financial Officer (OCFO)) requests related to such monitoring, including requests related to desk reviews and/or site visits. The recipient agrees to provide to OJP all documentation necessary for OJP to complete its monitoring tasks, including documentation related to any subawards made under this award. Further, the recipient agrees to abide by reasonable deadlines set by OJP for providing the requested documents. Failure to cooperate with OJP's monitoring activities may result in actions that affect the recipient's DOJ awards, including, but not limited to: withholdings and/or other restrictions on the recipient's access to award funds; referral to the DOJ OIG for audit review; designation of the recipient as a DOJ High Risk grantee; or termination of an award(s).



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29. FFATA reporting: Subawards and executive compensation

The recipient must comply with applicable requirements to report first-tier subawards ("subgrants") of \$25,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients (first-tier "subgrantees") of award funds. The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the OJP web site at <https://ojp.gov/funding/Explore/FFATA.htm> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here.

This condition, including its reporting requirement, does not apply to-- (1) an award of less than \$25,000, or (2) an award made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

30. Required monitoring of subawards

The recipient must monitor subawards under this award in accordance with all applicable statutes, regulations, award conditions, and the DOJ Grants Financial Guide, and must include the applicable conditions of this award in any subaward. Among other things, the recipient is responsible for oversight of subrecipient spending and monitoring of specific outcomes and benefits attributable to use of award funds by subrecipients. The recipient agrees to submit, upon request, documentation of its policies and procedures for monitoring of subawards under this award.

31. Use of program income

Program income (as defined in the Part 200 Uniform Requirements) must be used in accordance with the provisions of the Part 200 Uniform Requirements. Program income earnings and expenditures both must be reported on the quarterly Federal Financial Report, SF 425.

32. Justice Information Sharing

Information sharing projects funded under this award must comply with DOJ's Global Justice Information Sharing Initiative (Global) guidelines. The recipient (and any subrecipient at any tier) must conform to the Global Standards Package (GSP) and all constituent elements, where applicable, as described at: https://it.ojp.gov/gsp_grantcondition. The recipient (and any subrecipient at any tier) must document planned approaches to information sharing and describe compliance with the GSP and appropriate privacy policy that protects shared information, or provide detailed justification for why an alternative approach is recommended.

33. Avoidance of duplication of networks

To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems which involve interstate connectivity between jurisdictions, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the recipient can demonstrate to the satisfaction of BJA that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.

34. Compliance with 28 C.F.R. Part 23

With respect to any information technology system funded or supported by funds under this award, the recipient (and any subrecipient at any tier) must comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies, if OJP determines this regulation to be applicable. Should OJP determine 28 C.F.R. Part 23 to be applicable, OJP may, at its discretion, perform audits of the system, as per the regulation. Should any violation of 28 C.F.R. Part 23 occur, the recipient may be fined as per 34 U.S.C. 10231(c)-(d). The recipient may not satisfy such a fine with federal funds.



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35. Protection of human research subjects

The recipient (and any subrecipient at any tier) must comply with the requirements of 28 C.F.R. Part 46 and all OJP policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.

36. Confidentiality of data

The recipient (and any subrecipient at any tier) must comply with all confidentiality requirements of 34 U.S.C. 10231 and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. The recipient further agrees, as a condition of award approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, 28 C.F.R. 22.23.

37. Verification and updating of recipient contact information

The recipient must verify its Point of Contact (POC), Financial Point of Contact (FPOC), and Authorized Representative contact information in GMS, including telephone number and e-mail address. If any information is incorrect or has changed, a Grant Adjustment Notice (GAN) must be submitted via the Grants Management System (GMS) to document changes.

38. Law enforcement task forces - required training

Within 120 days of award acceptance, each current member of a law enforcement task force funded with award funds who is a task force commander, agency executive, task force officer, or other task force member of equivalent rank, must complete required online (internet-based) task force training. Additionally, all future task force members must complete this training once during the period of performance for this award, or once every four years if multiple OJP awards include this requirement.

The required training is available free of charge online through the BJA-funded Center for Task Force Integrity and Leadership (www.ctfli.org). The training addresses task force effectiveness, as well as other key issues including privacy and civil liberties/rights, task force performance measurement, personnel selection, and task force oversight and accountability. If award funds are used to support a task force, the recipient must compile and maintain a task force personnel roster, along with course completion certificates.

Additional information regarding the training is available through BJA's web site and the Center for Task Force Integrity and Leadership (www.ctfli.org).

39. Justification of consultant rate

Approval of this award does not indicate approval of any consultant rate in excess of \$650 per day. A detailed justification must be submitted to and approved by the OJP program office prior to obligation or expenditure of such funds.



