

**MINUTES OF THE INFORMAL MEETING OF THE JOHNSON COUNTY  
BOARD OF SUPERVISORS:  
MAY 25, 2011**

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Chairperson Harney called the Johnson County Board of Supervisors to order in the Johnson County Administration Building at 8:30 a.m. Members present were: Pat Harney, Janelle Rettig, Sally Stutsman, and Rod Sullivan. Terrence Neuzil arrived at 8:59 a.m.

**CONTRACT WITH JOHNSON COUNTY SOIL AND WATER CONSERVATION  
DISTRICT TO SUPPORT CONSERVATIONIST POSITION**

Planning and Zoning Administrator Rick Dvorak said during the Board's budget preparations, Johnson County Soil and Water Conservation District (Soil and Water Conservation) received some grant money for staffing. Since that time, the Board decided to put that money into the Planning and Zoning budget and also recommended forming a committee to meet with the Soil and Water Conservation Board and look at an agreement because the agreement that was in place was never formally signed. A meeting took place and committee members agreed there was too much confusion about the definition of a county employee so Soil and Water Conservationist Kate Giannini drafted a new recommended agreement. Now, the committee would like feedback and direction from the Board.

Sullivan said things have also changed for the Soil and Water Conservation District Commissioners (Commissioners). The Commissioners used to have a different relationship with Natural Resource Conservation Service (NRCS) District Conservationist Wendell Jones than they do now. A number of things have also changed in terms of funding. Stutsman asked Sullivan to clarify what he means by a different relationship with Jones. Rettig said Jones is not allowed to have any supervisory role. He was not even allowed to come to the committee's meeting to discuss this. Stutsman asked if this is due to Federal budget cuts. Giannini said State Conservationist Richard Sims decided last year that Federal NRCS employees should not have any supervision over district employees.

Dvorak said the committee also discussed Soil and Water Conservation's and the Board's contributions to Giannini's salary. Dvorak said the County's is currently paying about \$45,600 for staffing. Stutsman asked if that includes benefits. Dvorak said yes. Sullivan said that is also confusing. The County is essentially giving Soil and Water Conservation a stipend, and Giannini is required to find her own benefits.

Dvorak said according to Budget Coordinator Rich Claiborne, the proposal for County funding for FY12 was approximately \$47,500. Harney asked when that would be effective. Rettig said it would be effective in FY12. She added that the County has been providing this funding with the assumption that everything is working out correctly. Earlier, the Board asked Soil and Water Conservation if Giannini even had worker's compensation, liability insurance, or life insurance and the answer was that they do not know. Rettig said that led her to question this arrangement and so she asked Giannini to explain the arrangement.

Giannini said there is a cooperative working agreement between the NRCS, the United States Department of Agriculture (USDA), the State of Iowa, and districts. Each County has an agreement that they work out with NRCS and the USDA. She said it costs about \$12,000 for her to be housed at Soil and Water Conservation each year. That includes a computer work station, training, and a vehicle. Rettig confirmed that that amount is the Federal contribution. Giannini said yes.

Stutsman asked if Giannini receives any supervision. Giannini said she receives supervision through the Commissioners. Stutsman said that does not sound like a supervisory arrangement. Giannini said she proposes that this position would be classified as a manager position and Giannini would then supervise the other employees and report to the Commissioners.

Rettig asked Giannini if they could just discuss the status quo and not go into the changes Giannini would like to make. Sullivan said this brings up an important point the Supervisors may not have been aware of, that there is a second employee. Giannini said that at any time, Soil and Water Conservation can have between one and four employees. Dvorak asked if those employees are interns. Giannini said the employees are funded through various sources. They have a secretary that is funded through the state and does administrative work. The position Soil and Water Conservation currently has is funded through the farm bill. This person mostly works directly with Soil and Water Conservation Planning, the Conservation Reserve Program, and technical assistance.

Rettig asked what Soil and Water Conservation provides. They know the County is providing \$45,600, which is all salary and health insurance, and the federal government is providing \$12,000 of in-kind support. Giannini said Soil and Water Conservation provides training and supervision. Rettig said that Giannini just said the feds pay for the training. Giannini said some training is paid for by the federal government.

Harney asked who pays the second employee's wages. Giannini said the employee is currently paid through the NRCS. Harney asked if insurance, benefits, and/or liability

are all handled through the federal package. Giannini said worker's compensation is covered through the state but the employee has no benefits.

Sullivan said this concerns him because Giannini's field work can be dangerous and if she were to injure herself he is not sure who would be responsible for medical insurance. Stutsman asked Human Resources Administrator Lora Shramek how complicated it is to bring Giannini's position into County employment since she receives funding from so many sources. Shramek said it would be a lot cleaner if Giannini was a County employee, but she does not know how that can be achieved given the current relationship. Shramek said Giannini does have worker's compensation through the federal government. Giannini said it is provided through state funds. Rettig said they don't know if she has disability insurance or life insurance.

Shramek said the County provides a stipend to Giannini, and any left over money goes into a fund. She thinks that is where Soil and Water Conservation training money comes from. Rettig said that also covered salary increases in the last couple of years. She explained the County had overpaid its stipend and Soil and Water Conservation offered to give back the money, but the County told them to keep it to cover Giannini's training and additional salary for the next couple of years. Soil and Water Conservation has since run out of that money, which prompted this discussion. Shramek said they would not be able to cover Giannini for workers compensation unless she was a County employee.

Stutsman said she likes the partnership between federal, state, and local governments. Stutsman asked Giannini if she was fully aware of the arrangement when she took the job. Giannini said she did not know there was not an agreement in place. Stutsman asked if she knew she would be paying her own health insurance and worker's compensation. Giannini said she knew there was a stipend for health insurance.

Sullivan said when reviewing the breakdown of how Giannini's spends her time, he thought the Board would support some but not all of the activities. Rettig asked Giannini to present the breakdown of how she spends her time. Giannini classified her work in the following four areas and agreed that she spends about a quarter of her time with each: assisting Planning and Zoning, providing conservation planning and technical assistance to farmers, information, education, and outreach, and finally administrative tasks.

Sullivan said the County obviously pays for the work with Planning and Zoning. The County also benefits from Giannini working with individual farmers, so he has no issue with that. That only comprises 50% of the job, however, and Sullivan would need more details about the other 50% of the job.

Rettig asked if Giannini administers Soil and Water Conservation fundraising efforts and supervises the part time person. Giannini said no; the Commissioners supervise that employee. Stutsman asked if and how Giannini is supervised. Giannini said Jones provides day to day coordination for the position. Stutsman said coordination and supervision are different things. Rettig said this is the same situation as with the Iowa

City Airport Commission. The airport operations specialist reports to only the Commission, and the Chair of the Airport Commission is the direct supervisor of the operations specialist.

Neuzil arrived at 8:46 a.m.

Stutsman asked how they address personnel issue. Rettig said the situation is awkward at best, but it does happen. It is not unusual for a commission to end up supervising employees and that is difficult to do on a day to day basis because the commissioners are just volunteers who are not present on a daily basis.

Rettig asked how the relationship between Giannini and the County began and when Dvorak last contacted Giannini to work on a project for the County. Dvorak said Giannini assisted with the Storm Water Ordinance. The last major project Giannini worked on was Celebration Farm. She has reviewed other Storm Water plans, including one in Shueyville. In terms of field work, Giannini assists with the ongoing work at Celebration Farm. That project and one other plat is all Giannini really does for Planning and Zoning. Dvorak said every sensitive areas ordinance and every storm water management plan is reviewed by Giannini and Planning and Zoning will not act until she signs off on those plans.

