

The Shelby County Board of Supervisors met in a special session at 9:00 A.M. in the Supervisors Chamber in the Courthouse with the following members present: Steve Kenkel, Charles Parkhurst, and Bryce Schaben, and Mark Maxwell, Clerk.

The Chairperson Steve Kenkel asked that any conflict of interest be stated concerning any item on the agenda. None were stated.

It was moved by Schaben, seconded by Parkhurst, to approve the agenda. Motion carried.

It was moved by Schaben, seconded by Parkhurst to approve the minutes of January 3rd, 2023. Motion carried.

A motion by Parkhurst was heard to recess the current meeting and open a hearing for public comment, Schaben seconded the motion, on a proposed Shelby County Stream Mitigation ordinance. No public comment was present and no public comment has been received by the Auditors office. The intention of the ordinance is to make it allowable for Shelby County to sell flood mitigation credits and recognition of that practice possibly being in competition with private entities.

Schaben made a motion to enter into regular session, Parkhurst seconded the motion. The motion passed.

A motion was then made by Parkhurst to suspend further readings of the ordinance and approve the passage of the document. Schaben seconded the motion. The motion passed and the following ordinance was approved, and all future readings were suspended. Ayes: Kenkel, Schaben and Parkhurst. Nays: None

ORDINANCE NO. 2023-1

ORDINANCE FOR ENGAGING IN THE SALE OF STREAM MITIGATION CREDITS IN ACCORDANCE WITH IOWA CODE CHAPTER 23.A

WHEREAS, Shelby County, Iowa is the owner of Stream Mitigation Credits; and **WHEREAS**, the County credits are managed by the Shelby County Conservation Board; **WHEREAS**, the County is of the opinion that the sale of the County's Stream Mitigation Credits would promote economic development and enhance job creation within Shelby County and lessen the burdens of government borne by the County including the burdens associated with operating the County's park system; and **WHEREAS**, the Shelby County Board of Supervisors adopted a resolution, in furtherance of developing the stream mitigation credits for the purpose of enhancing and assisting in the financing of the Shelby County Conservation Board; and **WHEREAS**, Section 23A.2 of the Code of Iowa allows counties to engage in the offering for sale, rental, leasing, delivery, dispensing, distribution or advertising of goods or services to the public which are also offered by private enterprise if such county is specifically authorized by ordinance; and **WHEREAS**, the County desires to have specific authorization to maintain and offer Stream Mitigation Credits to the public and other governmental entities in furtherance of the County's economic development objectives. **NOW, THEREFORE BE IT ORDAINED:** Section 1. Shelby County, Iowa is hereby authorized to own, operate, maintain and offer to the public and to other governmental entities Stream Mitigation Credits. Section 2. The authorization granted in Section 1 of this Ordinance is hereby declared to be in satisfaction of Section 23A.2 of the Code of Iowa. Section 3. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed. Section 4. This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

A motion by Parkhurst was made to recess the current meeting and open a hearing for public comment, Schaben seconded the motion, on a proposed resolution declaring Emergency Medical Services an essential service in Shelby County. The resolution reads as follows;

Resolution No. 2023-EMS 1

A RESOLUTION DECLARING EMERGENCY MEDICAL SERVICES (EMS) AN ESSENTIAL SERVICE IN SHELBY COUNTY, IOWA AND APPOINTING A SHELBY COUNTY EMS SYSTEM ADVISORY COUNCIL

WHEREAS the Shelby County Board of Supervisors has the authority under Iowa Code Section 331.301(1) to "...exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges, and property of the county or of its residents, and to preserve and improve the peace, safety, health, welfare, comfort, and convenience of its residents."

WHEREAS the Shelby County Board of Supervisors recognizes the need for a unified Emergency Medical Services system in Shelby County and the need for the appointment of a Shelby County EMS System Advisory Council to provide guidance, research, and direction of EMS in Shelby County for the Board of Supervisors.

WHEREAS Iowa Code Section 422D.1(1)(a) states that “upon adoption of a resolution declaring emergency medical services to be an essential County service...a county board of supervisors may offer for voter approval the authorization to impose any of the following taxes or a combination of the following taxes:

- 1) Local option income surtax
- 2) An ad valorem property tax not to exceed seventy-five cents per one thousand dollars of assessed value on all taxable property within the county.

WHEREAS Iowa Code Section 422D.1(2)(a) states that “the resolution declaring emergency medical services to be an essential service shall be considered and voted on for approval at two meetings of the board prior to the meeting at which the resolution is to be finally approved by a majority of the board by a recorded vote, as defined by section 331.101. Notice of the first meeting of the board at which the resolution is considered and voted on shall be published no less than sixty days prior to the date of the meeting in one or more newspapers that meet the requirements of section 618.14. The board shall not suspend or waive the requirements for that approval of resolution or approval of the imposition of a tax under this chapter.”

WHEREAS Iowa Code Section 422D.1(2)(b) states that the county “shall coordinate efforts with local emergency medical services agencies to establish a county emergency medical services system advisory council to assist in researching and assessing the service needs of the county and guiding the implementation of services in the county within the council structure.”

WHEREAS Iowa Code Section 422D.1(1)(c) states that “[t]he county emergency medical services system advisory council shall recommend to the board of supervisors an amount of funding to be specified on the ballot, and if one or more of the taxes are approved at election, shall annually assess and review the emergency medical services needs of the county, and shall include the results of such a review and assessment in an annual report filed with the board of supervisors.”

