Marshall County Board of Supervisors
Regular Session August 27, 2013, at 9:00 a.m.

AGENDA

The Board will meet in regular session on Tuesday, August 27, 2013, at 9:00 a.m. in meeting room #2, Courthouse, 3rd Floor, NE corner with ______ members present.

Pledge of Allegiance

Notice to the public**--**The Board of Supervisors welcomes comments from the public during the time allowed for discussion. You are requested to approach the microphone, state your name for the record and limit the time used to present your remarks in order that others may be given the opportunity to speak. The normal process on any agenda item is for the Chairperson to read the item from the agenda. The Board is given an opportunity to comment on the issue and/or place a motion on the floor. An opportunity for discussion may be presented at which time the public may participate and a roll call vote will follow.

1. **Approval or Amendment of Agenda—**

Motion by __________, second by _________, to __________ the agenda as printed.

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

2. **Years of Service Recognition –** Jeremiah Manken, Conservation Dept. – 5 years

Consent Agenda:

3. **Approve Minutes--**from Regular Session of August 13, 2013.
4. **Manure Management Plan Update—**Edler Brothers SEC 13, id 62427, annual update received and placed on file with no changes made to the MMP
5. **Manure Management Plan Update—**Mead Family Farms LLC, id 61407, annual update received and placed on file with no changes made to the MMP
6. **Manure Management Plan Update—**PAG L.C., id 59611, annual update received and placed on file with no changes made to the MMP
7. **Manure Management Plan Update—**Norman Pork LLC, id 59367, annual update received and placed on file with no changes made to the MMP.
8. **Approve Personnel Actions:**
    a) Hire, **Jerry Eugene Overstake**, Sheriff's Office, Jailer, fulltime, at $16.87/hr., effective August 28, 2013
    b) Hire, **Robert T. Crandon**, Secondary Roads, Mechanic 1, fulltime, $21.62/hr. effective September 9, 2013

9. **Approve Public Event Held on County Property—**Oktemberfest, Inc. was granted permission to hold "Oktemberfest" activities on the Courthouse grounds Thursday, September 26th, 2013 through Sunday, September 29th, 2013 on the April 9, 2013 Board of Supervisor's meeting**.** The mobile band shell placement has been moved from the Courthouse to the Coliseum for musician Joe Diffie, Saturday, September 28, 2013 from 6:30-8:00 P.M.
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 August; the August list of claims will be a part of the first meeting in September.

Motion by __________, second by ___________, to ____________ the consent agenda as printed above.

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

11. Certification of Marshall County Employee Health and Dental Plan—Discussion and possible action on the requirement of Iowa Code, Section 509A.15, to complete and file within 90 days of the end of the plan year, a certificate of compliance with the Iowa Department of Commerce, Insurance Division, an actuarial opinion, an annual financial report and a $100.00 filing fee for the plan year ending June 30, 2013.

Motion by __________, second by __________, to ___________ the report.

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

12. National Joint Powers Alliance (NJPA) Membership Agreement—Discussion and action on the membership agreement with NJPA to become a participating member with contract purchasing benefits.

Motion by ___________, second by ____________, to ____________ the membership agreement and ____________ the Chairman to sign.

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

13. Marshall County Life, AD&D and LTD Insurance and EAP Program Benefits—
Discussion and action on the change in benefit providers from Cigna Group Insurance to Sun Life Financial for life, accidental death and dismemberment, voluntary life, long term disability and employee assistance program benefits.

Motion by ___________, second by ____________, to ____________ the agreements and __________ the Chairman to sign.

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

Resolution #2013-0030
14. Zoning Resolution-Preliminary and Final Plats of The Johnson Subdivision—

Whereas, preliminary and final plats of a proposed subdivision within Marshall County, Iowa, laid out upon the following described real estate, has been filed with the Marshall County Auditor:

