

December 4, 2001

The Board of Supervisors of Shelby County, Iowa, met pursuant to law and rules of said board in regular session at 9:00 a.m. in the Supervisors Chambers of the Shelby County Courthouse with the following members present: LaVon A. Christensen, Chairman; Gayle Petersen, Vice-Chairman; Richard Ferry; and Marsha J. Carter, Clerk.

It was moved by Ferry, seconded by Petersen, to approve the agenda with the addition of setting a public hearing for the Harlan Community School District Community Development Block Grant application and the following items contained in the Consent Agenda:

- A. Minutes of November 20, 2001
- B. Office Reports – MIS
- C. Committee Reports

AYES: Christensen, Petersen, Ferry NAYES: None

It was moved by Petersen, seconded by Ferry, to approve the claims of November 29, 2001.
AYES: Christensen, Petersen, Ferry NAYES: None

Now being the time for the third and final public hearing on SHELBY COUNTY ORDINANCE NO. 2001-6, AN ORDINANCE AMENDING THE GENERAL RELIEF PROGRAM IN SHELBY COUNTY, IOWA, the Chairman did open the hearing. The Clerk reported there were no written comments. No oral comments were heard. It was moved by Petersen, seconded by Ferry, to close the hearing and adopt the following Ordinance:

SHELBY COUNTY ORDINANCE NO. 2001-6
GENERAL RELIEF PROGRAM
(REPEALS ORDINANCE NO. 1981-1)
(AMENDS ORDINANCE NO. 1997-3)

AN ORDINANCE AMENDING SHELBY COUNTY ORDINANCE NO. 1997-3, WHICH PRESCRIBES THE GENERAL RELIEF PROGRAM IN SHELBY COUNTY, IOWA.

WHEREAS, the Board of Supervisors of Shelby County, Iowa, has reviewed Shelby County Ordinance No. 1997-3;

WHEREAS, the Board of Supervisors of Shelby County, Iowa, believes this amendment would be in the best interest of Shelby County;

BE IT ENACTED BY THE SHELBY COUNTY BOARD OF SUPERVISORS THAT SHELBY COUNTY ORDINANCE NO. 1997-3 BE AMENDED AS FOLLOWS:

Under “Section 2. Definitions.” The definitions of terms as used in this Ordinance are:” Subsection 2 is deleted and replaced by:

2. “Poor person” is a person or family that is at or below seventy-five percent (75%) of the current Federal Poverty Guideline.

Under “Section 5. Level of benefits.” The maximum level of benefits to be provided for each item of assistance for each person or that person’s household unit shall be:” Subsection 8 is deleted and replaced by:

8. Maximum limitation for any one person per year for the above benefits, with the exception of payments for rent and utilities, shall be One Thousand Dollars (\$1,000.00) and One Hundred Dollars (\$100.00) extra for each additional household member up to a maximum of \$1500.00 per year for any household. Benefits shall not exceed this limit in any year for any situation (year for definition shall begin from the first allowance for assistance for the person or any person within a household), an exception may be allowed by the Board of Supervisors based on medical necessity as evidenced by a statement from a health practitioner.

Shelby County will only pay the utility and rent payments for the current month, and these utility and rent payments shall be limited to one payment, each, within any twelve-month

period. Persons who have paid back previous county loans, may be eligible for more than one payment, with a total not to exceed the maximum limitations per year.

It is the obligation of each person applying to establish his or her eligibility for any category of general assistance and to prove their need for any item of assistance. If requested, the person applying will provide the Director with a verified statement of net worth (federal and state income tax returns) for the past five (5) years, medical reports, medical authorization, and anything else requested by the Director that pertains to the person's eligibility for assistance. The Director may also require, upon approval of the Board of Supervisors, that the applicant submit proof of a physical or mental examination to determine the applicant's capacity for labor. The Director will also request submission of statements to establish eligibility and need (including statements or letters, medical reports, bills for current utilities, shut off notices, eviction notices, and other written documents as well as verbal statements from vendors and other community references). The Director will then proceed to conduct a reasonable investigation concerning the applicant's eligibility and needs. The applicant's file, investigation and findings of the Director will be made available to the applicant.

This Ordinance is to be effective upon publication.

Adopted and passed by the Shelby County Board of Supervisors on this 4th day of December, 2001.