Stutsman asked if the subcommittee has a recommendation. Rettig said the County has growing needs from Planning and Zoning and ten hours a week of Giannini's time should be devoted to that, but the County is not asking for that much. Rettig said Giannini is an expert in her field, but the job is considered entry level. It has been entry level for a while. These employees are not paid much, but they get a lot of experience and education and then move on to a bigger job. Rettig asked if the Board still wants that model for this position. The minimum requirements in the current job description do not match Giannini's level of education and experience. The employee isn't paid for what they are worth because the job description does not change with the person's skills.

Stutsman said she thinks the job description should reflect what the County wants, not that an employee grows with experience on the job. Stutsman wants to use County dollars for what the County wants out of a position. Rettig said that became a road block in this discussion.

Neuzil left at 8:51 a.m.

Rettig said Soil and Water Conservation argued that Giannini is highly knowledgeable, but the County says this as an entry level position in the field. This is a great entry level position. The Board needs to decide what they want from this position and then work out the funding and administrative details.

Sullivan said the County must prepare a more accurate job description as well as some kind of signed agreement since the County is funding \$45,000 of the position.

Harney said he thinks the Board's expectations have changed since the position was first established. He thinks this position should be the County's main contact in conservation and water runoff issues but he isn't certain what the position's hours should be.

Stutsman said when the County began funding this position they just paid \$18,000 per year for a number of years and felt that amount compensated the employee for the work they expected. She thinks the County is now paying an unnecessary amount and funding federal work. Depending on the state of the economy, Stutsman said she is not sure the County will be able to sustain \$50,000 for this position even though she supports it.

Rettig said regardless of what route they choose, the County would have to fund some kind of position so the work gets done. If the County is paying \$50,000 to fund a Conservationist and then decides to shift some of Planning and Zoning's workload to that position, they could delay the need to expand the Planning and Zoning staff for a while. Rettig asked if the Board really intended to pay for administrative functions and fundraising for Soil and Water Conservation.

Stutsman asked what the fundraising supports and whether it supports programs that the County supports at a local level. She wants to know if the education is about topics supported by the County. If so, then she does not have a problem with it. However, if the fundraising is used to educate State Commissioners on Soil and Water Conservation, then she does not think the County should pay for it. That is a state responsibility.

Sullivan said the subcommittee needs direction from the Board.

Giannini said Soil and Water Conservation District fundraising is very minimal. Rettig said it takes up 25% of Giannini's time. Giannini said she does not think Soil and Water Conservation could afford much money toward the position. Rettig said on Giannini's hourly breakdown of time she provided, the actual work devoted to the County is approximately 25%. Sullivan said fundraising is part of administration, and administration comprises 25% of Giannini's time. Stutsman asked what fundraising includes. Giannini said a tree sale as well as other projects. Stutsman said the tree sale could be a community project.

Rettig said the subcommittee needs specific direction. If the Board wants this position to be a County employee working for Planning and Zoning, it could still be housed at Soil and Water Conservation, and there should probably be 28E agreement, and whether this position ends up costing more money depends upon if the required job qualifications are entry level or at Giannini's current level of training and education. Stutsman said if they expect this position be include more planning, then she would expect someone with a degree in Urban and Regional Planning.

Dvorak said he mentioned to Giannini the possibility of moving into the Planning and Zoning office to see how that would work. The supervision issue would then be resolved

to some extent. However, it would be almost impossible to do that due to Giannini's software equipment and her collaboration with other people in the department. Dvorak then thought that if this position were a shared County employee, Giannini could be housed at Planning and Zoning for a certain number of days per week and Dvorak could provide some supervision. Dvorak said he has not discussed these possibilities with Giannini; this was just an option he thought about.

Rettig said she thinks that is awkward at best. She said Dvorak has time and again said that Giannini was gracious enough to help with various projects but the County is actually paying for all of that help. If Giannini worked in the Planning and Zoning office on set days, then nobody would feel like they were asking her for a favor when she would just be doing her job. The subcommittee is unsure how the Board wants to deal with these types of things. Rettig also asked how much the County is willing to pay for this position.

Sullivan said that Dvorak said several times how grateful he was that Giannini was available to come in for a certain task on last minute notice. That is great, and it is to her credit, but that would be expected if she was a County employee.

Harney said he knows Giannini works for the County, but she also works with the state and federal governments. Harney asked how that works and wondered if she were solely a County employee, how that would affect her job.

Neuzil arrived at 8:59 a.m.

Giannini said there is a huge value to the in-person contact she has with residents. Anybody landowner can receive assistance. They can even seek financial assistance. Sullivan said farmers are probably going there first instead of to the Board. Giannini said yes, Soil and Water Conservation houses all the programs.

Stutsman asked if there is federal or state money available to match what the County puts in. Giannini said no, not for employee salaries. Rettig asked if others think the position must be a County employee and the answer was not clear. Rettig said this is where the planning broke down previously.

Shramek asked if the Board knows what the arrangements are in other counties. Sullivan said he thinks Linn County has two conservationists. Giannini said she is aware of only one. Sullivan said Linn County is in a similar situation to Johnson County but doesn't know if Linn County has a better contract or job description than Johnson County. Giannini said she thinks Linn County Resource Conservationist Jon Gallagher, who has the same position she does, is a Linn County employee. Sullivan said it seems like this is handled in different ways depending on the location. Sullivan said Dvorak mentioned that Pottawattamie County has somebody who works just for the drainage district, and Johnson County does not have that.

Rettig said assuming the Board wants this work done how much are they are willing to pay and should the person be a County employee. Stutsman said the Linn County Soil and Water Conservationist is a Linn County employee and receives direct supervision from the NRCS District Conservationist. Linn County does the entire payroll. Rettig said that doesn't sound right. Stutsman said this contract was last revised in 1996, so it may be outdated.

Harney asked if Giannini could be hired as a County employee with a signed agreement with the state and federal governments outlining the expected duties and a work schedule. Stutsman said the County needs this kind of conservationist position now more than ever, whether it is paid for by federal, state, or local money. The bottom line is that this position is globally beneficial.

Rettig wants to know how much the Board wants to pay and whether they want this position to be a County employee, and how will they conduct supervision. The position can be kept the way it is, but Soil and Water Conservation wants there to be a salary increase. Stutsman said she has no problem using the same kind of arrangement the County had with Iowa Department of Human Services. However, she wants to pay for what the Board wants on the County level and not have the salary be driven by a hierarchy. She emphasized that they should only pay for what they determine is necessary for the position and the work to get done, but not for the specific person in that job.

Sullivan said the County has been lucky with former Soil and Water Conservationists James Martin and Adam Galluzzo, and now Giannini. They need to think about what the situation would look like if that was not the case. They need to have an agreement in place regardless of who is in the position.

Stutsman asked if there is enough direction for the subcommittee. Rettig said no. Sullivan asked whether the Board thinks the position should be a County employee. Rettig said if this person becomes a County employee, it will cost more. Harney said he thinks the position should become a County job because now, they are paying \$47,500 toward the salary. At the same time, there is an additional \$12,000 in kind from the federal and state governments and he would like to work out an agreement for that to continue.

Rettig summarized the position would be a County employee. She asked if it should be entry level. Stutsman said she needs to see the job description before deciding that. Sullivan said Shramek should work with Giannini on that. Rettig then asked if the position should be more at the level where Giannini started at as opposed to where she is now. Stutsman said if that is what the County needs. Harney said he thinks the pay should be determined like it is with other positions but does not think the pay needs to start at the bottom.

Rettig clarified the Board would like separate 28E agreements between the County and Soil and Water Conservation and the County and federal government so that a

cooperative relationship can continue. Stutsman agreed. Rettig asked if the job should be stationed partially in Planning and Zoning and partially at Soil and Water Conservation. Stutsman, Harney, and Sullivan agreed, adding that the time should be divided so more is spent at Soil and Water Conservation.