JOHNSON SUBDIVISION LOCATED IN THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 AND THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 19, TOWNSHIP 84 NORTH, RANGE 17 WEST OF THE 5TH P.M., MARSHALL COUNTY, IOWA. MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE EAST 1/4 CORNER OF SAID SECTION 19; THENCE, S19°04'03"W 284.98' ALONG THE CENTERLINE OF COUNTY ROAD UNDERWOOD AVENUE, AS PRESENTLY ESTABLISHED; THENCE, SOUTHWESTERLY 371.55' ALONG THE ARC OF A 5678.66' RADIUS CURVE, CONCAVE NORTHWESTERLY, THE CHORD HAVING A BEARING OF S20°56'31"W AND A DISTANCE OF 371.48'; THENCE, S22°47'08"W 199.93'; THENCE, SOUTHWESTERLY 504.68' ALONG THE ARC OF A 1905.62' RADIUS CURVE, CONCAVE SOUTHEASTERLY, THE CHORD HAVING A BEARING OF S15°11'54"W AND A DISTANCE OF 503.21'; THENCE, S7°34'23"W 49.51' TO THE SOUTH LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 19, THE AFORESAID ALL BEING ALONG THE CENTERLINE OF SAID COUNTY ROAD UNDERWOOD AVENUE; THENCE, S88°29'36"W 625.12' ALONG SAID SOUTH LINE; THENCE, N0°50'48"W 979.58' TO THE SOUTHWEST CORNER OF A CERTAIN PARCEL OF LAND DESCRIBED AS PARCEL "B" AND RECORDED IN FILE #2013-00003883 IN THE OFFICE OF THE RECORDER, MARSHALL COUNTY, IOWA; THENCE, N89°35'24"E 392.39' ALONG THE SOUTHERLY LINE OF SAID PARCEL "B"; THENCE; N3°51'49"W 487.52' ALONG THE EASTERLY LINE OF SAID PARCEL "B"; THENCE, N89°17'16"E 719.79' ALONG SAID SOUTHERLY LINE TO THE SOUTHEAST CORNER OF SAID PARCEL "B" AND THE EAST LINE OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 19; THENCE, S0°51'01"E 125.92' ALONG SAID EAST LINE TO THE POINT OF BEGINNING. JOHNSON SUBDIVISION CONTAINS 24.47 ACRES INCLUDING 1.16 ACRES OF

PRESENTLY ESTABLISHED ROAD RIGHT OF WAY. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

Whereas, the Marshall County Zoning Commission has recommended approval of this preliminary and final subdivision plat at their public hearing held on August 13, 2013, and the Marshall County Board of Supervisors has given due consideration to such preliminary and final plats. Said preliminary and final plats conform to the applicable and governing provisions of Chapter 354, Code of Iowa, and other related statues.

Whereas, the acceptance of these plats in no way infers the acceptance of any road; exclusive of present established right of way into the Secondary Road System and any roads within the subdivision must be maintained as private roads.

Therefore, Be It Resolved, by the Marshall County Board of Supervisors that the preliminary and final plats for The Johnson Subdivision as laid out and platted on the real estate above described and as filed with the Marshall County Auditor be the same, is hereby approved.

Dated at Marshalltown, Iowa this 27th day of August, 2013.

Motion by _________, second by _________, to ________ Resolution #2013-0030 that accepts the recommendation of the Zoning Commission and approves the preliminary and final subdivision plats of The Johnson Subdivision.

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

______________________________ Attest: ______________________________

Dave Thompson
Board of Supervisors, Chairman

Dawn Williams
Marshall County
Auditor and Recorder

15. Janitorial Service Agreement with ABM Janitorial Service-Discussion and possible action on renewing agreement between Department of Human Services and ABM Janitorial Service-North Central, Inc. for contracted janitorial and other related services.

Motion by __________, second by ___________ to __________ the agreement between Department of Human Services and ABM Janitorial Service-North Central, Inc. for contracted janitorial and other related services located at 206 West State Street in the amount of $7,457.16 annually, $621.43/month for 3 days/week and authorize the Chairman to sign. This agreement is effective September 7, 2013 and is a two year contract.

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

16. Bylaws of Central Iowa Community Services Board of Directors-Discussion and possible action on the approval of the Central Iowa Community Service Board of Directors

BYLAWS OF

CENTRAL IOWA COMMUNITY SERVICES

BOARD OF DIRECTORS

Article I: Name and Purpose

Central Iowa Community Services (hereafter referred to as "CICS") is a public entity voluntarily formed under Iowa Code Chapter 28E for the purpose of administering and coordinating mental health and disability services in member counties making up the region. CICS is governed by the CICS Board of Directors (hereafter referred to as "Governing Board"). These Bylaws address the operations of the Governing Board.

