

**May 20, 2013**

The Mahaska County Board of Supervisors met in regular session on the above date at 9:00 a.m. in the third floor conference room of the Mahaska County courthouse. Present were the following board members: Chairman – Greg Gordy; Vice chairman – Mike Vander Molen and Member - Mark Doland. Also present were Duane Nollen, Osky Herald; Aaron Riggs and Eduardo Tamez, CRI; Taylor Howard, KBOE; Michael Mitchell, CPS; Eric Dursky, Mahaska County Sanitarian; Brad Reiman, Bearence; Julie Bak, Mahaska County CPC; Jamey Robinson, Mahaska County EMA director; Mark Neff, Oskaloosa Fire Chief; Jerry Nusbaum, Mahaska County Engineer; Brian Knudtson, Mahaska County GIS; Jerry VanderWert; Tim VanMaanen; Steve Wanders and Susan Brown, Mahaska County Auditor.

This meeting was filmed by Communications Research Institute of William Penn University.

Chairman Gordy opened the meeting at 9:00 a.m. with a moment of silence.

It was moved by Vander Molen seconded by Doland to approve the agenda for today's meeting with the following deletions: Conservation Report, Approve Resolution (2) – Mental Health Regionalization, Approve fireworks display permit for New Sharon Spring Festival – June 7, 2013. All present voted aye. Motion carried.

It was moved by Vander Molen seconded by Doland to open the public hearing for the budget amendment for fiscal year 2012-2013 county budget. All present voted aye. Motion carried. The notice of time and place of public hearing has according to law and as directed by the board been published on May 9, 2013 in the New Sharon Sun and Fremont-What Cheer Vine and Oskaloosa Herald. The affidavits of said publications are on file with the County Auditor. There were no written or oral comments at the public hearing. It was moved by Vander Molen seconded by Doland to close the public hearing. All present voted aye. Motion carried.

It was moved by Vander Molen seconded by Doland to approve the fiscal year 2013 Mahaska County budget amendment as published. All present voted aye. Motion carried.

**Revenues by Service Area:** Penalties & Interest – Current \$6,609; Intergovernmental \$1,075,437; Licenses & Permits \$4,575; Charges for Services \$100,651; Miscellaneous \$389,575.

**Expenditures by Service Area:** Public Safety & Legal Services \$47,700; Physical Health & Social Services \$900; Mental Health, MR & DD \$10,000; County Environment & Education \$34,250; Roads & Transportation \$647,000; Administration \$1,503; Capital Projects \$585,914.

**Expenditures by Department:** Secondary Roads \$1,232,914; Veteran's Affairs \$900; IRVM \$288; Jail \$47,700; Mental Health \$10,000; County Farm \$780; DHS \$51; GIS \$362; Recorder \$22; Non-Departmental \$34,250.

**Appropriations by Department:** Secondary Roads \$1,232,914; Veteran's Affairs \$900; IRVM \$288; Jail \$47,700; Mental Health \$10,000; County Farm \$780; DHS \$51; GIS \$362; Recorder \$22; Non-Departmental \$34,250.

Brad Reiman, Bearence Management Group presented the board with the renewal for July 1, 2013 through June 30, 2014 for the employee health plan.

It was moved by Vander Molen seconded by Doland to approve renewal of employee health insurance plan with First Administrators and Wellmark with the stop loss to remain at \$45,000.00. All present voted aye. Motion carried.

It was moved by Vander Molen seconded by Doland to approve the following employee health plan rates for FY13-14. Family Medical \$1277/mo; Family Dental \$70/mo; Family Vision \$22/mo. Single Medical \$524/mo; Single Dental \$30/mo; Single Vision \$11/mo. These rates reflect no change from the previous year. All present voted aye. Motion carried.

Eric Dursky presented the monthly report for the Sanitarian department and it was placed on file.

It was moved by Vander Molen seconded by Doland to authorize the chair to certify the Targeted Case Management Report as presented by Julie Bak, Mahaska County CPC. This report establishes the county's billable rate for 2013-14. All present voted aye. Motion carried.

Jamey Robinson, Mahaska County EMA director, advised the board that the broker for Heartland Insurance Risk Pool would like to review a 28E draft regarding HazMat services for Mahaska County to determine if there would be an increase in risk between a single county service and a multi-county service.

It was moved by Vander Molen to authorize the county attorney to draft a 28E agreement between Mahaska County fire departments forming Mahaska County HazMat service. Vander Molen rescinded this motion.

It was moved by Vander Molen seconded by Doland to submit a draft 28E HazMat agreement to the county attorney for review. All present voted aye. Motion carried.

It was moved by Vander Molen seconded by Doland to approve the minutes from the April 15<sup>th</sup> and May 6<sup>th</sup> meetings. The April 10<sup>th</sup> minutes were tabled. All present voted aye. Motion carried.

There have been no comments received verbally or in writing regarding Crop Production Services plan to construct a crop inputs facility in northern Mahaska County. This information was relayed to Michael Mitchell of CPS.

It was moved by Vander Molen seconded by Doland to designate the auditor as supervisor of open records requests for the county and to adopt the following Open Records Policy and Procedures with the following changes: under "Fees:" if the estimated total fees exceed \$100 (instead of \$250) the requestor must agree to prepay (add: one-half of the) expected fees. (add: The remainder of the fees will be payable upon production of the record by the Auditor and prior to release to the requestor.) All present voted aye. Motion carried.