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40. Submission of eligible records relevant to the National Instant Background Check System

Consonant with federal statutes that pertain to firearms and background checks -- including 18 U.S.C. 922 and 34 U.S.C. ch. 409 -- if the recipient (or any subrecipient at any tier) uses this award to fund (in whole or in part) a specific project or program (such as a law enforcement, prosecution, or court program) that results in any court dispositions, information, or other records that are "eligible records" (under federal or State law) relevant to the National Instant Background Check System (NICS), or that has as one of its purposes the establishment or improvement of records systems that contain any court dispositions, information, or other records that are "eligible records" (under federal or State law) relevant to the NICS, the recipient (or subrecipient, if applicable) must ensure that all such court dispositions, information, or other records that are "eligible records" (under federal or State law) relevant to the NICS are promptly made available to the NICS or to the "State" repository/database that is electronically available to (and accessed by) the NICS, and -- when appropriate -- promptly must update, correct, modify, or remove such NICS-relevant "eligible records".

In the event of minor and transitory non-compliance, the recipient may submit evidence to demonstrate diligent monitoring of compliance with this condition (including subrecipient compliance). DOJ will give great weight to any such evidence in any express written determination regarding this condition.

41. Certification of Compliance with 8 U.S.C. 1373 and 1644 (within the funded "program or activity") required for valid award acceptance by a local government

In order validly to accept this award, the applicant local government must submit the required "State or Local Government: FY 2018 Certification of Compliance with 8 U.S.C. 1373 and 1644" (executed by the chief legal officer of the local government). Unless that executed certification either-- (1) is submitted to OJP together with the fully-executed award document, or (2) is uploaded in OJP's GMS no later than the day the signed award document is submitted to OJP, any submission by a local government that purports to accept the award is invalid.

If an initial award-acceptance submission by the recipient is invalid, once the local government does submit the necessary certification regarding 8 U.S.C. 1373 and 1644, it may submit a fully-executed award document executed by the local government on or after the date of that certification.

For purposes of this condition, "local government" does not include any Indian tribe.



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42. Noninterference (within the funded "program or activity") with federal law enforcement: 8 U.S.C. 1373 and 1644; ongoing compliance

1. With respect to the "program or activity" funded in whole or part under this award (including any such program or activity of any subrecipient at any tier), throughout the period of performance, no State or local government entity, -agency, or -official may prohibit or in any way restrict-- (1) any government entity or -official from sending or receiving information regarding citizenship or immigration status as described in 8 U.S.C. 1373(a); or (2) a government entity or -agency from sending, requesting or receiving, maintaining, or exchanging information regarding immigration status as described in either 8 U.S.C. 1373(b) or 1644. Any prohibition (or restriction) that violates this condition is an "information-communication restriction" under this award.

2. Certifications from subrecipients. The recipient may not make a subaward to a State, a local government, or a "public" institution of higher education, unless it first obtains a certification of compliance with 8 U.S.C. 1373 and 1644, properly executed by the chief legal officer of the government or educational institution that would receive the subaward, using the appropriate form available at <https://ojp.gov/funding/Explore/SampleCertifications-8USC1373.htm>. Also, the recipient must require that no subrecipient (at any tier) may make a further subaward to a State, a local government, or a public institution of higher education, unless it first obtains a certification of compliance with 8 U.S.C. 1373 and 1644, properly executed by the chief legal officer of the government or institution that would receive the further subaward, using the appropriate OJP form.

3. The recipient's monitoring responsibilities include monitoring of subrecipient compliance with the requirements of this condition.

4. Allowable costs. Compliance with these requirements is an authorized and priority purpose of this award. To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) that the recipient, or any subrecipient at any tier that is a State, a local government, or a public institution of higher education, incurs to implement this condition.

5. Rules of Construction

A. For purposes of this condition:

(1) "State" and "local government" include any agency or other entity thereof, but not any institution of higher education or any Indian tribe.

(2) A "public" institution of higher education is defined as one that is owned, controlled, or directly funded (in whole or in substantial part) by a State or local government. (Such a public institution is considered to be a "government entity," and its officials to be "government officials.")

(3) "Program or activity" means what it means under title VI of the Civil Rights Act of 1964 (see 42 U.S.C. 2000d-4a).

(4) "Immigration status" means what it means under 8 U.S.C. 1373 and 8 U.S.C. 1644; and terms that are defined in 8 U.S.C. 1101 mean what they mean under that section 1101, except that "State" also includes American Samoa.