Stutsman said the County normally does not add employees out of budget cycle. Rettig said this would not take effect until FY13. However, if anything happens at the state level in terms of budget, all bets are off. Stutsman said the Board can work on the agreement in the meantime. Rettig summarized what she has written down as the overall decision. The position will be a County employee at an entry level to what the County needs. The County's needs are yet to be determined. The County will draft 28E agreements with Soil and Water Conservation and the federal government. The position will have dual housing arrangements and dual supervision. Stutsman said supervision needs to be clearly defined. Rettig said if Dvorak is the overall supervisor, he would solicit input from the Commissioners. Stutsman said a lead supervisor should be named to handle personnel issues and problems.

Sullivan said Dvorak, Shramek, and Giannini could prepare a draft agreement for the Board to review later. Stutsman said the Board will set a pay range for the position and will see where an applicant fits within that range. Rettig said yes. Harney said he does not see this as an entry level position. Sullivan said Dvorak knows what the job needs. Dvorak said Shramek can help resolve those issues. Shramek said she thinks the division of Giannini's time would have to be adjusted in the new arrangement, as well as the job title.

Stutsman said the Board may also need to look at how much of this job's work time is spent with County residents. Sullivan said he could see the Board increasing the portion of the job dedicated to Planning and Zoning, individual farmers, and education and outreach. He said he thinks the administrative and fundraising components are of the least interest to the County. Rettig said she is not interested in making this a management position. Neuzil agreed. He said Johnson County taxpayers are paying for Johnson County services, and taxpayers should not be paying for services outside of the County.

## **RENTAL HOUSING CODE**

Board members clarified that today's discussion pertains to the April 25th draft of the proposed rental housing code. Dvorak said Assistant County Attorney Susie Nehring made the appropriate changes to this ordinance following a prior discussion of the proposed Property Maintenance Ordinance. Dvorak said they had lengthy discussions about entry onto people's property in response to complaints or violations. Dvorak said the Property Maintenance Ordinance is a complaint driven ordinance, and that is also identified in the proposed rental housing code. The rental housing code also says the County will not keep track of, license, or issue permits for rental properties.

Sullivan clarified they just added language which already existed in the Iowa Code about how the process works. Nehring said she does not think they added language from the Iowa Code. This draft rental housing code was generally modeled after the City of Iowa City Housing Code. It is tailored for rental housing only. Nehring thinks the language is now much clearer. Sullivan said people may not have understood that the first time, and this draft adds a lot of clarifying language. Dvorak said page seven addresses enforcement.

Harney said he is concerned about the real purpose behind this proposed rental housing code. This discussion all began in response to the trailer court issues, but, this code does not address those issues. He thinks the ordinance the Department of Public Health has covers many issues the Board wanted to address with a rental housing code. Harney does not think the proposed rental housing code sufficiently addresses the concerns. He said the Iowa Attorney General said he was going to do something, but the he did nothing. Rettig said she is not sure anyone expected the State to do anything about buildings. Harney said he did. Rettig said the State does not do building inspections and enforcement.

Neuzil said in previous discussions, the Board had agreed to first create a rental housing code, and not tackle the difficult issues of owner occupied homes until later. Neuzil had concerns about whether the housing rental code should include farmers and farms of 40 acres or more. He said Harney may also have had an issue with that. At that time, three Supervisors decided to pursue this code. Sullivan said he thinks Neuzil is exactly right. Harney agreed and said a farmer is not always the owner of the land they farm. A farmer could be living and farming on rented property.

Nehring said the proposed rental housing code applies to anyone living in a residence they do not own. Stutsman said that would include any farm family members living on the farm. For example, Stutsman's daughter-in-law lives in a rental property that Stutsman and her husband own. Nehring agreed, adding that anybody who does not own the house could still be required to comply with the code.

Rettig said hers was the only vote to exempt family members from the rental housing code. The other Board members got exactly what they asked for. Stutsman said she was confused about what was being voted on that night and things moved very quickly - the Board voted on the items one after the other. Rettig said Stutsman voted to include family members. Stutsman said she would like to change her mind and exempt farm family rental properties, all farm rentals.

Neuzil said a section exempting farm rentals could be added and the Board could still move forward with the proposed rental housing code. Nehring agreed.

Dvorak said the Johnson County Zoning Ordinance also has an exemption that exempts hired farm workers. If the Board is interested in exempting family members, Dvorak thinks the Board should also consider an exemption for farm employees. Neuzil said he thinks this comes down to the Supervisors' individual interpretations of the Iowa

Code and its protection of farmers. Neuzil thinks he may interpret it differently than others, and he thinks that language protects farmers with 40 acres or more. That means that if a farmer has 40 acres of land or more, his or her property would not fall under the proposed rental housing code. Rettig asked if that would be applicable regardless of who rents the property. Neuzil said yes. Stutsman said she would include farm employees in the exemption like the Zoning Ordinance does.

Dvorak said Planning and Zoning does not receive many complaints, but the majority of the complaints they do receive concern farm residences rented to the outside community. This does not include residences rented to family or hired help. He said if the proposed rental housing code excludes everyone on farms of 40 acres or more, it would also exclude those farms rented to non-family members.

Sullivan said he thinks the definition of a farm employee is a huge issue. Sullivan asked about the employer near Lone Tree who employs migrant workers. He asked if this means the owner can house those workers in a shack just because the farm is over 40 acres. He said he is not okay with that.

Stutsman asked if the Public Health regulations would cover that situation. Sullivan said no, it would not be covered if the farm is over 40 acres and the people are employees. Stutsman said Public Health does not exclude farms in their health and safety regulations. Rettig said Public Health is not regulating electricity, heat, or windows, they are regulating rodents in septic systems. Neuzil said Public Health does not address interiors unless there is a safety hazard to those outside of the structure. Stutsman said the ordinance crafted by Public Health includes the language "causing, permitting, or failing to abate a health nuisance." Sullivan said if a farmer wants to house migrant workers in hog buildings, they are free to do so if the Board decides to exempt farm employees from the proposed rental housing code. As the employer and the landlord, the farmer has authority over the employee and Sullivan asked who is looking out for that employee.

Nehring said her interpretation of the exemption is that it would not apply to family members or employees living in residences and primarily engaged in agriculture. Sullivan said he thinks the hired worker should be protected. Nehring said she does not think the County has the power to do that. That exemption is already created. Rettig asked how employees are exempted in this code. Sullivan said it does not matter who the renter is. There should be an expectation that any place where a human being is going to live can be heated, will not collapse, and has electricity if desired. He thinks these are minimum standards that everyone should expect in a rental property, regardless of whether a person farms.

Harney said if Harney is a retired farmer whose son is running the farm and operating out of one of the farm houses, he is not sure his son should fall under that stipulation. That situation is fairly common. Sullivan said he thinks everybody has the right to a safe house, and it is that simple. Nehring said if the County wants the rental housing code to address farm property residents who are primarily engaged in agriculture on property

larger than 40 acres, then a change would be required somewhere else. Nehring said she thought this rental housing code was to target people living in farm houses but not engaged in agricultural activities. That does not have a family exemption. There are many people living in or renting farm houses that do not do farm work.

Sullivan said the Board should just stop discussing this if there are not three Supervisors who support it. Stutsman asked if Sullivan is suggesting throwing out the whole code if the exemption for farm employees is included. Sullivan said he thinks the rental housing code should apply to every house, but he does not think there are three Supervisors who also feel that way. However, if there are three Supervisors who feel strongly about this, they should just make the decision and avoid further debate.

Neuzil said he likes what is presented in the proposed rental housing code, but he thinks there should be an exemption for farms of 40 acres or more. Sullivan asked if three Supervisors agree with that. Stutsman said she agrees with that. She thinks Nehring indicated that the Board has to do that. Nehring said there is a slight difference between what she is saying and what Neuzil is saying. She said Neuzil is saying that any rental property on a farm of 40 acres or more would be exempt. Nehring said the County is required to exempt any house whose residents are primarily engaged in agriculture. There is a distinction. Sullivan asked if the word "primarily" is actually in the Iowa Code. Nehring said she does not have the specific language in front of her, and while she is not certain of the word use, the intent is to apply to people who meet that criterion.

