

The Shelby County Board of Supervisors met in a regular session at 9:00 A.M. in the Supervisors Chamber in the Courthouse with the following members present: Steve Kenkel, Charles Parkhurst, 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 unanimously.

It was moved by Schaben, seconded by Parkhurst to approve the minutes of May 23rd, 2023. Motion carried unanimously.

The claims were approved after a motion by Parkhurst and a second by Schaben.

The Supervisors all belonging to several different committees briefed each other on current committee developments including; Steve Kenkel, who attended a national pipeline safety conference recently in Des Moines, reported that specific guidelines are being added and considered for carbon capture pipelines.

The planned spending for fiscal year 2024 includes a cost of living wage increase for all non-union employees. Parkhurst made a motion to approve a 3% increase to the employees qualified to receive the increase. Schaben seconded the motion. The motion passed

The yearly Rural Transit Joint Participation agreement between the Southwest Iowa Planning Council and Shelby County was presented by Auditor Maxwell. The annual agreement details the services Shelby County receives for the rural transit system for the \$6,000.00 a year contribution to SWIPCO for the services. Parkhurst made a motion to approve authorizing the Chairperson to sign the agreement. Schaben seconded the motion. The motion passed unanimously.

Austin Staley, Shelby County IT Director gave his first department head report as IT Director. Basic security and equipment familiarity and the transition from a third party IT administrator to an in house administrator has been the focus of his first three weeks of duty.

Todd Valline of the Shelby County Chamber of Commerce and Industry was present to inform the Supervisors of the many events around Shelby County promoted by the Chamber organization.

The Supervisors then approved a Utility permit applied for by Aureon. The County Engineer recommended approval. A motion by Parkhurst and a second by Schaben preceded a unanimous vote in favor of approval.

Now being the time to consider the County Engineers contract for the next three years. Schaben made a motion to approve the contract Parkhurst seconded the motion. The motion passed unanimously. Copies of the contract are available in the Auditors office.

Parkhurst then made a motion to recess the regular meeting and open a public hearing on the right of way abandonment of north of the village known as Fiscus. This hearing will be held jointly with Audubon County Supervisors and connected via Zoom conferencing. The link on the posted agenda is <https://us02web.zoom.us/j/85214867289?pwd=cEZncUdQam9kZHR1NFRmZVYzNHZFZz09> Meeting ID: 852 1486 7289 Passcode: 337347. The hearing was opened, and introductions of the Supervisors were made between the two Counties. Having no public comment heard or present at the hearing was closed and the joint conference ended. Schaben made a motion to end the hearing Parkhurst seconded the motion, the motion passed.

Consideration was then placed on resolution 2023-34 officially abandoning the right of way previously discussed. Schaben made a motion to approve the Resolution, Parkhurst seconded the motion. A vote was held with Kenkel, Parkhurst and Schaben all voting for approval of the resolution. No nays were cast.

#### RESOLUTION 2023-34

WHEREAS. This being the date and time set for the hearing on the proposed vacation and closure of a portion of Shelby County Secondary Road, described as follows: A section of road #551 originally established January 14, 1885; commencing approximately 425 feet North of the East Quarter Corner of Section 13, Township 80 North, Range 37 West, thence North along the Shelby/Audubon County line. Township 80 North, Range 37 West to a point approximately 20 feet North of the Northeast corner of the Southeast Quarter of the Northeast Quarter of Section 13, Township 80 North, Range 37 West, Shelby County, Iowa. WHEREAS, a utility easement shall remain for an existing well within Shelby County Right-of-Way approximately 635 feet North of the East Quarter corner of Section 13, township 80 North, Range 37 West, Shelby County, Iowa. WHEREAS, No objections have been received, either in writing or by persons present. NOW THEREFORE BE IT RESOLVED by

the Shelby County Board of Supervisors that the subject section of road be ordered vacated and closed.

Parkhurst made a motion to recess the meeting to await the hour of 10 AM to start proceedings of the scheduled hearing regarding the proposed EMS Resolution. Schaben seconded the motion, the motion passed. A motion was made by Parkhurst and a second by Schaben to open a scheduled hearing for public comment on a proposed resolution and possible public measure to be placed on the ballot on November 7<sup>th</sup>, 2023. The resolution being necessary to always have first responders on duty in Shelby County to answer emergency calls for assistance. The ownership of the private ambulance service that currently serves Shelby County plans on retirement in the upcoming years and no private enterprise has stepped up to provide emergency medical services.

Tim Plumb EMS Advisory Council member, and Alex Londo EMA Coordinator, presented a hand out with frequently asked questions regarding the Resolution and plans to place the issue on the November ballot. Copies are available from the County Auditors office and on the Shelby County Website. Plumb and Londo also explained that meetings with fire departments and townhall meetings will be scheduled this fall.

Steve Barrett, a Kirkman City Council member asked what effects this may have on current 28E agreements between cities and private EMS and volunteer EMS organizations. The question was referred to the County Attorney.

Schaben then made a motion to close the hearing, Parkhurst seconded the motion. The motion passed.

Parkhurst made a motion to give approval to resolution 2023-29. Schaben seconded the motion. A vote was tallied with Schaben, Parkhurst and Kenkel all voting in favor of the resolution. No nays were cast. The following resolution was passed.

Resolution No. 2023-29

**A RESOLUTION DECLARING EMERGENCY MEDICAL SERVICES (EMS) AN ESSENTIAL SERVICE IN SHELBY COUNTY, IOWA AND SETTING FORTH A FUNDING MECHANISM FOR SUCH SERVICES**

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 not to exceed 1%
- 2) An ad valorem property tax not to exceed seventy-five cents per one thousand dollars of taxable 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) This resolution will be considered and voted on for approval at two meetings by the board prior to the third and final meeting at which the resolution is to be finally approved by the majority of the board and notice of the first meeting of the board at which the resolution was considered and voted on was published not less than sixty days prior to the date of the meeting in one or more newspapers that meet the requirements of section 618.14.
- 2) Emergency Medical Services is an essential service in Shelby County, Iowa and that the Shelby County Board of Supervisors will exercise the necessary power and functions appropriate to preserve the health, safety, and welfare of Shelby County residents and provide for an effective and efficient Shelby County Emergency Medical Services system that allows for quality care for persons living, working, and traveling in Shelby County.
- 3) The Shelby County Board of Supervisors has coordinated 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. This council shall recommend to the Shelby County Board of Supervisors an amount of funding to be specified each year by November 30. If 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.
- 4) There shall be placed on the ballot to be voted on at the general election to be held on November 7, 2023, a proposal to fund Shelby County Emergency Medical Services by the imposition of the following taxes or combination thereof:
  - a) A local option surtax not to exceed one percent (1%);
  - b) An Ad Valorem property tax not to exceed seventy-five cents (\$.75) per one thousand dollars (\$1000.00) of taxable value on all taxable property within the County.

Having no further business the meeting was adjourned.

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Steve Kenkel, Chairperson

ATTEST:

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Mark Maxwell

Clerk to the Board of Supervisors