

February 27, 2024

The Des Moines County Board of Supervisors met in regular session at the Court House in Burlington at 9:00 AM on Tuesday, February 27, 2024, with Chair Tom Broeker, Vice-Chair Jim Cary, and Member Shane McCampbell present. This meeting was also held electronically via Webex and YouTube live streaming. Public input was available through board email or call in.

Unless otherwise noted, all motions passed unanimously. The Pledge of Allegiance was conducted.

Meeting with Department Heads: County Budget Director Cheryl McVey had nothing new to report. IT Director Colin Gerst stated they have been busy. Sheriff Kevin Glendening reported that there was a leak in the work release shower. They moved 10 inmates to Lee County from Tuesday to Saturday. They appreciate the late nights that the Maintenance Department put in to make the repairs. The jail population is 92 with 3 juveniles. Sixteen inmates are out-of-county. Conservation Director Chris Lee stated that there are RFPs out for the campground expansion and sidewalks at Big Hollow. The Nature Center offices are built with a possible move-in before the end of March. They will be opening the campground as soon as they can free up some employees to get some work done. There will be an I Heart County Parks banquet on April 4th at Barn on the Ridge. They are looking for sponsors. You can buy tickets online at mycountyparks.com for the fundraiser. MHASEI CDS Director Ken Hyndman stated ACT & IRSH RFPs are out. Those bids can be sent to SEIRP. He gave an update on Behavioral Health Districts that will be formed and replace Mental Health Regions effective July 1, 2025. Emergency Management Director Shannon Prado stated that a red flag warning is issued when there is low humidity, high winds, and high temperatures. A controlled burn can become wild. Shannon warned that the temperature is going to drop tonight, so anything outside that could freeze should be brought inside. She stated that TC Energy is doing a drill on March 19th from 8:00 am to 1:00 pm on the Des Moines side of Henry Avenue between 230th and 240th Streets. This is just a drill. Safety Director Angie Vaughan wanted to thank Rodney for sending lists to Departments on missed training classes. County Attorney Lisa Schaefer stated that they are busy. Recorder Natalie Steffener stated that the digitization project is not going well. The Recorder's Association is working on legislation to try to get an increase in recording fees. Land Use Administrator Zach James stated that they are getting a lot of phone calls. TC Energy report has been completed. Maintenance Director Rodney Bliesener thanked his staff for the long hours on the work release project at the jail. There is a meeting about the Public Health Building on Wednesday. He has an annual courthouse and public buildings security meeting on Friday. There will be security training on April 5th. He gave a Tiger Grant update. Local Health Director Christa Poggemiller stated that the public health building is coming along. Last week it was discussed at the public health meeting that lead testing is low. They are going to get a lead testing machine. The Board of Health has a web page that has 115 users. County Engineer Brian Carter reported his staff is blading and ditching south of town. They are busy with paperwork. They may start the rocking program if the weather holds out. A local quarry sold recently. There was discussion regarding a bridge in the drainage district.

Approval of Resolution #2024-013 Setting Hourly Rate for Attorneys Appointed by the Iowa District and Associate District Courts to serve as Guardian Ad Litem Pursuant to Iowa Code Chapter 232. McCampbell made a motion to approve and was seconded by Cary.

RESOLUTION #2024-013

RESOLUTION SETTING HOURLY RATE FOR ATTORNEYS APPOINTED BY THE IOWA DISTRICT AND ASSOCIATE DISTRICT COURTS TO SERVE AS GUARDIAN AD LITEM PURSUANT TO IOWA CODE CHAPTER 232

- a) **WHEREAS**, Iowa Code § 232.113(2), provides that upon the filing of a petition for termination of parental rights, the court shall appoint counsel for the child identified in the petition as a party to the proceedings. The same person may serve as both the child's counsel and the guardian ad litem, and
- b) **WHEREAS**, under Iowa Code §232.141(1), the court shall inquire into the ability of the child or the child's parent to pay expenses incurred pursuant to subsection 2 cited above, and the court may order the parent to pay all or part of the costs of the child's legal expenses, and

- c) **WHEREAS**, Iowa Code §232.141(2)(b) provides that reasonable compensation for an attorney appointed by the court to serve as counsel to any party or as guardian ad litem for a child in juvenile court is an expense to be charged upon the county in which proceedings are held to the extent provided under Iowa Code §232.141(3), and
- d) **WHEREAS**, Iowa Code §232.141(3)(c) requires a county, on an annual basis, to pay a base cost to the indigent defense fund created under §85.11, and
- e) **WHEREAS**, costs incurred under Iowa Code §232.141(2) above shall be paid by the State from the appropriations to the indigent defense fund and in accordance with the rules of the State Public Defender, and
- f) **WHEREAS**, the Iowa State Public Defender sets claims at a specific rate per hour for appointments made on or after July 1 each year;

BE IT THEREFORE RESOLVED; that in matters filed pursuant to Chapter 232 of the Code of Iowa, whereby the Court has appointed counsel for a child and a parent is not ordered to pay the expenses of such attorney or wherein the parent was ordered to pay only a portion of such expenses, the Des Moines County Board of Supervisors hereby sets and establishes the hourly rate to be paid to such attorneys to match the amount set by the Iowa State Public Defender.

