

The Allen County Board of Commissioners met in regular session at 8:30 a.m. with Chairman William "Bill" H. King, Commissioner Jerry Daniels, Commissioner Bruce Symes, and Sherrie L. Riebel, Allen County Clerk in the assembly room of the Allen County Courthouse.

Nick Reynolds, Humboldt Union, Trevor Hoag, Iola Register, Bryan J. Murphy, Allen County Sheriff, Robert Johnson II, Allen County Counselor, Mitchell Garner, Allen County Public Works Director, Cara Barkdoll, Register of Deeds, and Paul Zirjack, citizen was present to observe the meeting.

Chairman King led the group in the Pledge of Allegiance.

Commissioners approved the minutes of the regular meeting on March 17 and Special COVID-19 Meeting March 19, 2020.

Mitchell Garner, Allen County Public Works Director, reported Allen County ranged from ½ to 7/8 inches of rain; depending on where you were located in the county. He discussed Kansas Department of Transportation is shut down due to the Governor's orders. Allen County Public Works crews will still have to work due to the excessive rainfall and conditions of the roads. Chairman King stated the Landfill will remain open as well.

Chairman King reported on a call from a citizen that lives in the county in the area where two houses have already blown up. They were expressing their concerns. Chairman King had recommended them to KDHE and Emergency Management in Allen County.

Commissioner Symes reported on a Kansas Association of Counties (KAC) webinar on Zoom; how to use it to benefit the county. He stated they had a person from the State of Washington where COVID-19 had hit the public hard. He had mentioned we are where they were one month ago. Supplies are needed now that the public should be allowed to buy in bulk so they stay in. Paul Zirjack stated there isn't really a shortage just that they can't transport fast enough.

Cole Herder, City of Humboldt Administrator, joined the meeting.

Commissioner Daniels stated there is a nationwide call for truck drivers.

Commissioner Symes reported Lissa Regehr called to see if the county could do anything to help with local businesses such as giving them \$3,000 to see them through this COVID-19. Discussion followed on how many would need this to keep them open and options to the small local businesses. The community foundation was a suggestion to some of them. Paul stated we need to depend on local people and government to get through this.

Jean Barber, President of the Allen County Public Building Commission, joined the meeting.

Nick asked about the Governor's Executive Order limiting gatherings to 10 or less. Cole said the League of Municipalities had a call to discuss how to enforce this order. Sheriff Murphy stated the people themselves should be enforcing it best they can for now. Discussion followed.

Cole mentioned the county possibility of a "Stay at Home" order.

Loren Korte, Allen County Public Building Commission (PBC) Vice Chair, joined the meeting.

Allen County Commissioners recessed their meeting to allow the PBC to hold their meeting.

**EXCERPT OF MINUTES OF A MEETING  
OF THE ALLEN COUNTY, KANSAS PUBLIC BUILDING COMMISSION  
HELD ON MARCH 24, 2020**

The Allen County, Kansas Public Building Commission (the "PBC") met in special session at the usual meeting place in the County at 9:00 a.m. The President presided and the following members of the PBC were present: Jean Barber, President and Loren Korte, Vice President/acting Secretary

The following members of the PBC were absent: Bret Heim, secretary

Thereupon, PBC Member Loren Korte moved that the "Acknowledgement and Consent to Sublease," related to a Lease Agreement by Allen County, Kansas and the Board of Trustees of Allen County Hospital, with Saint Luke's Hospital of Allen County, Inc., d/b/a Saint Luke's Allen County Regional Hospital, a Kansas charitable nonstock corporation and wholly-owned subsidiary of Saint Luke's Health System, Inc., a Kansas charitable nonstock corporation, dated as of October 23, 2019 (the "Sublease"), be approved and that the Chairman and Secretary be authorized execute the Acknowledgement and Consent to Sublease, in substantially the form presented. The motion was seconded by PBC Member Jean Barber, and was passed by the following roll call vote:

Aye: Jean Barber and Loren Korte

Nay: none

Thereupon, PBC Member Loren Korte moved that, in connection with the Sublease, and on or before May 31, 2020, the Chairman and Secretary be authorized to execute a Supplemental Tax Compliance Agreement, IRS Forms 8038 and any other similar documents necessary to maintain the exclusion of interest on the PBC's Revenue Bonds, Series 2011, Revenue Bonds, Series 2012 and Revenue Refunding Bonds, Series 2017A from gross income for federal income tax purposes. The motion was seconded by PBC Member Jean Barber, and was passed by the following roll call vote:

Aye: Jean Barber and Loren Korte

Nay: none

There being no further business to come before the meeting, on motion duly made, seconded and carried by unanimous vote, the meeting was adjourned.

