

**MINUTES OF THE INFORMAL MEETING OF THE JOHNSON COUNTY  
BOARD OF SUPERVISORS:  
JUNE 30, 2011**

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Chairperson Harney called the Johnson County Board of Supervisors to order in the Johnson County Administration Building at 9:45 a.m. Members present were: Pat Harney, Janelle Rettig, Sally Stutsman, and Rod Sullivan; absent: Terrence Neuzil.

**JOINT EMERGENCY COMMUNICATIONS CENTER EXECUTIVE  
DIRECTOR GARY ALBRECHT: UPDATE/DISCUSSION**

Joint Emergency Communications Center (JECC) Executive Director Gary Albrecht said he started his position at JECC on January 3, 2011. Albrecht said a budget was approved by the Joint Emergency Communications Services Association (JECSA) Policy Board (Policy Board) in December 2010 and it includes the reorganization and consolidation of positions. For example, originally there was an Operations Manager and a Dispatch Supervisor. Both of those positions have been eliminated and consolidated into an Emergency Communications Coordinator position. They are currently in the process of filling that position. Schedule changes are forthcoming in an attempt to reduce overtime pay. He thinks the JECC budget is a little over \$2.9 million for FY12. At this point, they are well within their means to handle it.

Albrecht said since January 2011, the Policy Board has begun contract negotiations with all JECC employees because in November 2010, employees expressed intent to form a union. Negotiations started in February 2010 and on March 12, 2011 they entered into a new contract with Communications Workers of America, which will be effective

July 1, 2011. Stutsman asked for an explanation of the contract terms. Albrecht said in the initial FY12 budget a 3% across-the-board pay increase for all JECC employees was approved. However, they negotiated a 2% across-the-board pay increase for all union members effective July 1, 2011. Other requests were small items, such as increasing the number of personal days from one to two and the ability to carry over vacation days from year to year. Albrecht said the highlight of the negotiations was the 2% pay increase.

Rettig asked if JECC employees contribute to their health insurance. Albrecht said yes. Rettig asked how much. Albrecht said if the employee has a single plan, there is no charge for health insurance. If the employee enrolls in the family plan, the cost is \$40 per month for health insurance. Rettig clarified that individuals with the single plan do not pay anything. Albrecht said that is correct.

Sullivan said he is glad Albrecht is at the meeting. Albrecht said it has been a long time coming. He has wanted to come to meetings and has been attempting to meet with all JECC member agencies, but it has taken six months to be able to do so. Rettig said of all the member agencies, the County pays all the bills. She said she is rather disappointed that it has taken Albrecht six months to meet the Board, especially since the Supervisors are in their offices every day. Albrecht apologized.

Sullivan said it is not a secret that some Supervisors have had long-standing concerns about many issues with the JECC. He said he is happy with the consolidation of positions since he has argued for that for years. He is glad it finally happened and he wishes it would not have taken as much effort as it did.

Sullivan said the equipment replacement policy has changed over the years. He said there is a contract that the Board has not signed yet, but will need to enter into it at some time. He said his understanding is that after an initial purchase, the individual entities would be responsible to replace individual units that break or wear out. The new contract says the JECC will cover those costs in perpetuity.

Albrecht said they have discussed this issue at JECC User Advisory Committee meetings and JECSA Policy Board meetings. The Emergency Communications Equipment and Services Agreement that every member agency and user has been asked to sign will be revised in the future to address concerns about which entity pays for which equipment. Previously, there were two sides of the story. One side was that JECSA would buy the radios and everything else was the member entities' responsibility. In the beginning it was thought that the member entities would return used equipment including radios, microphones, speaker microphones, batteries, and battery chargers and receive brand new equipment in exchange. That is what they have come to label the base package. If JECSA is only responsible for the radios, it is like buying a car without the tires, brakes, or the steering wheel.

