

Floyd County Board of Supervisors Meeting
April 23, 2018, 9:00 AM

UNAPPROVED MINUTES

The Floyd County Board of Supervisors met in the Board Room of the Floyd County Courthouse with the following in attendance: Supv Linda Tjaden, Supv Doug Kamm, and Supv Mark Kuhn.

Kuhn/Kamm moved to approve the agenda as presented. Motion carried 3-0.

Public comment: The Board expressed thoughts and prayers to the families of the three fatalities and one injured in last Friday's tragic accident including the Sheriff's Department for assisting at the scene. Condolences to all, especially to county employee Minessa Wiltse for the loss of her son.

Updates on various boards/commissions/activities: Supv Kamm attended a jail presentation and tour and the following meetings: Community Revitalization, Chamber of Commerce, Veterans Affairs, NIACOG, Regional Planning, & Transportation, Landfill, and Conservation. Supv Kuhn's event at the capitol last week was cancelled but he did meet with a constituent in Cedar Township regarding nitrates in a creek which he is working w/the DNR District II office who contacted a professor at Iowa State University who is taking water samples. Supv Tjaden has participated in several law enforcement center/courthouse updates events including a radio interview and a call with Estes Construction and attended the following meetings: Business Improvement, Joint Entity, and Central Lock panic alarm presentation. Supvs Tjaden and Kamm attended a dinner at the fairgrounds.

The Board will review claims individually following the meeting.

Elizabeth Thyer, Gardiner Thomsen CPA, presented the Floyd County Independent Auditor's Reports, Basic Financial Statements and Supplemental Information, Schedule of Findings and Questioned Costs for the period ending June 30, 2017. Supv Tjaden will follow up with the City of Charles City regarding the TIF reconciliation. Auditor Carr will work on the 5-year codification of ordinances.

Tim Fox, Area Development Corp (ADC) Executive Director, Asst County Attorney Rand Tilton, Thyer and the Board discussed the balance of \$33,000 in funds remaining in the Infrastructure Assistance Fund and if the funds could be used for a housing needs study that would be used to benefit the entire county as requested by Fox. The original funds were from a \$513,000 loan which has paid off. The intent of the funds was to fund infrastructure of streets, grading and storm sewers for developers to construct new homes with a caveat that if homes weren't built the developer had to repay the county's share. All funds went toward Allied Land Development projects except for Strawn's Addition near Nashua that ended up being paid back to the county due to insufficient housing being built. Of \$66,000 returned to the county, \$33,000 was used for another Allied project. Tilton commented that the language in the original resolution could be interpreted larger than just infrastructure and could be used for housing costs, acquisition, restoration or demolition and the original purposes/use was accomplished and is unsure if the housing needs study would be considered a project that could fit under Iowa Code 403 or 403A. Thyer commented that the funds could go back in the General Fund if any dollars are left from the original obligation. Thyer will provide sample resolution language for wording regarding a residual equity transfer from the Special Revenue Fund to the General Fund. Should the board decide to do this, the ADC could come back to the board and request funds for a housing needs study.

The Board discussed budget amendments for Veteran Affairs for wages/overtime, Conservation for new mowers, Medical Examiner for \$15,000, Public Defender for \$10,000, possibly Board of Supervisors for mileage/travel expenses, Auditor for a passport camera and special election costs, and transfer of the Infrastructure Assistance Fund. Discussion included two unplanned expenses in two departments where budgets do not need amended including the Courthouse budget for a new lawnmower and the Department of Human Services for a new furnace.

The Board discussed letters written by members of the board of supervisors representing positions of the full board. Supv Kuhn referenced issues brought out at the April 10 meeting. Kuhn would like future agenda items to be clearly identified in regard to the April 10 meeting where Supv Tjaden's comments about Kuhn's letter to Senator Joni Ernst not being correctly brought up on the agenda as "activities since the last meeting" followed by a lengthy and spirited discussion. Kuhn provided information from Iowa Attorney General Tom Miller's website regarding agendas and new ideas. Tjaden commented that she thought it was appropriate to bring this up under "activities" because she considered it as such from the letter in her mailbox she received between the two meetings and expected it to be a comment only. Kuhn takes the position that Tjaden's April 10 comments

regarding Kuhn's letters being an agenda item for discussion so the board is in agreement and letters are approved before being sent was an unconstitutional directive by Tjaden toward him, restricting his right to freedom of speech guaranteed by the first amendment. Tjaden commented that she has been questioned about letters written by Kuhn on Board of Supervisor letterhead that she is not aware of and has had to have recipients read the letter to her to learn of its content. Tjaden said she has no issues with Kuhn's comments or written editorials as long as he does not use Board letterhead and her April 10 comment was not intended to be a directive to Kuhn but rather a remark that any of the board members should not use board letterhead without the other members knowing what is being sent. Supv Kamm commented that his issues are only on Kuhn's use of Board letterhead. Kuhn stated that Tjaden telling the Press how Kuhn should sign his editorials is a violation of the free press clause of the first amendment and he should be able to write these as a member of the board, not as a citizen, and without board approval. Kuhn provided samples of editorials where he indicated his perspective in a first person view and not on behalf of the board. Kuhn commented that his letters to the editor are not on Board letterhead; Kamm and Tjaden expressed thanks for not using the letterhead. Tjaden and Kamm made comments that Kuhn is taking her words out of context and her intentions are to be transparent. Kuhn would like Tjaden to ask the county attorney's opinion on whether or not his rights have been violated with respect to the first amendment freedom of speech and the free press clause; Tjaden said she will visit with the county attorney.

Supv Kuhn updated the Board on an e-mail he received from Sen Ernst's executive assistant regarding the invitation to visit the Schwartzkopf family being added to the list of potential Floyd County visits during her 99 county tour and should the visit work in Ernst's schedule, staff will be in touch.

The Board noted the resignation of Tatiana Hernandez Gonzalez, Home Health Care Aide, effective April 17. Accrued vacation will be paid out.

Future agenda item: Sheriff Deputy Association bargaining unit contract, parking lot policy, meeting with dispatchers regarding proposed Law Enforcement Center & Courthouse Updates project.

Kamm/Kuhn moved to adjourn. Motion carried 3-0.

ATTEST: _____
Gloria A. Carr
Floyd County Auditor

Linda Tjaden, Chair
Floyd County Board of Supervisors