Article II: Membership

Section 2.1 Governing Board Members

a. Each member county shall appoint one of its supervisors from the County Board of Supervisors and an alternate from the County Board of Supervisors to serve as a Director on the Governing Board. The Board of Supervisors of each member county shall select its Director and he or she shall serve indefinitely at the pleasure of the county appointing the Director, until a successor is appointed, or until the earlier death, resignation, or the end of such person's service as a county supervisor. Any Director appointed under this Section may be removed for any reason by the county appointing the Director, upon written notice to the Governing Board, which notice shall designate a successor Director to fill the vacancy. In the event the Director can't participate, the alternate will act in their place on the Governing Board.
b. One individual who utilizes mental health and disability services, or is an actively involved relative of such an individual. This Director shall be appointed by the CICS Advisory Board to serve on the Governing Board. This Director shall serve as an ex-officio, non-voting member of the Governing Board. This Director shall serve an initial term to end June 30, 2014. Thereafter, this Director position shall be for two-year terms.

c. One individual representing service providers in the CICS region. This Director shall be appointed by the CICS Advisory Board to serve on the Governing Board. This Director shall serve as an ex-officio, non-voting member of the Governing Board. This Director shall serve an initial term to end June 30, 2015. Thereafter, this Director position shall be for two-year terms.

Section 2.2 Governing Board Vacancies

a. County Appointed Directors. If a vacancy occurs for any reason, the appointed alternate from the respective county shall assume the duties of the Director until the County Board of Supervisors appoints a new Director replacement.
b. Advisory Committee Appointed Directors. If a vacancy occurs during the term of a committee appointed Director, due to death or resignation of such Director, the vacancy shall be filled within thirty days of its occurrence by the Advisory Committee having the right of appointment.

Section 2.3 New Members

a. Any county wishing to become a new member of CICS and it's Governing Board shall follow the procedure specified in Section 5.4 of the 28E Agreement.

Section 2.4 Member Withdrawal Or Removal

a. Any member county if CICS and the Governing Board may withdraw or be removed as specified in Section 5.5 of the 28E Agreement.

Article III: Powers and Duties

Section 3.1 Powers and Duties

a. To contract with any public or private entity to provide all necessary services;
b. To rent, lease or purchase any tangible personal property, real estate or services reasonably necessary to fulfill the purposes of CICS;
c. To establish a system of accounting and budgeting, and a system for receiving payments;
d. To retain legal counsel, accountants and other professionals needed to fulfill the purposes of CICS;
e. To sue and be sued;
f. To make and enforce bylaws or rules and regulations for the management and operations of CICS;
g. To do and perform any acts authorized by the Code of Iowa, under, through, or by means of its officers, agents, and employees, or by contracts with any person or entity;
h. To consult with representatives of federal, state, and local agencies and departments and to contract with such agencies or departments;
i. To receive funds from each member county;
j. To accept grants, contributions, or loans from federal, state, or local agencies;

k. To establish the times and places for business meetings and set agendas for such meetings;
l. To adopt fiscal policies for the operation of CICS;
m. To exercise any other power or do any other legal act necessary to discharge its obligations and fulfill the purpose of CICS.

Section 3.2 Decisions Requiring Member County Votes

The Governing Board must have the approval of each of the member county Boards of Supervisors prior to Governing Board action for the following:

a. Additional funds contributed to region in situations of budget shortfall within the region;
b. Approval of the Region's original Bylaws (subsequent amendments shall be at the discretion of the Governing Board);
c. Approval of the Region's original Management Plan (subsequent amendments shall be at the discretion of the Governing Board);
d. Any decision regarding the Region incurring debt;
e. Any other decisions as determined by the Governing Board.
f. Such issue shall be presented to each member county as specified in Section 5.3 of the CICS 28E Agreement.

Article IV: Meetings

Section 3.3 Frequency And Place of Meetings

a. The Governing Board shall meet at least quarterly. The date for meeting shall be set by the Governing Board at the preceding meeting. A meeting can be called at anytime by the Chair, or at the written request of at least three county Directors. Meetings shall be held at locations determined by the Governing Board.

Section 3.4 Meeting Notice

a. All meetings shall comply with Iowa Open Meeting law requirements. The Governing Board Chair or Recording Secretary shall send meeting notice by written or electronic means to all members at least one week prior to meeting date. The meeting agenda shall be publicly posted at least two days prior to meeting at a place to be designated by the Governing Board.

Section 3.5 Quorum

a. A quorum for the purpose of conducting business at any meeting of the Governing Board shall consist of 75% of county appointed Directors. If a quorum does not exist the Chair shall adjourn the meeting and contact all members to set an alternate meeting date.

Section 3.6 Telephonic/Electronic Participation

a. Members may participate in any meeting by any means of communication that allows direct participation, including, but not limited to telephone conference call and Skype. Members participating in this manner shall be considered present for purposes of quorum and voting.