Approved and signed this 27th day of February, 2024.

Tom Broeker, Chair
Des Moines County Board of Supervisors

Jim Cary, Vice-Chair
Des Moines County Board of Supervisors

Shane McCampbell, Member
Des Moines County Board of Supervisors

ATTEST: Cheryl Mc Vey, Budget Director for
Sara Doty
Des Moines County Auditor

Approval of Resolution #2024-014 Setting Hourly Rate for Attorneys Appointed by the Iowa District Court Pursuant to Iowa Code Chapter 232D. Cary made a motion to approve and was seconded by McCampbell.

**RESOLUTION #2024-014
RESOLUTION SETTING HOURLY RATE FOR ATTORNEYS APPOINTED BY THE IOWA DISTRICT
COURT PURSUANT TO IOWA CODE CHAPTER 232D**

- a.) **WHEREAS**, Iowa Code § 232D.303 provides that upon the filing of a petition for appointment of a guardian for a minor pursuant to Iowa Code §232D.301, the court shall appoint an attorney for the minor if the court determines that the interests of the minor are or may be inadequately represented, and
- b.) **WHEREAS**, Iowa Code §232D.304 provides that upon the filing of a petition for appointment of a guardian for a minor, the court shall appoint an attorney for the parent identified in the petition if (1) the parent objects to the appointment of a guardian for the minor and (2) the parent requests appointment of an attorney and the court determines that the parent is indigent, and
- c.) **WHEREAS**, under Iowa Code §232D.505, the court shall inquire into the ability of the minor or the minor's parent to pay expenses incurred pursuant to the guardianship proceedings, and the court may order the minor or the parent to pay all or part of the costs of the legal expenses for the minor or the parent, and

- d.) **WHEREAS**, Iowa Code §232D.505(2) provides that if the court finds that the minor’s parents are indigent, or if the minor has no parent, the costs, including the costs of legal expenses, shall be assessed against the county in which the proceeding is pending, and
- e.) **WHEREAS**, the Iowa Legislature has prescribed reasonable compensation and expenses for attorneys appointed by the court to represent indigent clients in Iowa Code §815.7 for fees to attorneys appointed for indigent defense;
- f.) **WHEREAS**, the Iowa State Public Defender sets claims at a specific rate per hour for appointments made on or after July 1 each year;

BE IT THEREFORE RESOLVED; that in matters filed pursuant to Chapter 232D of the Code of Iowa, whereby the Court has appointed counsel for a minor or a parent of the minor and the minor’s parent(s) are determined to be indigent or, the minor has no parent, the Des Moines County Board of Supervisors hereby sets and establishes the hourly rate to be paid to such attorneys to match the amount set by the Iowa State Public Defender.

Approved and signed this 27th day of February, 2024.

Tom Broeker, Chair
Des Moines County Board of Supervisors

Jim Cary, Vice-Chair
Des Moines County Board of Supervisors

Shane McCampbell, Member
Des Moines County Board of Supervisors

ATTEST: Cheryl McVey, Budget Director for
Sara Doty
Des Moines County Auditor

Approval of Resolution #2024-015 Setting Hourly Rate for Attorneys Appointed by the Iowa District Court to serve as Guardian Ad Litem or Attorney for a Minor Pursuant to Iowa Code Chapter 598. McCampbell made a motion to approve and was seconded by Cary.

**RESOLUTION 2024-015
RESOLUTION SETTING HOURLY RATE FOR ATTORNEYS APPOINTED
BY THE IOWA DISTRICT COURT TO SERVE AS GUARDIAN AD LITEM OR ATTORNEY FOR A
MINOR PURSUANT TO IOWA CODE CHAPTER 598**

- a.) **WHEREAS**, Iowa Code §598.12 provides that in a dissolution of marriage action involving the custody of minor children, the court may appoint a guardian ad litem to represent the best interests of the minor child(ren) of the parties; and
- b.) **WHEREAS**, Iowa Code §598.12A provides that in a dissolution of marriage action involving the custody of minor children, the court may appoint an attorney to represent the minor child(ren), and
- c.) **WHEREAS**, under Iowa Code §598.12(3), the court shall enter an order in favor of the guardian ad litem for fees and disbursements as submitted by the guardian ad litem and the amount shall be charged against the party responsible for court costs unless the court determines that the party responsible for court costs is indigent, in which event the amount shall be borne by the county.
- d.) **WHEREAS**, under Iowa Code §598.12A(3), the court shall enter an order in favor of the guardian ad litem for fees and disbursements as submitted by the guardian ad litem and the amount shall be charged against the party

responsible for court costs unless the court determines that the party responsible for court costs is indigent, in which event the amount shall be borne by the county.

e.) **WHEREAS**, the Iowa Legislature has prescribed reasonable compensation and expenses for attorneys appointed by the court to represent indigent clients in Iowa Code §815.7 for fees to attorneys appointed for indigent defense;

f.) **WHEREAS**, the Iowa State Public Defender sets claims at a specific rate per hour for appointments made on or after July 1 each year;

BE IT THEREFORE RESOLVED; that in matters filed pursuant to Chapter 598 of the Code of Iowa, whereby the Court has appointed an attorney to serve as either guardian ad litem or attorney for a minor child or children in a dissolution proceeding, the Des Moines County Board of Supervisors hereby sets and establishes the hourly rate to be paid to such attorneys to match the amount set by the Iowa State Public Defender;

Approved and signed this 27th day of February, 2024.