Albrecht said the initial purchase is now considered the base package, which consists of the radio, the battery that comes with the radio, the antenna that comes with the radio, an additional battery, a battery charger, a lapel microphone that would go from the radio

to the user's shoulder, and a radio holder like a holster or clip. That is what JECSA is responsible for. For example, if the Sheriff's Office tells JECSA that they are hiring two new deputies in FY13, JECSA will budget for two deputies and provide those employees with the base package. That is how it is going to go until the radios are no longer of use. Life expectancy of any radio system today is between seven and ten years. When all of the current equipment needs to be replaced, they will bond for it and every entity will return their equipment and JECSA will replace it, similar to the initial process.

Albrecht said for example, if next week the Sheriff's Office calls and says one of their radios is not working, JECSA will exchange it out with a spare radio and repair the non-operable radio. If the Sheriff calls and says one of the radios was dropped in the reservoir, that would be considered negligence, and JECSA would not be responsible for replacement. That is one of the reasons all member agencies that sign the Communication Equipment and Services Agreement are asked to purchase insurance.

Albrecht said JECSA provides the base package only. They will provide additional radios to new employees and new patrol cars and fire trucks. Other than that, there will not be a mass purchase of radios until the life expectancy of the current radios expires. When Linn County goes online with their system in about two years, all of those radios with the out-of-county agencies will be returned to JECSA. The radios will be available for redeployment, and thereafter JECSA will not have to budget for new radios when a member agency needs one.

Rettig said one of her ongoing concerns is that the University Heights Police Department only has two law enforcement officers on duty at an one time, except for home football games. However, JECSA provided them with eight full units that sit on a charger at University Heights City Hall. By the time they are actually used, that equipment will be out of date. She does not understand why they were given eight units that are not used, when they only have two officers on duty at a time. She said if member agencies do not need the radios for major events, they should bring them back to the JECC. Those were decisions that were made before Albrecht became the Executive Director, but she said that is the source of some of her frustrations with JECSA. When Albrecht previously said that the JECC will bond, that was inaccurate because it will be the County that will have to bond and the Supervisors will be blamed for tax increase, not Albrecht and the JECC.

Rettig said she is not sure that the original intention of the agreement was that all member agencies would never have to pay anything for communications equipment from their own budgets. She said she is not sure that was originally part of the discussion, or at least it was not what was sold to the public. Albrecht said it is his understanding from recent discussions over the issue, the JECSA will provide for additional employees, not teams of employees. They have debated the meaning of the words "radio" and "accessory". They have always said the accessories are the responsibility of the member agency. If a department wants new Special Weapons and Tactics (SWAT) headsets or bone microphones, it is their responsibility because those are considered accessories.

The base package is created to make the radio work and perform the way they performed before JECSA, when the departments were on their own.

Albrecht said he cannot speak directly to the reason for excess radios in University Heights, but he has a pretty good idea of why they are there. He does know that radios were replaced in University Heights. If the University Heights had 10 radios, 10 were replaced, even if only two were used on a regular basis and eight of them were seldom used. He said that is the only way he can address that issue without speaking to someone from University Heights Police Department. Rettig said she thinks that is exactly how it happened, but she thinks it is the wrong way for it to have happened. Member agencies may need extra radios for big events like Solon Beef Days or Register's Annual Great Bike Ride Across Iowa (RAGBRAI). There should be a loaner set that is distributed where needed, and redeployed to University Heights for football weekends. She thinks it is a waste of resources to have eight radios sitting around on a shelf unused. Recently she was in University Heights City Hall and was told that usually one radio, but two at most, are in regular use. Rettig said she knows Albrecht is not responsible for this but there are too many radios that are not being used.