Harney said his concerns is how "primarily" is defined. He could call himself a part-time agricultural employee if he lives on a farm and bales hay in the summer, but the rest of the time he works somewhere in the city. Stutsman said "primarily" means that that's what the person's occupation is. The majority of that person's time is spent on the farming operation. Mowing the yard as payment for renting the house does not qualify.

Dvorak said it has been difficult to define farm employee over the years. Whenever a manufactured home is put on a farm, the farm owner is required to sign a statement verifying that the person is associated with the farming operation. The Zoning Ordinance says that if a person is not actively involved on a farm, they should not be living there. And that includes blood relatives. Many people violate that policy, and that will have to be addressed if the Board wants to move forward with this proposed rental housing code.

Harney asked who will monitor a person's percentage of income from farming. Dvorak said that is the point; when the persons living situation makes some sense to him, he does not challenge it. This also applies to the Amish community. The Amish people all help on the farm even if they are renting farm property and are not related. Stutsman asked if Dvorak is saying that anybody who rents a farm house to a non-farming person is not in compliance with the County's zoning regulations. Dvorak said that is correct and that's how it has been since 1960.

Neuzil asked how far the Board wants to go and how fast they want to move. A slower process will help establish whether there is a need for more staff and will give an

indication of whether there will be a lot of complaints. Harney said overall, the proposed rental housing code has a lot of good things. The Board just needs to determine how to manage the regulations for the farmer.

Rettig said she thinks the proposed rental housing code is lame and accomplishes virtually nothing. It is not a permit, licensing, or inspection code. Most of the mobile homes in Iowa City Regency Mobile Home Community (Regency) are owner occupied and in some cases the owner is unknown or the County owns the home. As for the renters, they have 30-day leases so once they complain their lease will not be renewed. One recent example is of an individual who receives Section 8 housing and a landlord who refused to put money into the property. The property was then rejected for Section 8 housing. If this proposed rental housing code was passed and this individual complained, their lease would not be renewed. Rettig thinks this proposed code is not worth the paper it is written on. She does not think it address the problems at Regency or anything else that is problematic. Rettig said she wanted to exempt all family members.

Sullivan said he does not want to spend two hours on this discussion if there are three Board members who just want to exempt the farm of 40 acres or more. If that is the case, the Board can move on to the next point. Neuzil asked when Planning and Zoning discover legitimate problems in a rental property, can the County require a landlord to fix the problems before renting again. Dvorak said there is a provision for that in the code. Neuzil said the proposed code should include language that gives the County authority to regulate when a landlord is allowed to rent again.

Dvorak said if there is a substantial or life threatening hazard, the County can order the landlord to take care of it. The person living in the structure is removed until those things are taken care of. Sullivan said a leaning house could be an example of a life threatening hazard. Dvorak said a cracked foundation would be another example. Senior Building Inspector Ruben Arsate said a true example was a basement that had exposed wiring and no egress. The tenants were told that these problems would be fixed once they moved in, but they were never fixed.

Nehring said she thinks the proposed rental housing code dictates that if a landlord does not fix serious issues, the landlord is subject to a civil infraction. Rettig asked how that could be because once the renter complains they receive a 30-day notice that their lease will not be renewed and once the renter gone, there is no complainant. Nehring said if a person makes a complaint and there is an investigation by Planning and Zoning, then at a hearing, the testimony would be from the inspector, not from the tenant. Rettig said the landlord does not have to get a permit to rent the structure again. She asked Nehring to show her the section of the proposed code that blocks the landlord from doing that. Nehring said she does not think the proposed code would prohibit the landlord from renting again, but they could be subject to a civil infraction. Rettig asked Nehring to cite the section of the proposed rental housing code that allows the County to inspect the property again without another complaint.

Stutsman said a complaint does not have to come from a tenant; anybody can lodge a complaint. Sullivan said potentially, the inspector could just drive by the property, view something that is unsafe, and then get a subpoena to inspect it. Neuzil said that is addressed in Section 8:5.16 Penalties for Violation on page 24 of the proposed rental housing code.

Nehring said she is going to walk Board members through the process. The renter complains. Planning and Zoning conducts an inspection and observes a violation. Planning and Zoning issues a citation to the landlord for a County infraction. If the landlord fixes the problem, they can invite Planning and Zoning to re-inspect the property and the inspector may choose to withdraw the citation if repairs have been made and the property meets code standards. If the landlord gets to the hearing and refuses to fix the problem, the judge can cite the landlord or issue an injunction ordering the landlord to fix the problem. That injunctive order would indicate the landlord should comply with additional inspections. Nehring said to move forward to the County infraction step, a second inspection is not necessarily required. In reality, another inspection would probably take place because the first inspection may uncover other violations and the inspector would indicate a willingness to waive the penalty if the problem is fixed and the property is inspected again. She said there is no way the County can prevent a landlord from leasing the property to another tenant until the problems are fixed.

Harney said therein lays the problem. The landlord, refusing to honor a court order to fix the problem, could lease to another tenant six months down the road and the County cannot enforce anything until another complaint is made.

Neuzil asked whether the Board could add a penalty for non-compliance. Nehring said the Emergency Orders Section on page eight includes procedures to address egregious code violations. But without a permitting process, the County is in a difficult position.

Neuzil asked if Board members are interested in a permitting process. Stutsman said she is not. Neuzil asked if a permitting process could be created based on a complaint. Rettig asked if a complaint could trigger a permitting process. Neuzil said it would be difficult to do within this ordinance but it could be requested in the injunction which could allow periodic inspections for a certain period of time. That could be a conditional aspect, but it would depend on the situation. Nehring thinks it would be very difficult to write that into the proposed ordinance without a permitting process.

Rettig said landlords do not go through a permitting process initially. It is possible that after a period of time, the landlord falls behind on or refuses to make repairs. In this situation the County could cite the landlord for an infraction if a tenant complains. Rettig asked if that citation could trigger a permitting requirement for that person's rental properties. She said that goes along with Neuzil's idea of phasing in the proposed rental housing code. If Planning and Zoning does not want to start inspecting all rental properties, then they can begin by inspecting the ones that have demonstrated problems.

Nehring thinks this might challenge due process if landlords are required to get new permits even after they have corrected the problem; no other landlords have to do that. She has not considered that idea before, but that is her initial reaction. If the County already has a process for making landlords fix problems, then it could be problematic to require the owner to obtain a permit from then on.

Neuzil asked if there are three Board members interested in any kind of permitting process. Stutsman said she is not interested. Neuzil said he is interested as long as all properties over 40 acres are still exempt. Rettig said she does not see the purpose of passing something without a permitting process. Neuzil said when the Board talked to Dvorak about this, Dvorak was uncomfortable committing a lot of staff time especially all at once. Neuzil asked about the possibility of taking three to four years to inspect properties around the county.

Dvorak said about a year ago, Planning and Zoning presented the Board with a proposed rental licensing ordinance. At that time, there was not enough support to move forward, so they went back to the Property Maintenance Ordinance. Rettig said that is not true. The Board actually wanted Dvorak to go beyond what he had and the Board gave Dvorak direction to write the ordinance to apply to all properties and not only rentals. Sullivan said Dvorak was right because Dvorak said they would have to inspect about 1/3, 1/3, 1/3 of the rental properties they are aware of. But then people abandoned that plan because they preferred a complaint driven process and blanket inspections of every rental property. Sullivan said Dvorak did that work.

Dvorak said at the discussion a year ago, he told the Board that Planning and Zoning staff could conduct the inspections of complaints, however, the staff could not do the licensing process. He has learned from Iowa City, that if licensing is only required once every three years, it might as well not be done at all. Dvorak said this should be done annually. Over time, licensing could be extended to once every few years or so, but during the first year they would inspect all the rental properties. There are over 1,000 rental properties in rural Johnson County.