## **Mahaska County Board of Supervisors Open Records Policy and Procedure**

**Intent and Goal.** This policy is intended to implement the provisions of Iowa Code Chapter 22 by providing assistance to citizens requesting examination of public records and to employees in fulfilling those requests. The goal is to assist citizens making requests and assure that responses to open records requests are made appropriately and timely.

**Terms.** Mahaska County\*is committed to the concept of open government exemplified by Iowa Code Chapter 22. Records that are not defined as public records or have been deemed confidential pursuant to the statute are not required to be released in response to a request. Iowa Code Chapter 22 lists or describes no fewer than 65 categories and types of potential documents and information exempt from the open records law. Other portions of state and federal law may also govern access to public records. Documents, instruments and records [see Iowa Code §§331.601A(2), (3) & (8)] maintained by a county recorder, as well as fees set by the Mahaska County Recorder for research and retrieval of documents, instruments and records filed with or maintained by the Mahaska County Office of Recorder, are exempt from this policy.

\*The offices of the Attorney, Auditor, Recorder, Sheriff and Treasurer are elected offices. These elected officers are vested with unique discretion to carry out the legal duties and responsibilities of their office. As such, they may exercise a degree of independence to set the policies and procedures of their respective offices. These elected officers may adopt this policy but may also independently set policy for their office concerning the production of public records.

**Making a Request for Public Records.** Requests for access to public records may be made in person, in writing, by email or by telephone. Citizens are encouraged, but not required to make requests in writing. Anyone may make a request for public records without providing identification, reason or motive for the request. For assistance in making a request for examination or copying of public records, the public is invited to

contact the official delegated by the Board of Supervisors to implement Iowa's Public Records Law – the County Auditor.

Mahaska County Courthouse  
c/o County Auditor  
106 South 1<sup>st</sup> St.  
Oskaloosa, IA 52577  
Ph: (641) 673-7148  
Fax: (641) 673-2597  
E-Mail: [auditor@mahaskacounty.org](mailto:auditor@mahaskacounty.org)

**Responding to Requests.** Requests for access to public records may be made in person, in writing or by telephone. Employees may not ask why the record is being requested nor require the identity of the requestor, but should try to get as much information as possible about what is being requested and how the requestor wishes the response be transmitted to them.

An employee receiving a request in person or by telephone should immediately reduce the request to writing noting the specifics of the information requested, the date and time of the request, whether the request is for copying, inspection or both and how the requestor expects the request fulfilled. All requests should be forwarded to the County Auditor.

Upon receipt of a request for access to public records, supervisory employees should promptly take all reasonable steps to preserve the public record while the request is pending. Requests will be fulfilled as soon as possible, but no longer than within ten (10) business days, unless there are questions about the confidentiality of the record being requested. The Iowa Code allows for a twenty (20) calendar days delay to determine whether a record is confidential. If possible, information contained in record that is deemed confidential by law should be redacted so that the remaining record may be disclosed. The department/office having custody of the record will be primarily responsible for producing a response to the request for the county public request liaison.

All requests will receive a written response. If the public record requested does not exist, this fact should be communicated to the requestor. The record sought may be provided in the form in which it is maintained by Mahaska County provided the information contained in it that form is readily accessible to the requestor once in their custody. If the request involves research or delay beyond 10 days is reasonably expected, this should be communicated to the requestor.

**Availability.** Public records will be available for public examination and/or copying during customary office hours, which are 8:00 a.m. to 4:30 p.m., Monday through Friday, excluding designated holidays. Immediate access to records may be affected by good faith efforts to identify and locate the correct records; or determine whether the request

seeks disclosure of confidential records. The requesting party should be promptly notified if any delays are experienced or expected.

**Fees.** Reasonable fees may be charged to the requestor for the actual costs of producing a public record for inspection and/or copying. Departments under the auspices of the Board of Supervisors will charge fees according to the schedule appearing below. If the estimated total fees exceed \$100.00 the requestor must agree to prepay one half of the expected fees. The remainder of the fees will be payable upon production of the record by the Auditor and prior to release to the requestor. Estimated fees and payment terms must be clearly communicated to the requestor as soon as possible. The following fees may be charged:

1. \$.10 per page fees for photocopying.
2. Actual mailing costs.
3. Actual cost of media (CD, DVD, Tape, Film, etc.).
4. Actual cost of employee time to supervise the examination of a public record, if over one hour.
5. Actual cost of employee time to retrieve a public record, if over one hour.

The Mahaska County Board of Supervisors cannot fix policies, including the business practices in the offices of other elected officials who may independently establish policy for their office. These offices are the Attorney's Office, Auditor's Office, Recorder's Office, Sheriff's Office and Treasurer's Office. These offices may adopt this policy, including this fee schedule, but are not required to do so.

**Compliance.** Requests and responses for examination of public records or copies of records shall be documented by giving to the County Auditor all information and documentation concerning the request, the employee responding to the request, the information requested, and full copy of the dated response. The County Attorney will maintain responses in a central location.

It was moved by Doland seconded by Vander Molen to approve an application for federal emergency watershed funding to restore damages sustained following the rain event of April 17-19, 2013. All present voted aye. Motion carried.

No supervisor committee reports were given.

Public comments: Tim Van Maanen, asked that the board work to provide open information to the public regarding the regional airport.

It was moved by Vander Molen seconded by Doland to adjourn. All present voted aye. Motion carried.

Attest: \_\_\_\_\_  
Susan L. Brown  
Mahaska County Auditor

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Greg Gordy  
Mahaska County Board of Supervisors