(5) Pursuant to the provisions set out at (or referenced in) 8 U.S.C. 1551 note ("Abolition ... and Transfer of Functions"), references to the "Immigration and Naturalization Service" in 8 U.S.C. 1373 and 1644 are to be read as references to particular components of the Department of Homeland Security (DHS).

B. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, any State or local government, any public institution of higher education, or any other entity (or individual) to violate any federal law, including any applicable civil rights or nondiscrimination law.

IMPORTANT NOTE: Any questions about the meaning or scope of this condition should be directed to OJP, before



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award acceptance.

43. Authority to obligate award funds contingent on noninterference (within the funded "program or activity") with federal law enforcement (8 U.S.C. 1373 and 1644); unallowable costs; notification

1. If the recipient is a "State," a local government, or a "public" institution of higher education:

A. The recipient may not obligate award funds if, at the time of the obligation, the "program or activity" of the recipient (or of any subrecipient at any tier that is a State, a local government, or a public institution of higher education) that is funded in whole or in part with award funds is subject to any "information-communication restriction."

B. In addition, with respect to any project costs it incurs "at risk," the recipient may not obligate award funds to reimburse itself if -- at the time it incurs such costs -- the program or activity of the recipient (or of any subrecipient at any tier that is a State, a local government, or a public institution of higher education) that would be reimbursed in whole or in part with award funds was subject to any information-communication restriction.

C. Any drawdown of award funds by the recipient shall be considered, for all purposes, to be a material representation by the recipient to OJP that, as of the date the recipient requests the drawdown, the recipient and each subrecipient (regardless of tier) that is a State, local government, or public institution of higher education, is in compliance with the award condition entitled "Noninterference (within the funded 'program or activity') with federal law enforcement: 8 U.S.C. 1373 and 1644 and ongoing compliance."

D. The recipient must promptly notify OJP (in writing) if the recipient, from its requisite monitoring of compliance with award conditions or otherwise, has credible evidence that indicates that the funded program or activity of the recipient, or of any subrecipient at any tier that is either a State or a local government or a public institution of higher education, may be subject to any information-communication restriction. In addition, any subaward (at any tier) to a subrecipient that is a State, a local government, or a public institution of higher education must require prompt notification to the entity that made the subaward, should the subrecipient have such credible evidence regarding an information-communication restriction.

2. Any subaward (at any tier) to a subrecipient that is a State, a local government, or a public institution of higher education must provide that the subrecipient may not obligate award funds if, at the time of the obligation, the program or activity of the subrecipient (or of any further such subrecipient at any tier) that is funded in whole or in part with award funds is subject to any information-communication restriction.

3. Absent an express written determination by DOJ to the contrary, based upon a finding by DOJ of compelling circumstances (e.g., a small amount of award funds obligated by the recipient at the time of a subrecipient's minor and transitory non-compliance, which was unknown to the recipient despite diligent monitoring), any obligations of award funds that, under this condition, may not be made shall be unallowable costs for purposes of this award. In making any such determination, DOJ will give great weight to evidence submitted by the recipient that demonstrates diligent monitoring of subrecipient compliance with the requirements set out in the "Noninterference ... 8 U.S.C. 1373 and 1644 and ongoing compliance" award condition.

4. Rules of Construction

A. For purposes of this condition "information-communication restriction" has the meaning set out in the "Noninterference ... 8 U.S.C. 1373 and 1644 and ongoing compliance" condition.

B. Both the "Rules of Construction" and the "Important Note" set out in the "Noninterference ... 8 U.S.C. 1373 and 1644 and ongoing compliance" condition are incorporated by reference as though set forth here in full.



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44. Noninterference (within the funded "program or activity") with federal law enforcement: No public disclosure of certain law enforcement sensitive information

SCOPE. This condition applies with respect to the "program or activity" that is funded (in whole or in part) by the award, as of the date the recipient accepts this award, and throughout the remainder of the period of performance. Its provisions must be among those included in any subaward (at any tier).

1. Noninterference: No public disclosure of federal law enforcement information in order to conceal, harbor, or shield

Consistent with the purposes and objectives of federal law enforcement statutes and federal criminal law (including 8 U.S.C. 1324 and 18 U.S.C. chs. 1, 49, 227), no public disclosure may be made of any federal law enforcement information in a direct or indirect attempt to conceal, harbor, or shield from detection any fugitive from justice under 18 U.S.C. ch. 49, or any alien who has come to, entered, or remains in the United States in violation of 8 U.S.C. ch. 12 -- without regard to whether such disclosure would constitute (or could form a predicate for) a violation of 18 U.S.C. 1071 or 1072 or of 8 U.S.C. 1324(a).