WHEREAS Iowa Code Section 422D.1(1)(d) states that “[a] resolution declaring emergency medical services to be an essential service shall be deemed void if the proposition to impose the taxes fails at election, authority to impose the taxes expires, or if discontinuance of the authority to impose the tax is approved at election under subsection 5.”

WHEREAS Iowa Code Section 422D.1(1)(3)(a) states that “the taxes for emergency medical services shall only be imposed after an election at which sixty percent of the voting on the question of imposing the tax or combination of taxes...vote in favor of the question.”

NOW, THEREFORE, BE IT RESOLVED by the Shelby County Board of Supervisors that:

- 1) The Board intends to pursue classification of emergency medical service, as defined by Iowa law, as an essential service pursuant to Chapter 422D of the Code of Iowa.
- 2) The Shelby County Board of Supervisors shall coordinate efforts with the local emergency medical services agencies to establish a Shelby County EMS System Advisory Council whose purpose is to assess and review the emergency medical services needs of the county and provide guidance , research, and direction of a county wide EMS system. Once established, the council shall recommend to the Shelby County Board of Supervisors an amount of funding to be specified on the ballot. If one or more of the taxes are approved at election, the council shall annually assess and review the emergency medical services needs of the county and shall include the results of such review and assessment in an annual report filed with the Shelby County Board of Supervisors.
- 3) The EMS System Advisory Council is hereby established and shall consist of the following members: EMA Chair- Neil Gross (or designee), Mayor or Council member of a community with volunteer ambulance- Janice Gaul (4-year term), Mayor or Council member of a community with paid ambulance (i.e. Shelby or Elk Horn)- Karen Schlueter (4-year term), EMS volunteer- Tim Plumb (4-year term), Hospital Administrator- Barry Jacobsen (or designee) , Board of Supervisor- Bryce Schaben (or designee), City Administrator- Gene Gettys(or designee)

Alex Londo, Shelby County Emergency Management Agency Coordinator, spoke of the need of funded EMS in Shelby County. Londo noted that the Iowa legislature has created legislation to guide Counties through this process.

Jordan Sanders, Shelby County Assistant EMA Coordinator noted that Volunteerism is down nationwide and cities in Shelby County with volunteer ambulance service have issues with staffing and having volunteers available at all times. Sanders told the Supervisors that when the private company that now serves Shelby County, and stops service, there will be a need for county officials to fill this need.

Barry Jacobsen, Shelby County Myrtue Memorial Hospital Administrator, recommended that EMS be declared an essential service and that the current ambulance commission is seeing a shortage of EMTs and rising costs are not generating the revenue needed by these services.

Roger Bissen, Chief of the Harlan Fire Department, mentioned that fire departments have a funding stream and have had for years. EMS needs a revenue stream soon and that Shelby County should stay on top of this and declare EMS as an essential service to County residents

Tim Plumb, veteran EMT from the City of Irwin, spoke and said he has been an EMT for 25 years, the City of Irwin once had 18 volunteers and is now down to 4.

Gene Gettys, Harlan City Administrator, supported all previous comments, and added that the emergency medical services field has changed in the last few years in Shelby County. Also placing this issue on an election ballot and successfully getting the ballot measure passed will require educating voters on the issue at hand.

Jenny Lefeber Shelby County Myrtue Memorial Hospital Emergency Room coordinator shared concerns that the ability to transport patients will be lost in Shelby County, if the current private ambulance service shuts down and no Countywide ambulance service has been created.

Janice Gaul echoed the common theme of Countywide EMS service being needed as the ambulance in Earling is all volunteer.

Neil Gross, Shelby County Sheriff, also spoke and made a point that a centralized ambulance staffing and service is needed.

The hearing was then closed after a motion by Parkhurst and a second by Schaben . The approval of the motion was unanimous in favor of entering regular session.

It was motioned a by Supervisor Schaben and seconded by Supervisor Parkhurst that the Resolution 2023 EMS 1 be adopted as read. Motion carried with Ayes by Kenkel, Schaben and Parkhurst. No nays were cast. The Ordinance passed.

Discussion and explanation of a waiver to be considered was then heard. This waiver allows attorneys from the same law firm to work, if necessary, on a law enforcement agreement between Shelby County Iowa, and the City of Harlan. This waiver is needed in the event Attorneys from this firm are needed to complete any discussion or agreements in the future between these two parties in this exploratory matter.

Parkhurst made a motion to allow the Chairperson to sign the waiver, Schaben seconded the motion. The motion passed unanimously.

The proposed pipeline interests of Shelby County were presented, dates are closer to being set for litigation. Some schedule Iowa Utility Board rulings are expected soon. Kossuth County has joined the joint representation agreement with other counties expected to join.

Chairman Kenkel notified the public that Shelby Counties Zoning Ordinance has been in effect since November 11th and that anyone entering into agreement with a hazardous pipeline company in Shelby County must get a conditional use permit from the Shelby County Zoning Commissioner, Tony Buman.

Kenkel also brought up that in 2002 the County had the Public Measure to go to a 5 member Board of Supervisors, the measure failed with it receiving only 26% of the vote in favor.

Steve Kenkel, Chairperson

ATTEST:

Mark Maxwell
Clerk to the Board of Supervisors