Neuzil said if farms over 40 acres were eliminated from that number, there would be fewer rental properties in rural Johnson County. Stutsman said if those properties are eliminated, she does not think there would be very many rental properties left in consideration. Neuzil said he thinks there are rental units in the county that are less than 40 acres.

Rettig said she does not understand the purpose of that. She asked how those landowners are different from a slumlord in town. Neuzil said the Iowa Code protects those landowners. Rettig disagreed; the Iowa Code does not protect landowners running an outside business. Neuzil said he knows Supervisors have different interpretations of the Iowa Code, but he thinks it does protect this type of renting.

Stutsman said she would support what Nehring discussed doing. Nehring asked if Stutsman is referring to an exemption for family members. Stutsman said she wants an exemption for family members and people who are primarily employed on the farm.

Sullivan said he thinks that is the worst possible thing. Such an exemption would give the landowner power as both an employer and a landlord to his or her employees. He thinks that is a very dangerous situation. That exemption puts a lot of power in the hands of one person over another.

Stutsman said she thinks this all started with the problems at Regency. She asked Dvorak if they receive a lot of complaints from people working on a farm. Rettig said Dvorak said the majority of complaints received were about farm houses. Dvorak said yes; complaints are mostly regarding farm houses because there are not many other types of rental properties in rural Johnson County. Planning and Zoning does receive some complaints from Regency, but the ownership issue became a nightmare. Stutsman asked if the complaints about farm houses were from people working on the farm. Dvorak said no; the people complaining were the people renting the properties.

Dvorak said when the County first adopted building codes in 2000, the Planning and Zoning Department received many calls and those calls were referred to Jones. Dvorak thinks Planning and Zoning does not receive a lot of complaints because 99% of people do not think Planning and Zoning can do anything.

Stutsman said she received a non-farm related complaint from a person living in a rental property. Dvorak said he received a similar complaint. Sullivan said Nehring and Dvorak have spent a lot of time on this proposed rental housing code, but he does not think the code does much of anything.

If the Board is not going to adopt something they can enforce then they should not pass anything and allow Nehring and Dvorak to move on to other work. He said Dvorak has been very patient with the changes in direction this proposed code has taken. The Board makes changes at every meeting and creates more work for Dvorak. The Board should make a decision and move on from there.

Stutsman agreed that Dvorak and Nehring have done a lot of work on the proposed rental housing code. Before she gives up on it, she wanted to clarify that the rental code would address non-farm related renters. Dvorak said that depends on how far the Board extends the exemption. Stutsman said if the exemption is done as Nehring outlined, then that would help. Dvorak said he thinks the exemption Neuzil outlined would not help at all. Stutsman agreed. Sullivan recalled what Arsate said about the basement rental with no egress or water heater and with loose wires. He asked if there is anything in the proposed rental housing code to address that. Dvorak said the County could address that if it is a rental property, but depending on how farms are exempted, the County may not be able to do anything about it.

Sullivan said an old farm house on a property over 40 acres would not get inspected. Dvorak said it depends on what the Board decides to do with the exemption. Stutsman recalled that with the building inspections, they acknowledged it was a big change and should be done slowly. The Board decided they could revisit the building code and make changes at a later time if necessary. Stutsman thinks the existence alone of a rental housing code will force people in the unincorporated area to either make changes or stop renting out the property.

Neuzil said he thinks there is value in moving forward if there are three Board members that want to exempt properties of 40 acres or more. He thinks the proposed rental housing code does have some value. He thinks the next step is permitting and licensing.

Harney said he would like to address the exemption. He thinks they could make some changes to the following text listing who would be exempt: "The renter of a residential structure on the farm that is related to the owner in the following manner: either brother, sister, child, parent, or grandparent, or to be employed on said farm." Harney still thinks the part reading "...to be employed on said farm..." could be changed to relate to farm or family operations or something like that. Harney said he is trying to protect the family farm and the people working on the farm.

Nehring said it seems like Harney and Stutsman agree on that, but Neuzil would like to see a broader exemption for all farm properties, and Rettig and Sullivan were opposed to a farm exemption. Sullivan thinks exempting people is a choice to not protect them.

Rettig said she was willing to compromise on exempting family members as long as the definition included same-sex couples and their families. The Board needs to be careful how this is worded so that if the marriage language changes in the Iowa Code the proposed housing code would still cover those families. Rettig said she thinks it is easy to take advantage of a family member, and it happens all the time, but family relationships and family financial relationships are all a little weird. For example, one family member may give another family member a house in exchange for produce or help with the livestock. Rettig said she feared that a family member would house a grandparent in a basement without an egress, but was assured that DHS could intervene in a situation of elder abuse.

Rettig said the exemption would not include exempting anyone in a farm house. A farm operation is a business and the operation could be very dangerous or function in slum-like conditions. She thinks properties like that should meet minimum standards if they are going to charge rent. Sullivan said landowners are in a position to exploit employees. Rettig agreed.

Neuzil asked if three Board members want to move forward with the proposed rental housing code. Rettig said if the Board is ultimately going to vote no, it does not really matter. She still thinks the proposed code is pretty lame and does not serve a purpose. It will not help the County with the issues that plague Regency. The Board started with

concerns about Regency and similar situations, and faulty farm houses. Rettig thinks the proposed code will accomplish virtually nothing.

Harney asked Nehring for her opinion on whether the Johnson County Board of Health Regulation of Health Nuisances regarding unsafe and unsanitary buildings applies to the rental properties.

Nehring said a situation needs to be pretty severe before it could be in violation of the safe and sanitary conditions regulation. An unsafe building now means a building that is about to collapse. Nehring said the definition of an unsafe building in the May 27, 2011 document is quite restrictive, it addresses situations where a boiler is on the brink of explosion or a building is going to collapse. The unsanitary building portion of the regulations addresses egregious standards. Nehring thinks the public health nuisance portion of the Public Health ordinance can be enforced to correct really bad situations. However, she thinks it may not apply to an issue inside a house that is not immediately life threatening.

Johnson County Farm Bureau President Russell Meade said the Farm Bureau is setting up farm corporations for farms of 500 acres or more. The farm corporation may own the house for tax advantage purposes. With the way the proposed rental housing code is worded, if the resident does not own the house, that person is a tenant regardless of whether they pay rent. Meade thinks that is similar to what Iowa City does. Given that, the Farm Bureau wants to recognize that a person does not have to pay rent to be a tenant; a tenant can be anyone living in the house owned by the corporation. Even a farmer having lived in their farm house for 80 years, could suddenly be classified as a tenant on their own farm operation if it is bought by a corporation.

Meade said the Farm Bureau was interested in the farm exemption from rental properties based on the Iowa Code. In addition, the Farm Bureau created some basic language changes to make sure that people will not be prevented from farming on land where they rent a house to someone not involved on the farm. The Farm Bureau has some suggested changes to clarify that protection. Meade quoted Iowa Code 331.304: "A county building code shall not apply to farm houses or other farm buildings which are primarily adapted for use for agricultural purposes, while so used or under construction for that use." The Farm Bureau interpreted that to include farm labor and hired workers. Often, part of a farm worker's pay is free rent. For tax advantage purposes, a farm laborer who is also a farm tenant seldom pays rent. If the employee does not work on the farm, they are not going to live in the house.

Meade said on individual farms with one laborer, the problem Sullivan brought up will probably not be seen. It may be a different scenario in the case of a migrant village, and the Farm Bureau was trying to determine what the migrant rules are. Meade believes there are some federal standards. Sullivan said he would be interested when Meade finds out what those are. Dvorak said the County does require conditional use permits for migrant labor camps.

