

**March 10, 2005**

The Mahaska County Board of Supervisors met in special 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: Henry W. VanWeelden, chairman; Greg Gordy, vice chairman; Lawrence Rouw, member. Also present were the following: Joe Warrick; Mike Gipple, Mahaska County Conservation Dept.; Charles Stream, Mahaska County Attorney; Joleen Arnold, Mahaska County CPC; Mickey Edwards, Regional Director at Christian Opportunity Center; Jake Keegan, Finance Director at COC; and John Eilers, Associate Director at COC; and Kay Swanson, Mahaska County Auditor.

Chairman VanWeelden opened the meeting with a moment of silence.

It was moved by Rouw seconded by Gordy to approve the agenda for today's meeting. All present voted aye. Motion carried.

It was moved by Gordy seconded by Rouw to open the public hearing for the Mahaska County 2005-2006 fiscal year County Budget. All present voted aye. Motion carried. There was present a quorum as required by law. There upon the board investigated and found that the notice of time and place of hearing have according to law and as directed by the Board, been published in the Oskaloosa Herald on February 24, 2005 official newspaper in said county, and the affidavit of said publication is on file with the Mahaska County Auditor. The budget was discussed with Joe Warrick, a member of the public. There were no written comments. It was moved by Gordy seconded by Rouw to close the public hearing. All present voted aye. Motion carried.

It was moved by Gordy seconded by Rouw to approve the following resolution. Vote was two – aye; one- nay. Motion carried.

#### RESOLUTION

WHEREAS, Charles Stream has made request for the amount of \$7,500.00 from his budget for his attorney's fees as Appellee in a case now pending in the Iowa Supreme Court, Charles Stream. et al. v. Greg Gordy. et al., Supreme Court Number 04-2013 claiming that a conflict of interest, under Iowa Code Section 331.754(4) necessitated such payment from public funds; and

WHEREAS, the Mahaska County Board sought independent legal advice concerning such requested attorney's fees upon the premises claimed and received a letter of March 1, 2005 from Attorney John Roehrick opining that this Board had no duty to provide the requested \$7,500.00 in counsel fees; and

WHEREAS, Mr. Stream's counsel, Garold Heslinga, has been paid his attorney's fees for work done in the district court proceedings involving the same case by the agreement of Mr. Heslinga to stand as a surety and to repay Mahaska County the fees paid to him should a reversal in the Iowa Supreme Court result of the district court's

decision; and

WHEREAS, Mr. Heslinga has again agreed to stand as surety for any appellate fees he receives as a result of work done on behalf of the appellee's county attorney and county assessor: and

WHEREAS, Mr. Heslinga's promises to stand as surety should be accepted by this Board in the form of this Resolution;

NOW, THEREFORE, BE IT HEREBY RESOLVED:

1. That the opinion letter dated March 1, 2005 from Attorney John Roehrick is hereby accepted and this Board determines that it is under no legal duty to provide monies to the county attorney through his budget or otherwise for payment of appellate attorney's fees to Garold Heslinga in the case pending in the Iowa Supreme Court of Charles Stream. et al. v. Greg Gordy. et al ., Supreme Court Number 04-2013.

2. That upon submission by Garold Heslinga to this Board of his agreement to stand as surety to Mahaska County for the repayment to it of any attorney's fees paid, in respect to his representation of the appellees in the above-requested pending Supreme Court case should that court reverse the decision of the Mahaska County District Court, filed on September 9, 2004, respecting the counter-claim issues, this Board hereby allows County Attorney Charles Stream to expend from his budget the amount requested of not more than \$7,500.00 for payment of such appellate fees, from his budget for fiscal year ending June 30,2005 or from his budget beginning fiscal year beginning July 1, 2005, or both.

It was moved by Gordy seconded by Rouw to approve the County Attorney's budget as presented with the following attachment to line item: 01000-01010-425-04-957 dated March 10, 2005. Vote was two – aye; one – nay. Motion carried.