Harney said it is not that easy to hand off a radio to someone else. Radios are programmed to operate per individual officers or firefighters. For example, emergency button on the radio transmit identification and location information. They cannot reprogram the radio in a short period of time to fit another department's needs. It has to identify with that individual officer or firefighter. Rettig asked if it is possible to have them reprogrammed for RAGBRAI. Albrecht said it is possible, but Harney is correct to say that the radios are specific to a department and individuals. The JECC has several spare radios. If the City of Coralville Police Department asked for four radios for RAGBRAI, they could not hand the four radios over right away. Those four radios would first have to be reprogrammed to fit a Coralville image, because the image is specific to Coralville and it would have to fit that. They would then have to take the LIDs, the local identification number of the radio, and provide that into their radio system so when the microphone is keyed and that LID comes up, the dispatcher will know who has the radio. That is the way it is intended. Programming or reprogramming cannot be done on the fly.

Stutsman said there have been concerns about providing equipment for many entities throughout Eastern Iowa, including the State Highway Patrol, the Department of Natural Resources, and the University of Iowa, and not getting reimbursed for those things. Albrecht said that has been a concern lately because there are many non-member public safety users and a number of non-member non-public safety users that want to be added to the system. For example, North Liberty Public Works has approached the JECC about adding 22 to 23 radios to the system for their use. They are responsible for the purchase, upkeep, and everything for those radios and the JECC is not. There are a number of State agencies who use the JECC system including the Iowa Fusion System, an investigative team that assists various police departments with investigations. They have asked for access to the JECC system, but they are responsible for the purchase and upkeep of their

radios. The JECC only provides them occasional airtime when they are in the area to help local investigators, other than that JECSA has nothing to do with it.

Rettig asked if Secondary Roads has asked for access to their system. Albrecht said they have not. Rettig said they are required by Federal law to upgrade their radios and it is interesting that everyone else is asking except County departments. Harney said he does not think that is true. He thinks Secondary Roads staff did talk with Former JECC Interim Executive Director Tom Jones, and they are weighing the costs. Stutsman said SEATS staff are doing the same thing.

Stutsman said the County is going to implement DeskActive, a software that encourages people who work at their desks to take breaks and gives them ideas for exercises they can do at their desk. They have had a terrific response at the County and 64 people have signed up for DeskActive. Insurance Associates of Iowa City Partner and County Insurance Agent of Record Bob Saunders is on the Safety Committee and he thought it would be excellent for dispatchers. The cost is \$50 per license per computer, but would be money worth spending to avert even one carpal tunnel claim.

Sullivan said Assistant County Attorney Susie Nehring is working on the bylaws of the E911 Commission, which had not been reviewed in a long time. E911 was designed before the JECC and it did not envision the establishment of such an agency. Sullivan said that Albrecht and Jones were at the last E911 Board meeting, and should be at all meetings since emergency communication is the subject of the meetings. He said the E911 Board budgeted well over \$300,000 to go to JECC for training and other staff related issues. Almost \$400,000 is a fairly significant amount of money, and asked Albrecht how that will impact the budget in the upcoming year and in the future.

Albrecht said until they see the exact dollar amount it is difficult to say. Equipment, software, and maintenance agreements are included in that funding. The main thing that is excluded from the use of E911 money is salaries. They will be able to use that money for training and to offset maintenance agreements as well. He said he believes the amount is between \$300,000 and \$400,000, but not all of it comes directly to the JECC, some stays for administration costs. Sullivan said he believes the \$300,000 to \$400,000 was the additional money. He added he is hopeful that this will reduce the level of future taxation. Harney said those things, along with grants, do not necessarily affect the budget, but does affect for the tax askings.

Rettig said they would hope that would be the case, but she thinks it is safe to say that she does not have much trust yet. She thinks everything Albrecht has said is positive and heading in a good direction. They have expressed concerns for a year and a half about staffing and costs, and have advised the JECSA that the County is not presenting them with a blank check. She warned that if JECSA gets \$300,000 from the E911 Board, she does not want to see the budget go up \$300,000. If it is done that way, there will be another round of discussions and questioning.