Meade said the Farm Bureau found an instance in the proposed rental housing code where it sounds like a building inspector can be eligible to inspect all dwellings, regardless of whether they are rental properties. Meade thinks the language in some area of the proposed code needs rewording. Accessory structures are a concern when a person rents a farm house but is still farming the property and using the buildings on that property. He asked what is expected of those accessory structures and where the rental property stops and the farm starts. There is also an issue with hazardous materials on the premises if a person is renting the property. That would be a concern if the shop is considered a part of the rental property.

Meade said the Farm Bureau would be glad to send some of the language issues out to the Board so they can review the conflicts they found. Especially in relation to the issues with accessory structures, there needs to be some determination of where the farm starts and the rental property stops.

Nehring said the Board has talked around this topic, but she completely agrees that under Iowa Code, the County cannot regulate and apply a rental housing code to people who are renting a home and are primarily engaged in agriculture. From a policy standpoint, even if a Supervisor thought there should be protection for that, the County is preempted in that area.

Rettig asked if the proposed rental housing code is a building code or a housing code. Rettig said Nehring's earlier legal interpretation was that it was a housing code and not a building code. Rettig said that Nehring is now arguing the reverse of what she argued a few months ago. Rettig asked if this is a building code or a housing code.

Nehring apologized about this saying it has been a while since she looked at the code. She said she thinks there is some language in place in other County statutes that makes it very difficult for Planning and Zoning to regulate rental areas when they are primarily engaged in agriculture. Rettig said she would prefer to have the County Attorney's opinion on whether this is a building code or housing code, and she wants that opinion in writing. If necessary, the Board can then ask the Attorney General for an interpretation of that Code section. Rettig said before Nehring continues, she would like to know if it is a building code or a housing code. Stutsman asked if the Board should table the discussion until this is sorted out.

Neuzil said that may or may not be helpful. Getting an understanding of the interpretation of Iowa Code 331.304 is really difficult. It is about defining what constitutes a farm and how much someone is farming. That is why he thinks it would be much clearer to start with exempting farm properties of 40 acres or more. The Board can try to get a better understanding or interpretation of how Meade is interpreting renting a home where the tenant is or is not a farm person. It is hard to define.

Stutsman clarified that exempting farms of less than 40 acres would exempt nearly all the rental properties in the unincorporated area. Sullivan said the local definition and state definition of "farm" differ from one another. Dvorak said the definition of "farm"

does not include criteria for a farm, it just says “ag-related”. The agriculture term and an acreage amount were added the County’s definition.

Meade said the Farm Bureau’s interpretation of the Iowa Code is that it pertains to anyone involved in the farm operation. If the purpose of the building is adapted for agricultural use, meaning that someone living in the house must be doing something on the farm for it to apply. If the person living in the house is not doing anything on the farm, the connection may or may not be there.

Harney said he can understand that someone who does chores on the farm is considered part of the farm operation, but if someone is just baling hay or mowing the grass for the summer, that is not necessarily agricultural. Meade said he does not want to make an interpretation of exactly where to draw that line. Sullivan said in his opinion, what a person does for an occupation has nothing to do with whether the house they live in is safe. He just thinks houses should be safe regardless of what a person does for a job. Sullivan said he thinks it is crazy that those two things are tied together.

Neuzil said he wants to make sure that any Johnson County rental housing code complies with Iowa Code 331.304. That is where he wants to start the discussion. Harney agreed. Neuzil said he is still interested in moving forward as long as the County is in compliance with the code.

Nehring apologized for any confusion. She has been contemplating Iowa Code 331.304 in regard to the public health nuisance which applies a slightly different standard. She also looked at that chapter in regard to the Property Maintenance Code, and now the Board is discussing it in relation to a proposed rental housing code. There is also a statute that applies to zoning. She said she may have spoken out of turn; she has gone from meeting to meeting applying slightly different sections of the Iowa Code. Nehring thinks this section of the Iowa Code and its application is something to be cognizant of. She does not interpret Iowa Code 331.304 to mean that all farm houses are exempt. Neuzil said he does not disagree with her. He just brought that up as a place for the Board to start.

Nehring asked if there is consensus among three Board members to move forward.

Neuzil said he is interested in moving forward as long as there is compliance with Iowa Code 331.304.

Harney suggested that the Board and Farm Bureau meet to discuss what each entity would like to have happen.

Stutsman said she is interested in moving forward according to the terms she previously described.

Sullivan said he is probably going to vote against the proposed rental housing code because he does not think it is as comprehensive as it needs to be.

Rettig said she thinks the Board has been working on this for a year, and the Supervisors have given staff approximately 12 different directions. The end product is something that does not address any of the problems. She does not think the proposed rental housing code is worth anything. Rettig does not know if she would vote for it or not, but she does not think tweaking it or exempting more people makes it better.

Stutsman asked if there are three Board members who want to go ahead with the Iowa Code language. Sullivan said he thinks this is just wasting Nehring and Dvorak's time, and he would rather they focus on other work now. Harney said he is not willing to stop working on this yet, but he thinks they can look at the Iowa Code to determine exactly what is allowed. He would like the Board to take another look at the proposed rental housing code before abandoning it. Neuzil said he is interested in doing that. Stutsman said she is interested in doing that too.

Sullivan said in section 8:6:14 of the third version of the proposed rental housing code, there is a reference to a County fire marshal and Johnson County does not have a fire marshal. He thinks it should be changed to just say "fire marshal". The removal of the word "County" would be sufficient.

Nehring said she does not think there is any disagreement about that. If they are going to move forward on the code and continue to try to carve out exemptions, Nehring asked if the Board has a consensus about exempting family members not engaged in agriculture. She does not see how family members who are not engaged in agriculture and who are renting farm properties would qualify for exemption in any way. She does not see how Iowa Code 331.304 could be interpreted to extend to those people. Nehring said she would like some direction and asked whether there is a consensus to look at the language that would exempt family member renters.

Stutsman said she would like to exempt family members. Rettig said all family members should be exempt, regardless of what they do for a living. She thinks familial relationships are confusing. Sullivan said he is not interested in any more exemptions. Neuzil said he would like to have Nehring write that and then he can take a look at it.

Recessed at 10:24 a.m.; reconvened at 10:34 a.m.

Neuzil left at 10:34 a.m.

**NEXT STEPS FOR SOCIAL SERVICE BLOCK GRANT PLANNING  
INCLUDING:  
Innovation Fund Planning for FY2012**

Social Services Coordinator Amy Correia said the 2012 Innovation Fund includes \$20,000 that was set aside in the FY12 Social Services Block Grant Fund, Department 20, for a competitive grant to get those dollars out the door in FY12. She wanted to bring a recommendation to the Board and get more information on the possibility of partnering

with the United Way of Johnson County for joint funding. Correia thought this might be an interesting way to model collaboration as well as cut down on the wave of funding applications that are released at the same time.

Sullivan asked if the same group that does the allocations during the regular funding cycle review these applications for the United Way. Correia said they do. She would not propose having Social Services partner with them and having County money decided on by that group. Correia wants to work with the United Way to combine the review efforts. Sullivan said the County would not necessarily fund the same thing as the United Way. Correia said that is correct. Stutsman said the United Way and the County would have their own funding pools. Correia said some of the details are yet to be worked out.

Correia discussed options with the Board and brought up the possibility of Decat participation. She said she thinks there could be some value in discussing who wants to fund what. Sullivan said agency directors will apply to multiple funding sources and if all are approved, the agency could potentially receive more money than they need.

Rettig said first, the United Way, the County, and Decat may all have different priorities. Second, Rettig said in the past, the United Way has not followed the City of Iowa City's or the County's human rights ordinances, and although now the United Way is in compliance, she will always hold them on edge because of that. Third, she thinks it is a little confusing trying to determine who the funder is for a given entity. The County always gets overlooked for its contributions and even when the County completely funds a program, it's the mayor of Iowa City who is invited to cut the ribbon, or the United Way who receives the recognition because they are the overall funder. Stutsman said the County doesn't receive recognition in United Way's year-end program. Rettig said taxpayers do not know what the County gets for their tax dollar. Rettig said all these reasons are why she is hesitant about this partnering suggestion.