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions (e.g., training) designed to ensure compliance with this condition.

4. Rules of construction

A. For purposes of this condition--

(1) the term "alien" means what it means under section 101 of the Immigration and Nationality Act (see 8 U.S.C. 1101(a)(3));

(2) the term "federal law enforcement information" means law enforcement sensitive information communicated or made available, by the federal government, to a State or local government entity, -agency, or -official, through any means, including, without limitation-- (1) through any database, (2) in connection with any law enforcement partnership or -task-force, (3) in connection with any request for law enforcement assistance or -cooperation, or (4) through any deconfliction (or courtesy) notice of planned, imminent, commencing, continuing, or impending federal law enforcement activity;

(3) the term "law enforcement sensitive information" means records or information compiled for any law enforcement purpose; and

(4) the term "public disclosure" means any communication or release other than one-- (a) within the recipient, or (b) to any subrecipient (at any tier) that is a government entity.

B. Both the "Rules of Construction" and the "Important Note" set out in the "Noninterference (within the funded 'program or activity') with federal law enforcement: 8 U.S.C. 1373 and 1644 and ongoing compliance" award condition are incorporated by reference as though set forth here in full.



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45. Noninterference (within the funded "program or activity") with federal law enforcement: Interrogation of certain aliens

SCOPE. This condition applies with respect to the "program or activity" that is funded (in whole or in part) by this award, as of the date the recipient accepts this award, and throughout the remainder of the period of performance for the award. Its provisions must be among those included in any subaward (at any tier).

1. Noninterference with statutory law enforcement access to correctional facilities

Consonant with federal law enforcement statutes and regulations -- including 8 U.S.C. 1357(a), under which certain federal officers and employees "have power without warrant ... to interrogate any alien or person believed to be an alien as to his right to be or to remain in the United States," and 8 C.F.R. 287.5(a), under which that power may be exercised "anywhere in or outside the United States" -- within the funded program or activity, no State or local government entity, -agency, or -official may interfere with the exercise of that power to interrogate "without warrant" (by agents of the United States acting under color of federal law) by impeding access to any State or local government (or government-contracted) correctional facility by such agents for the purpose "interrogat[ing] any alien or person believed to be an alien as to his [or her] right to be or to remain in the United States."

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions (e.g., training) designed to ensure compliance with this condition.

4. Rules of construction

A. For purposes of this condition:

- (1) The term "alien" means what it means under section 101 of the Immigration and Nationality Act (INA) (see 8 U.S.C. 1101(a)(3)).
- (2) The term "correctional facility" means what it means under the title I of the Omnibus Crime Control and Safe Streets Act of 1968 (see 34 U.S.C. 10251(a)(7)).
- (3) The term "impede" includes taking or continuing any action, or implementing or maintaining any law, policy, rule, or practice, that--
 - (a) is designed to prevent or to significantly delay or complicate, or
 - (b) has the effect of preventing or of significantly delaying or complicating.

B. Both the "Rules of Construction" and the "Important Note" set out in the "Noninterference (within the funded 'program or activity') with federal law enforcement: 8 U.S.C. 1373 and 1644 and ongoing compliance" award condition are incorporated by reference as though set forth here in full.



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46. Noninterference (within the funded "program or activity") with federal law enforcement: Notice of scheduled release

SCOPE. This condition applies with respect to the "program or activity" that is funded (in whole or in part) by the award, as of the date the recipient accepts the award, and throughout the remainder of the period of performance. Its provisions must be among those included in any subaward at any tier.

1. Noninterference with "removal" process: Notice of scheduled release date and time

Consonant with federal law enforcement statutes -- including 8 U.S.C. 1231 (for an alien incarcerated by a State or local government, a 90-day "removal period" during which the federal government "shall" detain and then "shall" remove an alien from the U.S. "begins" no later than "the date the alien is released from ... confinement"; also, the federal government is expressly authorized to make payments to a "State or a political subdivision of the State ... with respect to the incarceration of [an] undocumented criminal alien"); 8 U.S.C. 1226 (the federal government "shall take into custody" certain criminal aliens "when the alien is released"); and 8 U.S.C. 1366 (requiring an annual DOJ report to Congress on "the number of illegal alien[felons] in Federal and State prisons" and programs underway "to ensure the prompt removal" from the U.S. of removable "criminal aliens") -- within the funded program or activity, no State or local government entity, -agency, or -official (including a government-contracted correctional facility) may interfere with the "removal" process by failing to provide -- as early as practicable (see para. 4.C. below) -- advance notice to DHS of the scheduled release date and time for a particular alien, if a State or local government (or government-contracted) correctional facility receives from DHS a formal written request pursuant to the INA that seeks such advance notice.