Section 3.7 Voting Procedures

a. Voting shall be by roll call vote. Proxy voting will not be allowed. Roberts Rules of Order, Revised, shall govern the organization in all cases to which they are applicable and in which they are not inconsistent with the bylaws or special rules of order of the Governing Board.
b. Any Governing Board member representing a county that is delinquent in payment of any obligation to the CICS region shall not be entitled to vote on any matters unless waived by a vote of 2/3 of the Governing Board members (not including the vote of the delinquent county Director).

<u>Article V: Officers</u>

Section 5.1 Officers

a. The Governing Board shall elect a Chair and Vice-Chair annually. The officers initially elected shall serve a term to expire June 30, 2015. Thereafter, the Vice-Chair shall assume the Chair position and a Vice-Chair will be elected. All terms thereafter shall be for two years and shall commence on July 1st of each odd numbered year.
b. The Chair shall designate/appoint a Recording Secretary. The person appointed is not required to be a Governing Board member.

Section 5.2 Resignation or Removal

a. An officer may resign at any time by delivering written notice to the remaining elected officer(s). The remaining officer shall inform the Governing Board immediately of the resignation. If the Chair resigns, the Vice-Chair shall immediately assume the duties of the Chair and a new Vice-Chair will be elected at the next meeting to complete the term. If the Vice-Chair resigns, a new Vice-Chair shall be elected at the next meeting.
b. Any officer can be removed, based upon the best interest of the region, upon the 2/3 vote of the Governing Board.

Section 5.3 Duties of Chair

a. The Chair shall have general charge of the operations of the Governing Board. The Chair shall preside at all Governing Board meetings. The Chair shall have authority to sign, execute, and acknowledge all contracts, checks, or other documents on behalf of the Governing Board. The Chair shall work with the Chair of the Administrative Team and Recording Secretary in preparing an agenda for each Governing Board meeting.

Section 5.4 Duties of Vice-Chair

a. In the absence, inability, or refusal of the Chair to act, the Vice-Chair shall perform the duties of the Chair, and when so acting, shall have all the powers of and be subject to all the restrictions of the Chair. The Vice-Chair may also assume duties assigned by the Chair.

Section 5.5 Duties of the Recording Secretary

a. The Recording Secretary, as appointed by the Chair, shall keep minutes of all meetings of the Governing Board, provide copies of meeting agendas and minutes in a timely manner to all Governing Board members and the Administrative Team, and shall be the custodian of such books, records, and papers as the Governing Board or Chair may direct.

Article VI: Committees

Section 6.1 Advisory Board

a. There shall be a regional Advisory Board made up of representatives of individuals that receive mental health and disability services, family members of individuals that receive services, and service providers. The Advisory Board shall include at least one representative designated by each member county Advisory Board.

Section 6.2 Other Committees

a. The Governing Board shall have the power to appoint committees or workgroups for any necessary purpose as determined by the Governing Board or recommended by the Administrative Team.

Article VII: Amendments

These bylaws may be amended by a vote of 2/3 of the Governing Board at a regularly scheduled meeting or at a special meeting called for that purpose. Notice of bylaw changes shall be provided to all Governing Board members at least 14 days prior to any meeting at which an amendment vote is scheduled.

These Bylaws were recommended for approval by the CICS Governing Board on August 19, 2013.

Member County Boards of Supervisors Approval:

____

Boone County Board of Supervisors Date Approved

____

Franklin County Board of Supervisors Date Approved

____

Hamilton County Board of Supervisors Date Approved

____

Hardin County Board of Supervisors Date Approved

____

Jasper County Board of Supervisors Date Approved

____

Madison County Board of Supervisors Date Approved

____

Marshall County Board of Supervisors Date Approved

____

Story County Board of Supervisors Date Approved

Final Approval/Adoption By Governing Board:

____

Wayne Clinton, CICS Governing Board Chair Date Approved

Motion by_________, second by__________, to ____________the Bylaws of Central Iowa Community Services Board of Directors and authorize the CICS Board Representative, Deane Adams, to sign.

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

17. Public Forum— is a time set aside for the public to make comments on topics of County business other than those listed on this agenda. No action will be taken on any of these topics brought up in the public forum.

18. Adjournment--The next regular session is September 10, 2013, 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**, September 5, 2013, at 1:00 p.m. There being no further business to come before the Board, the meeting is adjourned at ______ a.m.

______________________________ Attest: ______________________________

Dave Thompson
Board of Supervisors, Chairman

Dawn Williams
Marshall County
Auditor and Recorder