Rettig said, however, what makes her think this might work is that the County determines and sets its priorities for the year. In addition, the County would like acknowledgement and invitations to programming events and site visits.

Rettig said she thinks they should fund the best programs that fit the County's obligations regardless of who the applicant is. If that means that every penny of the County's \$20,000 goes to one agency with three different programs, then that is fine.

Correia said the Innovation Fund is designed to fund specific services that meet specific needs that are identified as priorities. What matters is that these are the best programs to meet the priorities established by the County and not that they are all within one agency.

Rettig asked Correia if any agency is eligible to apply to this fund. Correia said the first round, the community impact round, has always been open beyond the United Way partner agencies. Sullivan said Coralville Parks and Recreation could apply for example. Harney said he shares some of Rettig's concerns and added he is not sure he wants the

United Way to evaluate and score applications for the Board. Correia said that would not happen. She would propose a County subcommittee including herself, Community Projects Specialist Latasha Massey, a Board member, a Public Health representative, or Early Childhood Specialist Laurie Nash to make decisions on the County's portion of funding.

Correia said she absolutely understands that the Board wants to make sure the County has its own contractual relationships with its portion of the money, and that reporting requirements, communication requirements, and acknowledgement of the County's contribution be a part of the partnering agreement.

Stutsman asked if Correia could prepare a written description of how the model works. Correia said she first wants to know if the Board is interested in moving forward without obviously making any commitments. She does not want to pursue further conversations with United Way about the details if there is no interest in moving forward.

Stutsman said the key is that the County wants autonomy with its money. If United Way wants to dictate where the money goes, then she is not interested.

Harney said in previous discussions, he recalls that people had agreed that they would not always give the money away, but would look for innovative ideas that might benefit programs beyond those which the County has been giving money to. In this discussion, it sounds like the \$20,000 is going to be earmarked no matter what.

Rettig said that the Board said if they did not get an application, then they would not have to pay out those dollars. She said the Board did not say it was definitely going to award \$20,000, it said it would award up to \$20,000. Correia agreed and said this same issue came up at the recent Decat meeting; the County is not obligated to distribute the full \$20,000. She also said the County needs to figure out a way to get applications.

Correia said she will visit with United Way representatives and report back to the Board. Correia said any requests for applications that would involve County dollars would come back to the Board to review. Rettig said United Way has an online system so applications are submitted electronically.

Stutsman asked Correia how often the County would review its priorities. Correia said the three basic areas funded with the Social Services Block Grants include basic human needs of food, shelter, safety, and crisis intervention, the health services, and services to enhance family and child well-being. She asked the Board if there is a priority among those. Rettig and Stutsman said they thought the Board already decided that ranking basic human needs first. Correia said the ranking means that money goes to all three categories within it. She asked if the Board is interested in pulling out one of those specific areas as a priority for the Innovation Fund. A discussion of the hierarchy of basic human needs ensued.

Rettig suggested the Board could rank the priorities on a scale of one to five.

Correia said she thinks there is consensus from the Board to test some of their ideas with the Innovation Fund to make changes to the larger Social Services Block Grant. Rettig said she does not want to rule out the fact that the County should not be increasing the Social Services budget. The County has been in a budget freezing pattern for three years. Meanwhile, 10,000 people moved into Johnson County. At some point, gradual adjustments will be necessary. She does not think all the Social Services Block Grant money must be moved into the Innovation Fund.

Correia asked if the Board is comfortable prioritizing poverty for the \$20,000 in the Innovation Fund. The Board said yes. Correia said she will return to the Board with more details on that topic. Rettig asked if Correia can draw out some options.

Sullivan said this process changed a lot over the last seven or eight years. Twenty years ago, the only funders were United Way, Johnson County, and the City of Iowa City (Iowa City). Iowa City never really asked questions, they would give money to the Crisis Center of Johnson County (Crisis Center) and never asked who would be served through the programs. The County would give money to the Crisis Center and asking them to make sure people from North Liberty were being served. Slowly but surely, the City of Coralville (Coralville) and the City of North Liberty (North Liberty) started to put money into some of these services. Sullivan said the Board should note that 90% of what Coralville funds is located in Coralville. Coralville is not going to give a lot to the Shelter House, for example, but will be generous with its donation to the Coralville Family Resource Center. The City of North Liberty does the same thing. Coralville and North Liberty are less likely to put money in the Shelter House or the Free Medical Clinic because they view those as Iowa City or Johnson County programs. Stutsman agreed.

Rettig said that is the problem. The Crisis Center is responsible for service to the whole region. Now, every community will essentially have their own crisis center. That puts Rettig in a quandary about the whole thing. Rettig talked to the Crisis Center, and they view the food bank as a satellite. This means people do not have to drive into town to get food. If it gets to a point where the food bank wants to do more than that, then it creates a problem. Rettig does not think the County needs more agencies. Stutsman agreed and said it is ridiculous for every community to think they need to have full services. It is equally ridiculous to say certain people need to go to Iowa City to get services.

Harney said the nice thing is that the food pantry is computerized now so people know where the food is going and efforts are not duplicated.

Sullivan said that money is being raised publicly and if people have five more options to give money to, he asked if they will give as generously to the places they previously donated to. He thinks the Board needs to determine how much each city is contributing and to what. Correia said she thinks North Liberty gives primarily to the North Liberty Family Resource Center and the North Liberty Community Pantry. Sullivan said he

thinks the City of Solon has contributed maybe hundreds of dollars but not thousands of dollars.

Stutsman said she is sure the rationale is that the County taxes everyone who lives in Johnson County, so the cities feel the County should fund those programs. Sullivan said he is okay with that, but he feels there needs to be some coordination so that Coralville and North Liberty services are not overfunded. Rettig said she is okay with that as long as the cities give up some more Tax Increment Funding (TIF) dollars. Stutsman agreed.

Correia said the Crisis Center certainly provides more services than the food pantry including the 24-Hour Crisis Line. This is about creating more resources to address the needs.

Rettig said she wants the County to figure out a way to actually make a difference. It feels like the County spends enormous amounts of money, but Rettig is never quite sure what they got out of it.

Sullivan said in some situations, it may not be possible to observe how the money is spent because it often involves the poor population. For example, a caseworker meeting with a family on site at Regency could be confidential enough that a person would not see it anyway.

Correia said she thinks the Board has expressed an interest in being able to demonstrate the positive impacts of the services that are partially funded by the County. It is more important to demonstrate that people who access the Shelter House for example, are better off after having done so. The Board can look at the extent to which people are better off after accessing certain services.

### **FY2013 Funding Process**

Correia reviewed the principles of funding and priority funding areas. The Board wants to support programs that can leverage other funds and programs that do not have access to other funds. Stutsman said yes. Correia asked if the Board agrees with the criterion that the programs demonstrate a report on positive impact. Stutsman said yes.

Sullivan said he is hesitant to say he would not consider anything else, but programs meeting these criteria would definitely be a consideration. Stutsman said she does not want to completely adopt what United Way has put together. Correia said she is not talking about adopting this either. This is a framework for the Board to work from. Sullivan said he generally agrees with what has been laid out.

Correia asked if the Board wants to predetermine a percentage of funding to go to a particular need area. Sullivan said no. Stutsman agreed. Sullivan said he thinks that defeats the purpose of the Innovation Fund. Correia said she is not talking about the Innovation Fund, she is talking about the Social Services Block Grant. Sullivan said he is not interested in totally upsetting the progress that has been made.

Correia clarified that she has moved on to the agenda item addressing the FY13 funding process for the Social Services Block Grant. Rettig said the Board identified basic human needs as their top priority, but they are only putting 20% of the money into this area. She said Correia is asking whether the Board should take that money and divide it further.

