

January 4, 2018  
Mt Pleasant, IA

The Board met in regular session at 9:00 AM. Members present: Chairman, Greg Moeller, Vice-Chairman Gary See and Marc Lindeen was absent.

Also joining the meeting was Ted Mohrfeld.

It was moved by See and seconded by Moeller to approve the minutes of the January 2, 2018 meeting. 2 ayes. Motion carried.

The following Department Heads gave their monthly updates: Ana Lair, Treasurer; Gary Dustman, Assessor; Joe Buffington, P & Z Administrator; Jake Hotchkiss, Engineer; Shelley Van Dorin, Public Health Director; Roger Pittsenbarger, Vet Affairs; Sarah Berndt, CDS; Tammy Mulford, Office Manager County Attorney; Mindy Fitzgibbon, Recorder; Rich McNamee, Sheriff; Shelly Barber, Auditor.

It was moved by See and seconded by Moeller to approve Resolution #2-2018 adopting Master Matrix. 2 ayes. Motion carried.

#### **RESOLUTION NO. 2 -2018**

#### **CONSTRUCTION EVALUATION RESOLUTION**

**WHEREAS**, Iowa Code section 459.304(3) sets out the procedure if a board of supervisors wishes to adopt a “construction evaluation resolution” relating to the construction of a confinement feeding operation structure; and

**WHEREAS**, only counties that have adopted a construction evaluation resolution can submit to the Department of Natural Resources (DNR) an adopted recommendation to approve or disapprove a construction permit application regarding a proposed confinement feeding operation structure; and

**WHEREAS**, only counties having adopted a construction evaluation resolution and submitted an adopted recommendation may contest the DNR’s decision regarding a specific application; and

**WHEREAS**, by adopting a construction evaluation resolution the board of supervisors agrees to evaluation every construction permit application for a proposed confinement feeding operation structure received by the board of supervisors between February 1, 2018 and January 31, 2019 and submit an adopted recommendation regarding that application to the DNR; and

**WHEREAS**, the board of supervisors must conduct an evaluation of every construction permit application using the master matrix as provided in section 459.304(3), but the board’s recommendation to the DNR may be based on the final score on the master matrix or may be based on reasons other than the final score on the master matrix; and

**WHEREAS**, the board of supervisors adopted Resolution #2-2018, entitled Construction Evaluation Resolution which requires amendment to clarify action intended by the board of supervisors.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF HENRY COUNTY** that the Board of Supervisors for Henry County, Iowa will evaluate construction permit applications relating to construction of a confinement feeding operation structure and submit adopted recommendations to the Iowa State Department of Natural Resources as provided for pursuant to Iowa Code section 459.304(3).

/s/Greg Moeller  
Chair, Henry County Board of Supervisors

Date:01/04/18

ATTEST:  
Shelly Barber  
Auditor for Henry County, Iowa

Date:01/04/18

It was moved by See and seconded by Moeller to approve Resolution #3-2018 Agreement with South Iowa Area Detention Service Agency. 2 ayes. Motion carried.

**RESOLUTION NO. 3-2018**

**AMENDMENTS TO  
SOUTH IOWA AREA DETENTION SERVICE AGENCY  
AGREEMENT**

THE SOUTH IOWA AREA DETENTION SERVICE AGREEMENT, entered into on or about the 28<sup>th</sup> day of January, 1991, and filed with the Iowa Secretary of State on April 22, 1991, was amended by the then members of said Agency on or about the 8<sup>th</sup> day of April, 1999, and filed with the Iowa Secretary of State on May 1, 2012. Current members of this Agency are the Counties of Davis, Des Moines, Henry, Jefferson, Lee, Louisa, Mahaska and Wapello, Iowa. Said Counties wish to further amend this Agreement as follows:

