Marshall County Board of Supervisors
Regular Session May 22, 2012, at 9:00 a.m.

MINUTES

The Board met in regular session on Tuesday, May 22, 2012, at 9:00 a.m. in the Marshall County Courthouse, 3rd Floor, NE corner, meeting room #2, with all 3 members present.

Pledge of Allegiance

1. Approval or Amendment of Agenda—

Motion by Adams, second by Thompson to approve the agenda as printed.

Roll call vote:	Adams-Aye	Thompson-Aye	Grabenbauer-Aye
	Vice Chairman	Member	Chairman

2. Years of Service Recognition-Dan Cory-20 years

3. Budget 2011-2012 Amendment, Public Hearing—

At the public hearing, any resident may present objections to or arguments in favor of any part of the amendment to the current 2011-12 county budget.

There were no written comments, questions, or objections on file in the County Auditor and Recorder's Office. Of the 8 individuals attending the public hearing, no individual(s) presented oral comments, questions, or objections.

Motion by Thompson second by Adams to close the public hearing.

Roll call vote:	Adams-Aye	Thompson-Aye	Grabenbauer-Aye
	Vice Chairman	Member	Chairman

4. Resolution 2012-0020-Budget 2011-2012 Amendment—

The proposed 2011-2012 budget amendment was published in the Marshalltown Times-Republican, Marshalltown, Iowa, and the Mid Iowa Enterprise, State Center, Iowa on May 10, 2012; and

There were no written comments, questions, or objections on file in the Auditor's Office, and 8 individuals attended the public hearing. There were no oral comments, questions, or objections at the hearing.

Now, Therefore, Be It Resolved by the Marshall County Board of Supervisors that the 2011-12 county budget amendment be adopted and the County Auditor and Recorder be authorized to certify and file the budget amendment as published and presented at the hearing.

Dated at Marshalltown, Iowa this 22nd day of May, 2012.

Motion by Adams, second by Thompson, to adopt this Resolution.

Roll call vote:	Adams-Aye	Thompson-Aye	Grabenbauer-Aye
	Vice Chairman	Member	Chairman

Attest:

Denny Grabenbauer
Board of Supervisors, Chairman

Dawn Williams
Marshall County
Auditor and Recorder

5. Resolution-2012-0021-Re-Appropriation of Funds for FY 2011-2012—

Be It Resolved that the estimated appropriations approved by the Board for the various funds and departments in the County at the beginning and during the fiscal year are adjusted to reflect the expenditures incurred and to be incurred by funds.

Department	Current Appropriation	Re-Appropriation
#01 – Supervisors	171,840	171,840
#02 – Auditor	676,025	676,025
#03 – Treasurer	625,672	625,672
#04 - County Attorney	1,046,170	1,046,170
#05 – Sheriff	5,101,710	5,101,710
#07 – Recorder	285,704	285,704
#08 – Buildings & Grounds	1,113,407	1,141,407
#09 – Zoning	54,710	54,710
#15 - Information Systems	596,131	596,131
#16 – GIS	178,320	178,320
#19 - General Assistance	21,100	21,100
#20 - County Engineer	6,262,700	6,513,000
#21 - Veteran Affairs	88,148	88,148
#22 - County Conservation	1,243,950	1,282,072
#23 - Local Health Board	435,220	435,220
#24 - Weed Eradication	85,810	85,810
#25 - Dept of Human Services	158,876	158,876
#28 - Medical Examiner	67,900	67,900
#31 - District Court	338,200	338,200
#33 - County Library Contract	69,442	69,442
#40 – Harvester TIF	318,000	318,000
#42 – Gateway TIF	43,000	43,000
#60 - Mental Health Admin	4,060,215	4,570,215
#70 - Local Emergency Mgmt	19,300	19,300
#84 - County Capital Building	535,000	592,500
#99 - Nondepartmental	1,757,075	1,757,075
Total	$25,353,625	$26,237,547

Dated at Marshalltown, Iowa this 22nd day of May, 2012.

Motion by Adams, second by Thompson, to adopt the re-appropriation of funds for FY 2011-12.