Tom Broeker, Chair
Des Moines County Board of Supervisors

Jim Cary, Vice-Chair
Des Moines County Board of Supervisors

Shane McCampbell, Member
Des Moines County Board of Supervisors

ATTEST: Cheryl McVey, Budget Director for
Sara Doty
Des Moines County Auditor

Approval of Resolution #2024-016 Setting Hourly Rate for Attorneys Appointed by the Iowa District Court Pursuant to Iowa Code Chapter 633. McCampbell made a motion to approve and was seconded by Cary.

**RESOLUTION #2024-016
RESOLUTION SETTING HOURLY RATE FOR ATTORNEYS
APPOINTED BY THE IOWA DISTRICT COURT
PURSUANT TO IOWA CODE CHAPTER 633**

a.) **WHEREAS**, Iowa Code §633.561(1) provides that in a proceeding for the appointment of a guardian or conservator for an adult or a conservator for a minor, if the respondent is an adult and is not the petitioner, the respondent is entitled to representation by an attorney; and

b.) **WHEREAS**, Iowa Code §633.561(3) provides that if the respondent is entitled to representation and is indigent or incapable of requesting counsel, the court shall appoint an attorney to represent the respondent, and

c.) **WHEREAS**, Iowa Code 633.561(3) further provides that the cost of court appointed counsel for indigents shall be assessed against the county in which the proceedings are pending, and

d.) **WHEREAS**, the Iowa Legislature has prescribed reasonable compensation and expenses for attorneys appointed by the court to represent indigent clients in Iowa Code §815.7 for fees to attorneys appointed for indigent defense;

e.) **WHEREAS**, the Iowa State Public Defender sets claims at a specific rate per hour for appointments made on or after July 1 each year;

BE IT THEREFORE RESOLVED; that in matters filed pursuant to Chapter 633D of the Code of Iowa, whereby the Court has appointed counsel for the respondent who the court has determined to be indigent, the Des Moines County Board of Supervisors hereby sets and establishes the hourly rate to be paid to such attorneys to match the amount set by the Iowa State Public Defender.

Approved and signed this 27th day of February, 2024.

Tom Broeker, Chair
Des Moines County Board of Supervisors

Jim Cary, Vice-Chair
Des Moines County Board of Supervisors

Shane McCampbell, Member
Des Moines County Board of Supervisors

ATTEST: Cheryl McVey, Budget Director for
Sara Doty
Des Moines County Auditor

Approval of Resolution #2024-017 Rescinding the Des Moines County Covid-19 Pandemic Policy. Cary made a motion to approve and was seconded by McCampbell.

RESOLUTION 2024-017
A RESOLUTION RESCINDING THE DES MOINES COUNTY COVID-19 PANDEMIC POLICY

WHEREAS the Des Moines County Board of Supervisors established and approved a policy for Des Moines County Employees regarding the Covid-19 Pandemic on September 20, 2021;

WHEREAS the Centers for Disease Control (CDC) has defined new guidelines regarding Covid-19. Covid-19 is now classified the same as all other respiratory illnesses.

THEREFORE, IT IS RESOLVED that Des Moines County Board of Supervisors hereby declare to rescind the Policy for Covid-19 that was established and approved on September 20, 2021;

Passed and adopted this 27th day of February, 2024

Tom Broeker, Chair

Jim Cary, Vice-Chair

Shane McCampbell, Member

ATTEST: Cheryl McVey, Budget Director for
Sara Doty, County Auditor

Approval of 2022 Amended Homestead Credits and Military Exemptions. Cary made a motion to approve and was seconded by McCampbell.

Personnel Action – Sheriff – Sean (Trevor) Phillips, Deputy, moving to School Resource Officer, 80 hours, effective 08/02/2022. McCampbell made a motion to approve and was seconded by Cary.

Reports:

Sheriff's Report of Fees Collected, January 2024.

McC Campbell motioned to approve the February 20th, 2024, regular meeting minutes and was seconded by Cary.

McC Campbell attended an E911 meeting and a Workforce Development meeting.

Cary attended a conference board meeting and Regional Planning meeting.

Broeker attended a conference board meeting, an Emergency Management meeting and a COBCO meeting. Discussion was held regarding the IRS change to the HRA.

County Engineer Brian Carter requested a construction program project tour for March 26th.

The meeting was adjourned at 9:52 AM.

This Board meeting is recorded. The meeting minutes and audio are posted on the county's website www.dmcounty.com

March 5, 2024

Date Approved

Cheryl McVey

Attest: Budget Director

[Handwritten Signature]

Chairman