Copies of documents:

**ACKNOWLEDGMENT AND CONSENT TO SUBLEASE**

**WHEREAS**, the Allen County, Kansas Public Building Commission (the "PBC") has entered into a Bond Trust Indenture with Security Bank of Kansas City, dated as of December 1, 2011, as amended and supplemented by a First Supplemental Trust Indenture, dated as of May 1, 2013, as further amended and supplemented by a Second Supplemental Trust Indenture, dated as of December 14, 2017, as further amended and supplemented by a Third Supplemental Trust Indenture, dated as of December 28, 2017, and as may be further amended and supplemented in accordance with the terms thereof (collectively, the "Bond Indenture"); and

**WHEREAS**, the PBC has issued its Revenue Bonds, Series 2011 (Allen County Hospital Project), Revenue Bonds, Series 2012 (Allen County Hospital Project), Revenue Refunding Bonds, Series 2017A (Allen County Hospital Project) and Taxable Revenue Refunding Bonds,

Series 2017B (Allen County Hospital Project) to finance and refinance the costs of constructing an acute care county hospital facility located on North Kentucky Street in Iola, Kansas (with the underlying and associated real property, the "Project") and certain operating costs related thereto; and

**WHEREAS**, the PBC has leased the Project to Allen County, Kansas (the "County") and the Board of Trustees of Allen County Hospital (the "Allen County Board") pursuant to a Lease, dated as of December 1, 2011, as amended and supplemented by a Supplemental Lease, dated as of May 1, 2013, as further amended and supplemented by a Second Supplemental Lease, dated as of December 14, 2017, as further amended and supplemented by a Third Supplemental Lease, dated as of December 28, 2017, and as may be further amended and supplemented in accordance with the terms thereof (collectively, the "Lease"); and

**WHEREAS**, the County and Allen County Board have approved, authorized and entered into a Lease Agreement with Saint Luke's Hospital of Allen County, Inc., d/b/a Saint Luke's Allen County Regional Hospital, a Kansas charitable nonstock corporation and wholly-owned subsidiary of Saint Luke's Health System, Inc., a Kansas charitable nonstock corporation ("SLACRH"), dated as of October 23, 2019 (the "Sublease") under which, from and after the Closing (as defined therein) (currently scheduled for June 1, 2020) and subject to the satisfaction or waiver of certain conditions to Closing as set forth therein, SLACRH would sublease the Project from the County and Allen County Board; and

**WHEREAS**, the Lease provides that the County and Allen County Board may not sublease the Project to a single party or entity, with the prior written consent of the PBC; and

**WHEREAS**, the PBC finds it necessary and advisable to consent to the subleasing of the Project as provided in the Sublease, and to affirm and acknowledge certain related matters.

**NOW, THEREFORE**, in consideration of the foregoing, the PBC agrees and acknowledges as follows:

1. **Consent.** The PBC consents to subleasing of the Project, as provided in the Sublease.

2. **Affirmation of County Obligations.** The PBC affirms and acknowledges that, notwithstanding the Sublease and its provisions, the County shall remain fully liable for the performance of its duties and obligations, including responsibility for payment of Basic Rent (as defined in the Lease), under the Lease, and no such subleasing under the Sublease and no dealings or transactions between the PBC and SLACRH shall relieve the County of any of its duties and obligations under the Lease. The Sublease shall be subject to and subordinate in all respects to the provisions of the Lease.

3. **Application of Rent Paid Under Sublease.** **The PBC affirms and acknowledges that, without limiting the County's sole responsibility for payment of Basic Rent as described under paragraph 2 above, the Sublease provides that Rent (as defined in the Sublease) payable from SLACRH to the County and Allen County Board under the Sublease will be applied in satisfaction of all or part of the County's Basic Rent obligation under the Lease.**

4. **Termination of Prior Management Agreement.** **In connection with the consummation of the transactions contemplated under the Sublease, the PBC acknowledges the termination of that certain Management Agreement with Midwest Division-ACH, LLC ("HCA"), which covered the Project.**

**IN WITNESS WHEREOF**, the PBC has caused this Acknowledgment and Consent to Sublease to be signed by an authorized official, such signature to be attested by an authorized officer, and its official seal to be applied, as of March 24, 2020.