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions (e.g., training) designed to ensure compliance with this condition.

4. Rules of construction

A. For purposes of this condition:

(1) The term "alien" means what it means under section 101 of the INA (see 8 U.S.C. 1101(a)(3)).

(2) The term "correctional facility" means what it means under the title I of the Omnibus Crime Control and Safe Streets Act of 1968 (see 34 U.S.C. 10251(a)(7)).

B. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, any State or local government, or any other entity or individual to maintain (or detain) any individual in custody beyond the date and time the individual otherwise would have been released.

C. Applicability

(1) Current DHS practice is ordinarily to request advance notice of scheduled release "as early as practicable (at least 48 hours, if possible)." (See DHS Form I-247A (3/17)). If (e.g., in light of the date DHS made such request) the scheduled release date and time for an alien are such as not to allow for the advance notice that DHS has requested, it shall NOT be a violation of this condition to provide only as much advance notice as practicable.

(2) Current DHS practice is to use the same form for a second, distinct purpose -- to request that an individual be



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detained for up to 48 hours AFTER the scheduled release. This condition does NOT encompass such DHS requests for detention.

D. Both the "Rules of Construction" and the "Important Note" set out in the "Noninterference (within the funded 'program or activity') with federal law enforcement: 8 U.S.C. 1373 and 1644 and ongoing compliance" award condition are incorporated by reference as though set forth here in full.

47. Requirement to collect certain information from subrecipients

The recipient may not make a subaward to a State, a local government, or a "public" institution of higher education, unless it first obtains from the proposed subrecipient responses to the questions identified in the program solicitation as "Information regarding Communication with the Department of Homeland Security (DHS) and/or Immigration and Customs Enforcement (ICE)." All subrecipient responses must be collected and maintained by the recipient, consistent with regular document retention requirements, and must be made available to DOJ upon request. Responses to these questions are not required from subrecipients that are either a tribal government/organization, a nonprofit organization, or a private institution of higher education.



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48. Compliance with National Environmental Policy Act and related statutes

Upon request, the recipient (and any subrecipient at any tier) must assist BJA in complying with the National Environmental Policy Act (NEPA), the National Historic Preservation Act, and other related federal environmental impact analyses requirements in the use of these award funds, either directly by the recipient or by a subrecipient. Accordingly, the recipient agrees to first determine if any of the following activities will be funded by the grant, prior to obligating funds for any of these purposes. If it is determined that any of the following activities will be funded by the award, the recipient agrees to contact BJA.

The recipient understands that this condition applies to new activities as set out below, whether or not they are being specifically funded with these award funds. That is, as long as the activity is being conducted by the recipient, a subrecipient, or any third party, and the activity needs to be undertaken in order to use these award funds, this condition must first be met. The activities covered by this condition are:

- a. New construction;
- b. Minor renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
- c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
- d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
- e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

The recipient understands and agrees that complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. The recipient further understands and agrees to the requirements for implementation of a Mitigation Plan, as detailed at <https://bja.gov/Funding/nepa.html>, for programs relating to methamphetamine laboratory operations.

Application of This Condition to Recipient's Existing Programs or Activities: For any of the recipient's or its subrecipients' existing programs or activities that will be funded by these award funds, the recipient, upon specific request from BJA, agrees to cooperate with BJA in any preparation by BJA of a national or program environmental assessment of that funded program or activity.

49. Establishment of trust fund

If award funds are being drawn down in advance, the recipient (or a subrecipient, with respect to a subaward) is required to establish a trust fund account. Recipients (and subrecipients) must maintain advance payments of federal awards in interest-bearing accounts, unless regulatory exclusions apply (2 C.F.R. 200.305(b)(8)). The trust fund, including any interest, may not be used to pay debts or expenses incurred by other activities beyond the scope of the Edward Byrne Memorial Justice Assistance Grant Program (JAG). The recipient also agrees to obligate the award funds in the trust fund (including any interest earned) during the period of performance for the award and expend within 90 days thereafter. Any unobligated or unexpended funds, including interest earned, must be returned to OJP at the time of closeout.



U.S. Department of Justice
Office of Justice Programs
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**AWARD CONTINUATION
SHEET
Grant**

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PROJECT NUMBER 2018-DJ-BX-0925

AWARD DATE 10/01/2018

SPECIAL CONDITIONS

50. Prohibition on use of award funds for match under BVP program

JAG funds may not be used as the 50% match for purposes of the DOJ Bulletproof Vest Partnership (BVP) program.