Roll call vote:	Adams-Aye	Thompson-Aye	Grabenbauer-Aye
	Vice Chairman	Member	Chairman

______________________________ Attest: ______________________________

Denny Grabenbauer
Board of Supervisors, Chairman

Dawn Williams
Marshall County
Auditor and Recorder

Consent Agenda:

6. **Approve Minutes--**from Regular Session of May 8, 2012.
7. **Approve Mobile Band Shell Rental Agreement--** Marshalltown Central Business District has submitted a rental agreement for the Mobile Band Shell to be placed on Courthouse grounds and use of the Courthouse lawn for the Latino Festival being held on Saturday, June 2, 2012 during the hours of 7:00 a.m. - 10:00 p.m.
8. **Appointments-Commencing July 1, 2012:**
   a. **Marshall County Commission of Veteran's Affairs-** Re-Appoint Leslie Graham **-** 3 year term
9. **Approve Transfer of Funds—**Transfer #841 from Conservation Land Acquisition Trust Fund to General Basic Fund in the amount of $442,500.62 for grant funds received for the Linn Creek Trail Extension.
10. **Approve Claims—**as audited and authorize the County Auditor and Recorder to issue payment of same. The listing of claims paid at this meeting will be included with all claims paid for the month of May; the May list of claims will be a part of the first meeting in June.

Motion by Thompson, second by Adams to approve the consent agenda as printed above**.**

Roll call vote:	Adams-Aye	Thompson-Aye	Grabenbauer-Aye
	Vice Chairman	Member	Chairman

11. Marshall County Employee Health and Prescription Drug Benefit Plan—Discussion and possible action on Summary of Material Modifications No. 12 to the Marshall County Summary Plan Description to ensure consistency in benefit determinations involving medically necessary and experimental or investigational services or supplies.

Motion by Grabenbauer, second by Adams to approve Summary of Material Modifications No 12.

Roll call vote:	Adams-Aye	Thompson-Aye	Grabenbauer-Aye
	Vice Chairman	Member	Chairman

12. CENTRAL IOWA JUVENILE DETENTION CENTER-28E Agreement

ARTICLE I - NAME
The official name of this corporation shall be: Central Iowa Juvenile Detention Center (CIJDC)

ARTICLE II – PURPOSE
1. To form a 28E Corporation to provide Juvenile Justice and Social Services.

ARTICLE III – LEGAL STATUS
1. CIJDC is a 28E Corporation and shall be a public body and a separate legal entity exercising public and essential governmental functions. CIJDC shall be governed by a commission as specified in Article VIII.

ARTICLE IV – COMMENCEMENT OF OPERATIONS
1. The operations of this Corporation shall commence upon filing of these Articles with the Iowa Secretary of State and recording with each of the Member County's Recorder

2. The effective date of the Corporation will be August 1, 1993.

ARTICLE V - DURATION
1. The duration and existence of this Corporation shall be perpetual unless dissolved.

ARTICLE VI – POWERS AND DUTIES
1. The Commission shall have the following powers:
a. To adopt and have a common seal and to alter the same at pleasure.

b. To sue and be sued.

c. To acquire, hold and use and dispose of the reserves derived from the operations of its facilities and other moneys of the Corporation.

d. To acquire, hold, use and dispose of other personal property for the purposes of the Corporation.

e. To acquire by purchase, gift, lease or otherwise, real property and easements therein, if any, and to hold and use the same, and to dispose of property so acquired no longer necessary for the purposes of this Corporation.

f. To accept gifts or grants of real or personal property, money, material, labor or supplies for the purposes of the Corporation, and to make and perform such agreements and contracts as may be necessary or convenient in connection with the procuring, acceptance or disposition of such gifts or grants.

g. To make and enforce by-laws or rules and regulations for the management and operation of its business and affairs and for the use, maintenance and operation of its facilities and any other of its properties, and to annul the same.

h. To do and perform any acts and things authorized by Iowa Code Chapter 28E, as amended and by this Agreement, under, through or by means of its, agents and employees, or by contracts with any person.

i. To enter into any and all contracts, execute any and all instruments, and do and perform all acts or things necessary or desirable for the purpose of the Corporation or to carry out any powers expressly given by this Agreement.