And:

**SUPPLEMENTAL TAX COMPLIANCE AGREEMENT**

**Dated June 1, 2020**

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**Among**  
**ALLEN COUNTY, KANSAS PUBLIC BUILDING COMMISSION,**  
**ALLEN COUNTY, KANSAS,**  
**THE BOARD OF TRUSTEES OF ALLEN COUNTY, HOSPITAL**  
**And**

**SECURITY BANK OF KANSAS CITY,  
as Trustee**

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**Amending and Supplementing the**

**Tax Compliance Agreement  
dated as of September 1, 2011, relating to  
Revenue Bonds, Series 2011  
(Allen County Hospital Project)**

**Tax Compliance Agreement  
dated as of January 20, 2012 relating to  
Revenue Bonds, Series 2012  
(Allen County Hospital Project)**

**Tax Compliance Agreement  
dated as of December 28, 2017 relating to  
Revenue Refunding Bonds, Series 2017A  
(Allen County Hospital Project)**

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The rest of this document available in PBC file.

Allen County Commissioners reconvened.

Commissioner Daniels moved to go into executive session for 15 minutes to discuss Attorney-Client Privilege. Commissioner Symes seconded; motion passed 3-0-0. Commissioners adjourned to the Commission Room. Those in the room will be Chairman King, Commissioner Symes, Commissioner Daniels, and Robert Johnson, II, Allen County Counselor. The time is now 9:09 a.m. Commissioners reconvened at 9:24 a.m. No action was taken.

Commissioner Daniels moved to go into executive session for 5 minutes to discuss Attorney-Client Privilege. Commissioner Symes seconded; motion passed 3-0-0. Commissioners adjourned to the Commission Room. Those in the room will be Chairman King, Commissioner Symes, Commissioner Daniels, and Robert Johnson, II, Allen County Counselor. The time is now 9:24 a.m. Commissioners reconvened at 9:29 a.m. No action was taken.

Commissioners reviewed a Proclamation from CASA and Hope Unlimited:

## **Allen County Proclamation**

### **CHILD ABUSE PREVENTION MONTH – APRIL 2020**

**WHEREAS**, children are key to the state's future success, prosperity and quality of life and, while children are our most valuable resource, they are also our most vulnerable; and

**WHEREAS**, children have a right to be safe and to be provided an opportunity to thrive, learn and grow; and

**WHEREAS**, child abuse and neglect can be prevented by supporting and strengthening Kansas' families, thus preventing the far-reaching effects of maltreatment, providing the opportunity for children to develop healthy, trusting family bonds; and consequently, building the foundations of communities; and

**WHEREAS**, prevention happens in partnership, we must come together as partners so that the voices of our children are heard by all and we are as a community extending a helping hand to children and families in need; and

**WHEREAS**, by providing safe, stable and nurturing relationships for our children, free of violence, abuse and neglect, we can ensure that Kansas' children will grow to their full potential as the next generation of leaders, helping to secure the future of this state and nation;

**THEREFORE**, We, County Commissioners of Allen County, Kansas do hereby proclaim April 2020 as Child Abuse Prevention Month.

Commissioner Symes moved to approve Allen County Proclamation Child Abuse Prevention Month April 2020. Commissioner Daniels seconded; motion passed 3-0-0.

Commissioner Symes discussed continuing to close the courthouse to the public until April 3, 2020 and at the March 31, 2020 meeting to review again. Commissioner Symes so moved. Commissioner Daniels seconded; motion passed 3-0-0.

Commissioners approved the following documents:

- a) Payroll – reimbursement for cell phones for Robert Poydack
- b) Payroll – New hire Robert Poydack

With no further business to come before the board, Commissioner Daniels moved to adjourn, Commissioner Symes seconded, and motion passed 3-0-0. Meeting was adjourned at 9:37 a.m. until Tuesday, March 31, 2020 at 8:30 a.m. in the Assembly Room of the courthouse.

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William H. King, Chairperson

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Bruce Symes, Commissioner

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Sherrie L. Riebel, County Clerk

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Jerry Daniels, Commissioner