County Attorney's Budget  
01000-010 10-425-04-957

This line item is for Stream-McMahan versus Board of Supervisors Mahaska County (Ferguson litigation) attorney fees.

This line item is funded under protest by the Board of Supervisors Mahaska County.

This line item is paid as per Board Resolutions passed on September 29, 2004 and March 10, 2005 Board meetings.

This line item is not to be construed as Board authority for hiring and payment of outside counsel for this or any other litigation.

It was moved by Rouw seconded by Gordy to adopt the Mahaska County Budget for fiscal year 2005-2006 as presented. The County Auditor was thereupon directed to properly certify the budget as adopted and file as required by law. All present voted aye. Motion carried.

**Expenditures by Service Area:**

Public Safety and Legal Services \$2,383,945; Physical Health and Social Services \$848,502; Mental Health, MR & DD \$2,135,528; County Environment and Education \$587,414; Roads & Transportation \$4,097,750; Government Services to Residents \$681,552; Administration \$1,142,457; Nonprogram Current \$669,300; Capital Projects \$614,000 Operating Transfers Out \$1,351,313

**Revenues by Service Area:**

Net Property Taxes \$5,939,884; Delinquent Property Tax Revenue \$1,900; Penalties, Interest & Costs on Taxes \$9,300; Other County Taxes/TIF Tax Revenues \$1,121,022; Intergovernmental \$4,196,424; Licenses & Permits \$15,650; Charges for Service \$511,100; Use of Money & Property \$265,647; Miscellaneous \$140,200 Operating Transfers In \$1,351,313

**Expenditures by Department:**

Non departmental \$2,664,814; Board of Supervisors \$141,386; Auditor \$492,340; Treasurer \$358,288; Attorney \$225,674; Sheriff \$878,350; Recorder \$132,401; GIS Coordinator \$65,848; Engineer \$4,709,000; Veterans Affairs \$74,314; Conservation Board \$336,764; Public Health Nursing \$203,545; Roadside Vegetation Management \$101,541; Community Services Department \$157,570; County Care Facility \$17,050; Medical Examiner \$27,030; Correctional Services \$746,522; District Court \$265,005; Libraries \$43,975; Mahaska Building \$18,415; Environmental Services \$76,485; Pioneer Cemeteries \$5,000; Crime Prevention \$79,453; Law Enforcement Center \$122,372; Courthouse \$143,619; Information Technology \$51,090; Drivers License \$87,207; North Square Building \$200; Substance Abuse Treatment \$79,800; Mental Health \$2,135,528; Human Services Administration \$71,175

**Revenues by Department:**

Non Departmental \$720,847; Auditor \$25,600; Treasurer \$321,700; Sheriff \$108,250; Recorder \$153,150; Engineer \$4,194,079; Conservation Board \$83,250; Public Health Nursing \$87,345; County Care Facility \$30,000; Correctional Services \$69,950; District Court \$18,000; Mahaska Building \$23,600; Environmental Services \$29,400; Crime Prevention \$89,853; Law Enforcement Center \$100,500; Drivers License \$42,000; Mental Health \$210,000; Human Services Department \$35,000; Property Taxes \$7,209,916.

It was moved by Rouw seconded by Gordy to make the following designations for the unreserved fund balance in the 2005-2006 Mahaska County Budget: AS/400 Computer \$35,000; Mapping Expenditures \$15,000; Courthouse building and grounds \$200,000; Total \$250,000.00. All present voted aye. Motion carried.

The board discussed the proposed rates for fiscal year 2005-2006 with Christian Opportunity Center officers Mickey Edwards, Regional Director; Jake Keegan, Finance Director; John Eilers, Associate Director from COC and Joleen Arnold. No decisions were made today.

The matter of the garbage pick-up for Dept. of Human Services was tabled until next meeting.

It was moved by Gordy seconded by Rouw to adjourn. All present voted aye. Motion carried.

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Henry W. VanWeelden, Chairman  
Mahaska County Board of Supervisors

ATTEST: \_\_\_\_\_  
Kay Swanson, Mahaska County Auditor