j. To make or cause to be made studies and surveys necessary or useful and convenient to carrying out the functions of the Corporation.

k. To contract with and compensate consultants for professional services including but not limited to architects, engineers, planners, lawyers, accountants, and others found necessary or useful and convenient to the stated purpose of the Corporation.

l. To provide for a system of budgeting, accounting, auditing and reporting of all Corporation funds and transactions, for a depository, and for bonding of employees.

m. To consult with representative of Federal, State, and local agencies, departments and their officers and employees and to contract with such agencies and departments.

n. To provide in the preceding authorizing such obligations for remedies upon default in the payment of principal and interest on such obligations including but not limited to, the appointment of a trustee to represent the holders of such obligations in default and the appointment of a receiver of the Corporation's property, such trustee and such receiver to have the powers and duties provided for in the proceeding authorizing such obligations.

o. To hire employees, fix their compensations, benefits, personnel rules and regulations, and terminate their employment.

p. To borrow money and accept grants, contributions or loans from, and to enter into contracts, leases, or other transactions.

2. Duties of the Commission

a. To approve policy, staff and to serve member governments and agencies to fulfill the purposes as outlined in Article I. The Corporation may contract with any public or private entity.

b. The Commission shall adopt and revise Bylaws as necessary for the proper operation of the Center. Such Bylaws shall become effective when adopted by the Commission.

ARTICLE VII – FINANCING

1. The Corporation shall operate on a fiscal year basis, July 1 through June 30.
2. No later than April 15th of each year, the Chair of the Commission shall call a meeting of the Commission to review a proposed budget for the next fiscal year, prepared by the C.I.J.D.C. Executive Director.
3. The budget shall project anticipated revenues and expenditures.
4. The Commission shall adopt the budget for the next fiscal year no later than May 15th.
5. All expenditures provided for herein shall be subject to the provisions of Chapter 24 of the current Code of Iowa and the Chair or a Vice-Chair of the Commission is hereby declared to be the certifying official.
6. Rates shall be established and adjusted by the Commission.

ARTICLE VIII - MEMBERSHIP

1. Members & Date Joined: Boone, Calhoun, Hardin, Hamilton, Story, Webster 09-03-93 Marshall 02-04-94 Winnebago 07-07-95 Greene 06-11-99 Tama 01-07-00 Poweshiek 02-02-01 Jasper & Hancock 12-14-01 Humboldt 01-11-02 Kossuth 12-12-02 Iowa 11-07-03 Buena Vista & Palo Alto 12-01-08 Floyd 08-27-09 Wright 10-08-09 Franklin 06-11-10 Mahaska 09-10-10 Appanoose 05-13-11

2. Method of Joining- Any county may join this Corporation by proceeding in the following manner.

a. The Board of Supervisors of the applicant county shall pass a resolution approving this 28E Agreement and request membership in CIJDC.

b. Acceptance of the applicant county shall be by majority a vote of the Commission.

c. The applicant county may be assessed an initial fee, determined by the Commission.

d. The Board of Supervisors of the joining county shall appoint a Designee and Alternate

3. Duration of Membership- A member county shall continue its membership until such time as:

a. The member terminates membership

b. The Corporation is dissolved

4. Membership-Termination- Members may withdraw from this Corporation in the following manner:

a. The Member County Board of Supervisors, shall adopt a Resolution requesting to withdraw their membership from the 28E and shall forward a copy to the Chair of the CIJDC Commission.

b. The Commission will approve the Resolution during their next meeting.

c. Any member wishing to terminate membership shall forfeit all financial gain in C.I.J.D.C.

ARTICLE IX – APPOINTMENTS

1. Each member county shall appoint a Supervisor as Designee and one as Alternate at the annual meeting

ARTICLE X – OFFICERS, MEETINGS, EMPLOYEES AND VOTING

1. Executive Officers. The Executive Officers will consist of: Ex-Officio- former Chair of the Commission; Chair; 1st Vice-Chair; 2nd Vice-Chair. The Commission shall elect from its membership a Chair, a 1st Vice-Chair, and 2nd Vice-Chair. They shall serve for a term of one year through January, or until their successors are elected, or they no longer represent their county in the same manner. In this event the remaining members shall elect a replacement. The Ex-Officio Member has voting rights on the Executive Committee only if another member is absent.