51. Certification of body armor "mandatory wear" policies

The recipient agrees to submit a signed certification that all law enforcement agencies receiving body armor purchased with funds from this award have a written "mandatory wear" policy in effect. The recipient must keep signed certifications on file for any subrecipients planning to utilize funds from this award for ballistic-resistant and stab-resistant body armor purchases. This policy must be in place for at least all uniformed officers before any funds from this award may be used by an agency for body armor. There are no requirements regarding the nature of the policy other than it be a mandatory wear policy for all uniformed officers while on duty.

52. Body armor - compliance with NIJ standards and other requirements

Ballistic-resistant and stab-resistant body armor purchased with JAG award funds may be purchased at any threat level, make or model, from any distributor or manufacturer, as long as the body armor has been tested and found to comply with applicable National Institute of Justice ballistic or stab standards and is listed on the NIJ Compliant Body Armor Model List (<https://nij.gov/topics/technology/body-armor/Pages/compliant-ballistic-armor.aspx>). In addition, ballistic-resistant and stab-resistant body armor purchased must be made in the United States and must be uniquely fitted, as set forth in 34 U.S.C. 10202(c)(1)(A). The latest NIJ standard information can be found here: <https://nij.gov/topics/technology/body-armor/pages/safety-initiative.aspx>.

53. Body armor - impact on eligibility for other program funds

The recipient understands that the use of funds under this award for purchase of body armor may impact eligibility for funding under the Bulletproof Vest Partnership (BVP) program, a separate program operated by BJA, pursuant to the BVP statute at 34 USC 10531(c)(5).

54. Reporting requirements

The recipient must submit quarterly Federal Financial Reports (SF-425) and semi-annual performance reports through OJP's GMS (<https://grants.ojp.usdoj.gov>). Consistent with the Department's responsibilities under the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, the recipient must provide data that measure the results of its work. The recipient must submit quarterly performance metrics reports through BJA's Performance Measurement Tool (PMT) website (www.bjaperformancetools.org). For more detailed information on reporting and other JAG requirements, refer to the JAG reporting requirements webpage. Failure to submit required JAG reports by established deadlines may result in the freezing of grant funds and future High Risk designation.

55. Required data on law enforcement agency training

Any law enforcement agency receiving direct or sub-awarded funding from this JAG award must submit quarterly accountability metrics data related to training that officers have received on the use of force, racial and ethnic bias, de-escalation of conflict, and constructive engagement with the public.

56. Expenditures prohibited without waiver

No funds under this award may be expended on the purchase of items prohibited by the JAG program statute, unless, as set forth at 34 U.S.C. 10152, the BJA Director certifies that extraordinary and exigent circumstances exist, making such expenditures essential to the maintenance of public safety and good order.



U.S. Department of Justice
Office of Justice Programs
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**AWARD CONTINUATION
SHEET
Grant**

PAGE 21 OF 22

PROJECT NUMBER 2018-DJ-BX-0925

AWARD DATE 10/01/2018

SPECIAL CONDITIONS

57. Authorization to obligate (federal) award funds to reimburse certain project costs incurred on or after October 1, 2017

The recipient may obligate (federal) award funds only after the recipient makes a valid acceptance of the award. As of the first day of the period of performance for the award (October 1, 2017), however, the recipient may choose to incur project costs using non-federal funds, but any such project costs are incurred at the recipient's risk until, at a minimum-- (1) the recipient makes a valid acceptance of the award, and (2) all applicable withholding conditions are removed by OJP (via a Grant Adjustment Notice). (A withholding condition is a condition in the award document that precludes the recipient from obligating, expending, or drawing down all or a portion of the award funds until the condition is removed.)

Except to the extent (if any) that an award condition expressly precludes reimbursement of project costs incurred "at-risk," if and when the recipient makes a valid acceptance of this award and OJP removes each applicable withholding condition through a Grant Adjustment Notice, the recipient is authorized to obligate (federal) award funds to reimburse itself for project costs incurred "at-risk" earlier during the period of performance (such as project costs incurred prior to award acceptance or prior to removal of an applicable withholding condition), provided that those project costs otherwise are allowable costs under the award.

Nothing in this condition shall be understood to authorize the recipient (or any subrecipient at any tier) to use award funds to "supplant" State or local funds in violation of the recipient's certification (executed by the chief executive of the State or local government) that federal funds will be used to increase the amounts of such funds that would, in the absence of federal funds, be made available for law enforcement activities.