**AMENDMENT TO PARAGRAPH 6. Governance.**

6. Governance. The Agency shall be governed by a Board of Directors made up of one representative from each party who shall be a member of the parties' Board of Supervisors and who shall serve on the Board of Directors from the date of his or her appointment by the party until he or she resigns or is removed by the party. To be a voting member of the Board of Directors, the member county shall meet certain requirements. Eighty per cent (80%) of juveniles residing in the member county who are required by the Court to be in detention shall be housed in the South Iowa Area Detention Center in Montrose, Iowa, over the previous two-year fiscal period. This will be effective beginning July 1, 2017. The first look back period will be from July 1, 2017 through June 30, 2019, and continue every two years thereafter. Until July 1, 2019, all current member counties shall remain voting members. If as of July 1, 2019, a member county has not met this threshold, then that member no longer shall be a voting member with equal voting power. Voting rights of the member county may be reinstated upon

that county meeting the 80% threshold for juvenile detentions for a one-year period. Meeting these criteria shall also qualify the member to participate in the distribution of assets in the event this Agreement is terminated as set out in Paragraph 16 hereinafter stated with the exception of those new member counties who have later joined the organization with an agreement to not participate in any distribution of assets. All qualified voting members shall have equal voting power. A majority of the qualified voting current members of the Board of Directors shall constitute a quorum and action may be taken by affirmative vote of a majority of the qualified voting members in attendance at a meeting. However, any amendments to this Agreement or to the Agency's By-Laws shall be by a resolution of three-fourths of the qualified voting member parties. Attendance at meetings may be in person or by telephonic, video or computer hookup. Alternate members shall be permitted. In addition, the Board of Directors may, with a majority concurrence of the qualified voting members, appoint such additional members whose background or experience add expertise to the Board provided not more than 45 per cent (45%) of the total directors consists of such appointees. Said appointees shall be non-voting members. Except for such additional Board Members, all Board Members shall also hold office as a member of the Board of supervisors from their respective county.

**AMENDMENT TO PARAGRAPH 16. Distribution of Assets.**

16. Distribution of Assets. Upon termination of this Agreement, all assets of the Agency shall be distributed equally to the members who have qualified for voting privileges under Paragraph 6 hereinabove, and in accordance with a plan of distribution approved by the Board of Directors. A distribution of assets shall not include those member counties who have joined under an agreement they would not share in the assets upon termination of this Agreement. If any member withdraws from the Agency prior to the termination of this Agreement, then that member relinquishes any and all ownership right, title and interest to any assets of this Agency.

IN WITNESS WHEREOF the parties have approved these Amendments by a three-fourths vote of the agency member Board of Directors on this 15th day of December, 2017.

/s/Dick Reed  
Chairman, South Iowa Area Detention Service  
Agency Board of Directors

ATTEST:/s/Jerry Parker  
Secretary, South Iowa Area Detention Service  
Agency

IN WITNESS WHEREOF the agency members hereto have executed this Agreement by their respective duly authorized officers on the date shown on each separate signature page but all as of the 4th day of January 2018.

Date: 01/04/18

County of Henry, Iowa

ATTEST:

By:/s/Greg Moeller  
Chairman, Board of Supervisors

/s/Shelly Barber  
County Auditor

STATE OF IOWA     )  
                                  ) SS  
COUNTY OF HENRY)

On this 4th day of January, 2018, before me, a Notary Public in and for said County and State, personally appeared Greg Moeller and Shelly Barber to me personally known to be the Chairman of the Board of Supervisors and the County Auditor respectively of the County of Henry, Iowa, the County described in and which executed the within and foregoing instrument to which this is attached; that the seal affixed thereto is the seal of the County; and that said instrument was executed and signed on behalf of said County by authority of its Board of Supervisors; and that said Chairman and Auditor, as such officers, acknowledge the execution of said instrument to be the voluntary act and deed of said County, by it and by them voluntarily executed.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 4<sup>th</sup> day of January 2018.

No sub-committee meetings.

It was moved by See and seconded by Lindeen the meeting be adjourned. 3 ayes.  
Motion carried.

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Shelly Barber, Auditor

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Greg Moeller, Chairman