Correia asked if the Board wants to consider its funding percentages in the context of other County Social Services funding. Rettig said that is really important to her. It involves dollars from all of the Cities, Decat dollars, Juvenile Justice Youth Development Program (JJYD) dollars, Johnson County Empowerment (Empowerment) dollars, and the County dollars. That question relates not only to County dollars in Social Services but to every dollar from the government. Stutsman said she thinks that is what the Board needs to include. Correia said that is a challenge because they don't know what the other agencies are considering. Rettig said it changes because the entities are all making budget decisions at the same time.

Sullivan said he thinks the easy answer is yes, the Board does want to consider its funding in the context of other County Social Services funding. They just do not want to tie the County's hands. Stutsman said she feels differently if the 20% funding for basic human services does not include General Assistance dollars. Correia said the chart just represents the Social Services Block Grant. Rettig said Veteran Affairs also. Sullivan said look how much federal money is going to youth and families in terms of Medicaid.

Rettig asked if Correia can expand the chart's information to show JJYD dollars. Correia said she did. JJYD dollars are County dollars. Decat and Empowerment dollars are not County dollars. Rettig said she understands, but they are all part of one package. She wants to know what local governmental money is routed through boards and commissions the Board controls. If they are not meeting the needs in those areas, they need to reevaluate and possibly reallocate money.

Correia said Decat, Empowerment, and Public Health dollars are locally controlled locally but not by the Board of Supervisors. She said she should also add County money allocated to the Child Protection Unit Support Fund which is used to buy vacuum cleaners or beds for example, for families so that the children can stay at home.

Correia asked if the Board wants to consider the framework in which services are provided. Sullivan said yes and Stutsman agreed. Correia asked if the Board wants to continue to participate in the joint application with United Way. Stutsman said yes. Rettig said it does not mean anything other than the fact that a person fills out only one application. Sullivan said it means something in terms of Correia's time and work.

Correia asked what level and type of competition the Board can support. She has heard talk about phasing in competition but isn't sure what that means. Stutsman asked what Correia means by competition. Correia said she is referring to competition between agencies for the Block Grants.

Sullivan said he does not view this as competition, but rather as community agencies meeting important community needs. He thinks the County reserves the right to tinker with the funding amounts, and if necessary, pull it's funding if an agency gets misdirected.

Harney said he wants to be flexible yet maximize the return on the investment by funding programs which reach the greatest number of people.

Rettig said during the last budget cycle, she said the Board might have wanted to give people fair notice if the Board was going to make radical changes to the Social Services Block Grant because those dollars have been used to leverage other grants. If the County takes away \$20,000 from an agency that may mean the County loses \$100,000 of services. Rettig said she has no problem with the County providing some level of support for agencies to keep their doors open. Correia said many Federal grants now allow indirect administrative support.

Correia asked if the Board wants to say these 16 agencies are the ones the County funds in the Social Services Block Grant or if the Board wants to consider other organizations. Stutsman said the Board definitely wants to consider other organizations and Sullivan agreed.

Rettig asked if no one other than United Way partner agencies can fill out that joint application. Correia said other agencies could apply, but the County does not make a public announcement about the availability of money nor to invite others to apply. Stutsman said the County should leave the door open for others to apply. Correia said in order to be fair, they would have to make an announcement since that is the only way other agencies would know about the application. Rettig said she thinks everyone should have the opportunity to apply for block grants, but she has little interest in expanding the number of agencies in the County. There are only so many agencies the County can support. Sullivan said he agrees with all of that, but he does not see anything wrong with making an announcement. Correia agreed.

Stutsman said she is not interested in non-local groups applying for County money for start-up funds. If a group can satisfy an unmet need, Stutsman would be willing to consider it. Correia said the application could ask new applicants for their history of providing services in the county.

Rettig said she would like to keep the application process open to others, but that does not mean the County wants to fund 16 new agencies. Rettig does not want any false expectations.

Correia asked if the application should include a question about what percentage of an agency's budget is for administrative expenses. Stutsman said yes. Rettig said the Board wants agencies to participate in community fundraising and asked if it would be

important to the Board to consider agencies that have development directors. Correia said she thinks fundraising efforts consume a lot of time with very little return.

Correia said she will be working with United Way Vice President Patti Fields on the specific items and questions on the joint application. Correia asked if the Board wants her to present those questions at a future Board meeting. Rettig asked Correia to send the Board the 2010 application so that they can review it. Other than that, the questions are up to Correia. Sullivan said he doesn't think the Board would need to review the questions. Correia said she just wanted to make sure. Rettig said if Correia gives the 2010 application to the Board, they can provide feedback. Stutsman said she feels Correia and Fields are the experts. Rettig said after the Board gives Correia their ideas, she does not feel a need to see the application again until it is done.

### **Block Grant to Livable Community Policy Board**

Correia said the Board provides \$13,000 to the Livable Community for Successful Aging Policy Board (Policy Board) for its efforts to reach its mission. There has been a metamorphosis in the Policy Board over the last few years. The money originally went to Public Health. There were other grants, and there was a full time employee. The full time position ended because the other grant funding ended. There was then an agreement with Elder Services because they had an employee who could spend ten hours a week on the Livable Community for Successful Aging. This was a kind of fiscal agent agreement with Elder Services, and the money funneled through them. The Policy Board does all the oversight and sets the budget. Approximately two years ago, the Elder Services employee left the agencies so an independent contractor performed the aging specialist activities. The Policy Board still funneled all the money through Elder Services, including the action team support.

Correia said the County does not seem to be getting the best value in that arrangement, due to the administrative costs of funneling the money through another non-profit organization. There is a double layer of bureaucracy. The agency pays out the costs and sends the bill to the County. The relationship between the aging specialist, the fiscal agent, and the Policy Board has become convoluted. It is unclear who the supervisor is and who directs the work. Stutsman asked how Correia thinks it should work. Correia said the Policy Board is interested in having the money come straight through Social Services.

Stutsman asked if Correia would administer the money and work with the Policy Board. Correia said yes. Rettig said the County is paying Elder Services for overhead and that violates Internal Revenue Service (IRS) rules for an independent contractor. Correia said the County spends about \$2,000 a year in administrative expenses and supplies, and with the new arrangement, they would be able to put that money into direct programming and action team support.

Correia said the main change is that the County would be entering into an independent contractor relationship with the aging specialist. Stutsman asked if Correia

is prepared to take over that responsibility. Correia said yes, the Policy Board will be doing the direct supervising. The executive committee and the Policy Board will set the work plans and provide supervision. Correia said she talked with Shramek about whether the County could do the independent contractor agreement with the aging specialist and whether it would comply with the IRS rules. Based on how Correia explained this person's work, Shramek believes the arrangement complies with the rules and Correia said it would save money that could then go directly into the program.

Stutsman asked if Correia would have to provide the independent contractor with office space. Correia said she could not do that because the person is an independent contractor. Rettig said the County cannot direct the independent contractor's work on a daily basis or provide the work space. Correia said the County would not be providing equipment or space. Stutsman said she is okay with this. Sullivan said he thinks it makes sense.

### **Funds for Housing Assistance**

Correia said she wanted more direction from the Board about the purpose for those funds set aside for housing assistance. Rettig said she thinks the Board just needs to sit on the money for now. Correia said she will not do anything until further notice. Rettig said the State could close Regency, and the County would need the money to relocate. Stutsman said the County could help with relocation or emergency services but she is not interested in bailing the landlord out. Sullivan said that is why the Board put the money aside. Correia said this specifically relates to Regency. Rettig said no, the funds could be for anyone. However, since the Board has not passed anything, they should just sit on the money for now.

Adjourned at 11:46 a.m.

Attest: Tom Slockett, Auditor  
Recorded by Courtney Fisher