58. Use of funds for DNA testing; upload of DNA profiles

If award funds are used for DNA testing of evidentiary materials, any resulting eligible DNA profiles must be uploaded to the Combined DNA Index System ("CODIS," the DNA database operated by the FBI) by a government DNA laboratory with access to CODIS.

No profiles generated under this award may be entered or uploaded into any non-governmental DNA database without prior express written approval from BJA.

Award funds may not be used for the purchase of DNA equipment and supplies unless the resulting DNA profiles may be accepted for entry into CODIS.

59. Three percent set-aside for NIBRS compliance

The recipient must ensure that at least 3 percent of the total amount of this award is dedicated to achieving full compliance with the FBI's National Incident-Based Reporting System (NIBRS), unless the FBI or appropriate State official has certified that the recipient locality is already NIBRS compliant, and evidence of this has been submitted to and approved by BJA. The recipient will be required by BJA to make revisions to budgets that do not clearly indicate what projects will be supported by this 3 percent set-aside, unless evidence of NIBRS compliance has been submitted to and approved by BJA. Recipients serving as fiscal agents for "disparate jurisdictions," (as defined at 34 USC 10156(d)(4)) have to pass this requirement through to in subawards to other localities in the disparate jurisdiction, so that each locality in a disparate jurisdiction group dedicates at least 3 percent of award funds to NIBRS compliance, unless, with respect to each locality in the disparate jurisdiction group, evidence of NIBRS compliance has been submitted to and approved by BJA.



U.S. Department of Justice
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**AWARD CONTINUATION
SHEET**
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PROJECT NUMBER 2018-DJ-BX-0925

AWARD DATE 10/01/2018

SPECIAL CONDITIONS

60. Encouragement of submission of "success stories"

BJA strongly encourages the recipient to submit annual (or more frequent) JAG success stories. To submit a success story, sign in to a My BJA account at [https:// www.bja.gov/ Login.aspx](https://www.bja.gov/Login.aspx) to access the Success Story Submission form. If the recipient does not yet have a My BJA account, please register at [https:// www.bja.gov/ profile.aspx](https://www.bja.gov/profile.aspx). Once registered, one of the available areas on the My BJA page will be "My Success Stories." Within this box, there is an option to add a Success Story. Once reviewed and approved by BJA, all success stories will appear on the BJA Success Story web page at [https:// www.bja.gov/ SuccessStoryList.aspx](https://www.bja.gov/SuccessStoryList.aspx).

61. Withholding of funds: Budget narrative or information

The recipient may not obligate, expend, or draw down any award funds until the recipient submits, and OJP reviews and accepts, the required budget information or narrative for the award, and a Grant Adjustment Notice (GAN) has been issued to remove this condition.

62. Recipient may not obligate, expend or drawdown funds until the Bureau of Justice Assistance, Office of Justice Programs has received and approved the required application attachment(s) and has issued a Grant Adjustment Notice (GAN) releasing this special condition.

63. Withholding of funds: Required certification from the chief executive of the applicant government

The recipient may not obligate, expend, or draw down any award funds until the recipient submits the required "Certifications and Assurances by the Chief Executive of the Applicant Government," properly-executed (as determined by OJP), and a Grant Adjustment Notice (GAN) has been issued to remove this condition.



U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

Washington, D.C. 20531

Memorandum To: Official Grant File

From: Orbin Terry, NEPA Coordinator

Subject: Incorporates NEPA Compliance in Further Developmental Stages for Scott County

The Edward Byrne Memorial Justice Assistance Grant Program (JAG) allows states and local governments to support a broad range of activities to prevent and control crime and to improve the criminal justice system, some of which could have environmental impacts. All recipients of JAG funding must assist BJA in complying with NEPA and other related federal environmental impact analyses requirements in the use of grant funds, whether the funds are used directly by the grantee or by a subgrantee or third party. Accordingly, prior to obligating funds for any of the specified activities, the grantee must first determine if any of the specified activities will be funded by the grant.

The specified activities requiring environmental analysis are:

- a. New construction;
- b. Any renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
- c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
- d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
- e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

Complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. Further, for programs relating to methamphetamine laboratory operations, the preparation of a detailed Mitigation Plan will be required. For more information about Mitigation Plan requirements, please see <https://www.bja.gov/Funding/nepa.html>.

Please be sure to carefully review the grant conditions on your award document, as it may contain more specific information about environmental compliance.