AYES: Christensen, Petersen, Ferry NAYES: None

Jeff Larson, County Attorney, appeared before the Board to discuss the following County Attorney Opinion Letter that had been requested by the Board due to the March 12, 2001, resignation of the Marsha J. Carter as Budget Director:

LaVon Christensen, Chairman
Shelby County Board of Supervisors
Shelby County Courthouse
Harlan, IA 51537

Re: Budget Director

Dear LaVon:

You have asked me to give you a written opinion regarding the question of whether or not the Shelby County Auditor is required to act as county budget director.

By way of background, the Shelby County Auditor has traditionally acted as the budget director for the county, preparing the budget under the direction of the supervisors. In January of 1999, the Shelby County Board of Supervisors formally named Shelby County Auditor Marsha Carter as the budget director and agreed to compensate her in the amount of \$1,000 per year for this position. In March 2001 Mrs. Carter submitted her resignation as budget director.

The question that has been raised to you is whether the county board of supervisors can force the Shelby County Auditor to perform the responsibilities of budget director, and if not, who is responsible for those duties.

The budget preparation process has commonly been performed in Shelby County by each county office and department submitting budget requests to the board of supervisors based on departmental needs, where those requests are then integrated into an overall county budget. The supervisors then review and adjust those budget requests based on the county's specified overall policies and objectives. Shelby County has also traditionally conducted budget workshops at which county departments/offices present their proposed budgets and assist the board with reviewing their activities and how they arrived at their budgets. The Shelby County Auditor's Office has been delivering budget worksheets to each department in December of each year, along with general instructions concerning health insurance premiums and FICA, IPERS and unemployment withholding information. Those worksheets have actual expenditures for the past two years, plus the expenditures to date for each line item. The county departments or offices then include their upcoming budget request for each line item on this worksheet, which are presented to the board of supervisors in the budget workshops.

After the proposed budget requests are made, those numbers need to be inputted into the county financial system software (CMS) under the proper format for funds, service areas, departments, or whatever combination is necessary or desired. After that information is in-putted, the

necessary report that will be available to enter the information on the forms required by the Department of Management for the budget submission by the counties. These numbers can be changed throughout the process to allow the board to manage the budget.

When the board is satisfied with the proposed budget, a public hearing is set and notice of that hearing is published in the newspaper. After the hearing, the board adopts by resolution the budget, and that budget is then certified and filed. It also becomes necessary at times to amend the county budget.

After this summary review of the budget process, the question now is who is responsible to perform these tasks and duties. Let me review with you a summary of what the Code of Iowa states as it relates to the budget process. Iowa Code Chapter 331.433 provides that each elected or appointed officer, or board shall prepare and submit to the auditor or other official designated by the board, an estimate of their proposed budget for the next fiscal year. The auditor or other designated official shall compile those estimates and requests and submit them to the board. With regard to this requirement, it is clear that the department and boards make their requests on the budget worksheets referred to above, and those are compiled by the county auditor and submitted to the board of supervisors.

Iowa Code Chapter 331.434 provides that, “Annually, the board of each county, subject to Sections 331.423 through 331.426 and other applicable state law, shall prepare and adopt a budget, certify taxes, and provide appropriations...” That section goes on to provide that the board shall among other things, file the budget with the Auditor who will then make copies of it available to the taxpayers and organizations requesting them, set time and place for public hearing on the budget, publish notice of the hearing, conduct a budget hearing, adopt by resolution a budget, and then direct the Auditor to properly certify and file the budget and certificate of taxes as adopted.

It appears to me that based on my review of the Iowa law, the preparation of the county’s budget is the statutory duty of the board of supervisors. There are certain responsibilities related to the budget process that fall to the county auditor as well as other elected officials and department heads, but the ultimate responsibility for preparation, adoption, and filing of the budget falls on the board of supervisors. If there are duties or responsibilities regarding the budget that are not assigned by statute to other officials, then that responsibility or duty falls on the board of supervisors.

With this in mind, there are certain specific duties and responsibilities that the county auditor has as it relates to the budget process. These would include the following:

1. The auditor should deliver the budget worksheets to each department for their use and preparation of their budget requests. The departments should then return those to the county auditor, who will compile and submit those worksheets to the board of supervisors (Iowa Code § 331.433).
2. The board files the county budget with the auditor, who then makes copies of it available to meet the requests of taxpayers and organizations {Iowa Code § 331.434(2)}.
3. After the budget hearing, the board adopts by resolution of budget and then directs the auditor to properly certify and file the budget {Iowa Code § 331.434(5)}.
4. If there is a budget amendment during the fiscal year, the auditor makes copies available of that amendment and certifies or files the amendment after the board has adopted it, in the same manner as was done for the budget (Iowa Code § 331.435).