2. Meetings- The Commission shall meet not less than quarterly and at such times as the Chair or Vice-Chair shall call a meeting of the Commission.

3. Employees-The Commission may employ staff, or pay consultants.

4. Voting- Each member of the Commission shall be entitled one vote, to be cast by the Designee or Alternate.

5. Quorum- A simple majority of present members shall be sufficient to pass motions.

ARTICLE XI – BYLAWS

1. The Commission shall adopt bylaws for the operation of the Corporation.
2. Bylaws may be repealed, changed, or modified by a majority vote of the Commission.

ARTICLE XII – DISSOLUTION

1. This 28E Agreement created may be dissolved by a majority vote of the Member Counties. Upon such dissolution all assets of CIJDC shall be liquidated and the net proceeds obtained shall be distributed to the individual member counties of this Corporation according to the Member Equity Formula. The Member Equity Formula is derived by most current data in equal parts of the following 5 factors: 1,2,3) Last 3 Fiscal Years of CIJDC Bed Days, 4) County Population, 5) Juvenile Court Petitions.

ARTICLE XIII – AMENDMENTS

1. The terms of these Articles of Agreement may be amended by a majority vote of the Commission and ratification by a majority of the member governments. Commission members must receive a copy of proposed amendments at least twenty days prior to the date that action is to be taken.

ARTICLE XIV – SEVERABILITY

1. If any provisions of these Articles of Agreement, or the application thereof to any person or circumstance, are held to be invalid, such invalidity shall not affect other provisions or

applications or these Articles, which can be given effect with the invalid provisions or applications and to this end the provisions of these Articles are declared to be severable.

Motion by Thompson, second by Adams to authorize this 28E agreement and authorize the Board to sign.

Roll call vote:	Adams-Aye	Thompson-Aye	Grabenbauer-Aye
	Vice Chairman	Member	Chairman

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Denny Grabenbauer, Chairman

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Deane Adams, Vice Chairman

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Dave Thompson, Member

13. Secondary Road Dept. - Geotechnical Services-Discussion and possible action on the approval of the costs to perform soil borings for two upcoming bridge projects. The information from the borings will assist us in the substructure design of bridges M-19 and N-9. Four proposals for this service were obtained. Team Services had the lowest quote in the lump sum amount of $6,200.00.

Motion by Grabenbauer, second by Thompson to adopt the proposal by Team Services in the amount of $6,200.00 to perform soil borings for two upcoming bridge projects.

Roll call vote:	Adams-Aye	Thompson-Aye	Grabenbauer-Aye
	Vice Chairman	Member	Chairman

14. Secondary Road Dept. – "BR" Funding Agreement--Discussion and action on the agreement with the Iowa DOT titled "Federal-Aid Agreement for a County Highway Bridge Program Project, Project No. BROS-C064(114)—5F-64, Iowa DOT Agreement No 1-12-HBRRS-009". This covers the replacement of Bridge M-19 in the 1500 mile of 330th St. This work is scheduled for Fiscal Year 2013 construction.

Motion by Grabenbauer, second by Thompson to approve entering into this agreement with the IDOT, Project No. BROS-C064(114)—5F-64, Iowa DOT Agreement No 1-12-HBRRS-009.

Roll call vote:	Adams-Aye	Thompson-Aye	Grabenbauer-Aye
	Vice Chairman	Member	Chairman

15. **Public Forum—**There were no comments from the public.

16. **Adjournment--**The next regular meeting is June 5, 2012, at 9:00 a.m. All business to be acted upon at that session should be submitted to the County Auditor and Recorder's Office or the Board of Supervisors' Office by Thursday, May 31, 2012, at 1:00 p.m. There being no further business to come before the Board, the meeting was adjourned at 9:21 a.m.

______________________________	Attest:	______________________________
Denny Grabenbauer Board of Supervisors, Chairman		Dawn Williams Marshall County Auditor and Recorder