U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

**GRANT MANAGER'S MEMORANDUM, PT. I:
PROJECT SUMMARY**

Grant

PROJECT NUMBER

2018-DJ-BX-0925

PAGE 1 OF 1

This project is supported under FY18(BJA - JAG State & JAG Local) Title I of Pub. L. No. 90-351 (generally codified at 34 U.S.C. 10101 - 10726), including subpart I of part E (codified at 34 U.S.C. 10151 - 10158); see also 28 U.S.C. 530C(a)

1. STAFF CONTACT (Name & telephone number)

Antonio Tovar
(202) 598-7424

2. PROJECT DIRECTOR (Name, address & telephone number)

Pamela Brown
Office Administrator
400 W. 4th Street
Davenport, IA 52801-1104
(563) 326-8217

3a. TITLE OF THE PROGRAM

BJA FY 18 Edward Byrne Memorial Justice Assistance Grant (JAG) Program - Local Solicitation

**3b. POMS CODE (SEE INSTRUCTIONS
ON REVERSE)**

4. TITLE OF PROJECT

FY 18 JAG Local

5. NAME & ADDRESS OF GRANTEE

Scott County
400 West Fourth Street
Davenport, IA 52801-1104

6. NAME & ADDRESS OF SUBGRANTEE

7. PROGRAM PERIOD

FROM: 10/01/2017 TO: 09/30/2021

8. BUDGET PERIOD

FROM: 10/01/2017 TO: 09/30/2021

9. AMOUNT OF AWARD

\$ 85,774

10. DATE OF AWARD

10/01/2018

11. SECOND YEAR'S BUDGET

12. SECOND YEAR'S BUDGET AMOUNT

13. THIRD YEAR'S BUDGET PERIOD

14. THIRD YEAR'S BUDGET AMOUNT

15. SUMMARY DESCRIPTION OF PROJECT (See instruction on reverse)

The Edward Byrne Memorial Justice Assistance Grant Program (JAG) allows states and units of local government, including tribes, to support a broad range of criminal justice related activities based on their own state and local needs and conditions. Grant funds can be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice, including for any one or more of the following purpose areas: 1) law enforcement programs; 2) prosecution and court programs; 3) prevention and education programs; 4) corrections and community corrections programs; 5) drug treatment and enforcement programs; 6) planning, evaluation, and technology improvement programs; 7) crime victim and witness programs (other than compensation); and 8) mental health programs and related law enforcement and corrections programs, including behavioral programs and crisis intervention teams.

This Local JAG award will be shared by the County and one or more jurisdictions identified as disparate within the current Fiscal Year eligibility list (www.bja.gov/jag). JAG funding will be used to support criminal justice initiatives that fall under one or more of the allowable program areas above. Any

equipment purchases or funded initiatives such as overtime, task forces, drug programs, information sharing, etc. will be aimed at reducing crime and/or enhancing public/officer safety.

NCA/NCF

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

October 18, 2018

APPROVAL OF THE FY18 GRANT FROM THE EDWARD BYRNE MEMORIAL
JUSTICE ASSISTANCE GRANT (JAG) PROGRAM THROUGH THE U.S.
DEPARTMENT OF JUSTICE IN THE SHERIFF'S OFFICE IN THE AMOUNT OF
\$85,774.00

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

Section 1. That the Board hereby approves the receipt of funding from the
Edward Byrne Memorial Justice Assistance Grant (JAG) Program
through the U.S. Department of Justice in the amount of
\$85,774.00.

Section 2. That the Sheriff's Office is approved to sign the grant award and
special conditions agreement.

Section 3. 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

October 18, 2018

Recognizing October as Breast Cancer Awareness Month

WHEREAS, A woman receives a diagnosis of breast cancer every two minutes, making the disease the most frequently diagnosed cancer among women in the United States (other than skin cancers). It's estimated more than 33,000 Iowa women are living with a breast cancer diagnosis; and

WHEREAS, Through research and advocacy, advances have been made in the fight against breast cancer, including an increased rate of early detection and a 99 percent five-year survival rate for localized breast cancer; and

WHEREAS, There are nearly three million breast cancer survivors living in the United States today. They can attest to the fact that promoting awareness, providing information, funding research and offering treatment saves lives; and

WHEREAS, The efforts of numerous organizations have made a major contribution to spreading breast cancer awareness to both men and women in all of Iowa's communities through outreach, education and screening programs and have empowered people with the life-saving message of early detection; and

WHEREAS, Throughout October, organizations and health practitioners in Iowa are encouraged to use the opportunity to promote awareness about breast cancer and encourage men and women to seek screenings as recommended. All Iowans are urged to observe Breast Cancer Awareness Month with appropriate activities and programs.

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

Section 1. That we hereby proclaim October as Breast Cancer Awareness Month in Scott County.

Section 2. This resolution shall take effect immediately.