Aside from the duties given to the county auditor as provided above, the responsibility for preparation and adoption of the budget falls on the board of supervisors. I would again refer you to Chapter 331.434 which provides, “Annually, the board of each county, subject to sections 331.423 through 331.426 and other applicable state laws, shall prepare and adopt a budget...”

The board is authorized to appoint or designate someone to carry out some of these responsibilities in the budget process. The Shelby County Board of Supervisors had done this in the past as evidenced by their appointing a budget director.

In summary, except for those responsibilities specifically given to the county auditor under Iowa law and as outlined above, the budget preparation is the responsibility of the board of supervisors, not the county auditor.

Very truly yours,

Jeffrey L. Larson
Shelby County Attorney

After much discussion and comments by the County Attorney, it was moved by Petersen, seconded by Christensen, to advertise for a Budget Director as soon as possible since the FY2003 Budget Process has already begun. AYES: Christensen, Petersen NAYES: Ferry

A representative of New Hope Village appeared before the Board to give their annual report.

The County is in receipt of a check from Southwest Iowa Juvenile Emergency Services for \$20,997.81. Christensen reported that this check was issued in response to an order issued by the Southwest Iowa Juvenile Emergency Services Board, of which Christensen is a member, to reduce their reserves to the 30% level. The funds were prorated to the eight county members based on their usage percentage.

Rich Goshorn and other representatives of the Shelby County Fair Board appeared before the Board to discuss their FY2003 funding request. The Fair needs to replace the current horse barn and needs a solid commitment from the County on the level of funding for the Shelby County Fair for FY2003 and the future before they start requesting bids for the building.

Harlan Community School Superintendent Bob Broomfield appeared before the Board to discuss the financial needs of the School. Enrollment is down 200 students over two years which calculates to a \$900,000 decrease in State School Aid. Harlan Community Schools will be holding an election in February, 2002, for the Instructional Support Levy and is asking for support.

It was moved by Ferry, seconded by Petersen, to set the date for the public hearing for the Harlan Community Schools Community Development Block Grant Application for 9 a.m. on December 18. AYES: Christensen, Petersen, Ferry NAYES: None

Pat Hall, SWIPCO, reported that, due to the loss of an employee, approval of the Hazardous Mitigation Plan will be delayed until a future meeting.

It was moved by Petersen, seconded by Christensen, to set the date for receiving bids for the Cash Rent of County Farm Land as December 18, 2001, at 9:30 a.m. AYES: Christensen, Petersen, Ferry NAYES: None

It was moved by Ferry, seconded by Petersen, to approve the following resolution:

RESOLUTION NO. 2001-29
SHELBY COUNTY DEPOSITORIES

BE IT RESOLVED, that the Shelby County Board of Supervisors of Shelby County, Iowa, approves the following list of financial institutions to be depositories of Shelby County funds in conformance with all applicable provisions of Iowa Code Chapters 452 and 453 (1983), as amended by 1984 Iowa Acts, S.F. 2220. The Shelby County Treasurer, Sheriff and Recorder are hereby authorized to deposit Shelby County funds in amounts not to exceed the maximum approved for each respective financial institution as set out below:

Shelby County State Bank	Harlan, IA	\$10,000,000
Midstates Bank	Harlan, IA	6,000,000
Farmers Trust & Savings Bank	Earling, IA	100,000
Defiance State Bank	Defiance, IA	100,000
SHERIFF-Midstates Bank	Harlan, IA	200,000
RECORDER-Midstates Bank	Harlan, IA	100,000

Passed this 4th day of December, 2001.

AYES: Christensen, Petersen, Ferry NAYES: None

It was moved by Petersen, seconded by Ferry, to accept the findings of the Right of Way Review on Project BRS-CO83-(30) and place it on file in the Engineer's Office. AYES: Christensen, Petersen, Ferry NAYES: None

It was moved by Petersen, seconded by Ferry, to authorize the Chairman to sign the contract for Snow Removal with Hopp Construction, Harlan, for \$65/Hr from December 1, 2001, to April 30, 2002. AYES: Christensen, Petersen, Ferry NAYES: None

The County Engineer updated the Board on on-going Secondary Road projects.

There being no further business appearing, the Chairman declared the meeting adjourned at 10:50 a.m.

LaVon A. Christensen, Chairman

ATTEST:

Marsha J. Carter
Clerk to the Board of Supervisors

NOTE: These minutes are as recorded by the Clerk to the Board of Supervisors and are subject to Board approval at the next regular meeting.