Rettig said everyone needs to understand that costs must be controlled while providing emergency communications in the most innovative and modern way they can, at a cost taxpayer's can sustain, because property taxes are paying for it. The ongoing concern is that this started and nobody dreamed how expensive it was going to get. There was not a level of accountability. She understands Albrecht walked into the middle of it, but when she heard about the E911 money, the first thing she said is the JECC will just spend it on something and increase their budget by \$300,000 to buy new things that were not agreed to earlier. She does not want to see that happen, but if they can lower property taxes by using E911 Board money then they should aggressively lobby for a change so cell phone users are paying their fair share. She said phones should be funding the JECC. Harney said that tax is there, but the State keeps a majority of the cell phone tax.

Budget Coordinator Rich Claiborne said he has been heavily involved with the JECC since the beginning and was involved with the previous director. The bond for the equipment is for 11 years, even though Albrecht said the life expectancy of the equipment is seven years. The building is funded through a ten-year bond out of the General Supplemental Fund, not through Tax Increment Financing (TIF).

Claiborne said he understands Albrecht is new, but he hopes that he and the Policy Board would entertain the idea of a sinking fund for equipment replacement. In the General Supplemental Levy for the regular budget, they would put the money aside and draw interest. Now, for the 11-year bond for equipment, they will have to bond again before it is even paid for and he said he can see that snowballing. The initial idea was to get two bonds done and that would be it, rather than going back and continually piling layers of bonds. Rettig said that is not the Board's idea. They want to be able to bond for it so TIF districts will have to pay their fair share. Claiborne said initially, they talked about ways to eliminate spikes. Rettig said she is shocked to hear that JECSA will have to replace the radios in seven years when there will still be four years left to pay off the first bond.

Albrecht said he apologizes if he misspoke, but industry standards for a brand new radio is seven to ten years. It is possible for a system to go longer than seven to ten years. Usually after that period of time, the manufacturer will no longer offer that piece of equipment but they will support it for an additional eight years. Sullivan said at that point, replacements are the new version. Albrecht said it is not recommended to keep the radios throughout the total life expectancy of 15 years, but they also do not want to go get the brand new one as soon as they stop making their current models because there are parts available. The manufacturer is required by law to support those for eight years. They would not get rid of the current radios until the bonds were paid off.

Sullivan said the Board has had a tremendous amount of frustration with the JECC. He said he has been colossally disappointed in the City of Iowa City, the City of Coralville, and the City of North Liberty because they have chosen to ignore any financing concerns raised by the Board. He said he thinks that is easy to do when the County is paying the bill. He has been extremely disappointed that those entities have

had a perfunctory five-minute discussion and decided it is not their issue. Frankly, that is a miscarriage of justice.

Sullivan said he thinks Albrecht needs to understand there is no level of trust with him and he feels as though the County has been repeatedly burned by JECOSA. He still thinks the JECC is a good initiative, but does not think it has been implemented well. They are doing better and can continue to do better, but the reason the Board asks all these questions and does not necessarily believe what they have been told is due to past history. He said Albrecht was not on board at that time and it is not his fault and Sullivan certainly does not want to imply that Albrecht is to blame for anything, but Sullivan does want Albrecht to understand the environment.

Stutsman said she thinks it is good that they are asking these questions because the Board members are looking out for the best interest of the taxpayers. Everyone wants the JECC to succeed, but they want it to succeed within reasonable taxation as well. It is not a blank check. Albrecht said he can assure everyone that the FY12 budget is a bare bones budget. There is no fluff in that budget. It budgets for operating expenses only. He said he can assure the Board that this is how budgets will take place in the future. Albrecht said Jones was responsible for the creation of the FY12 budget and did a marvelous job. If the JECC does get the \$300,000 to \$400,000 from the E911 Board, they will reduce the budget proposal by whatever amount they do receive.

Rettig said what Albrecht is saying sounds good, but if he reads the history he will understand that the current budget is not what they started with. It was the result of a series of angry meetings with the Policy Board and the Board, and then the Policy Board reduced the budget. She said Sheriff Lonny Pulkrabek was the only one who expressed concern over the original budget being too high. She said they should not have to throw a fit to get the Policy Board to lower the budget to a sustainable level. Sullivan said the Policy Board would not even meet with the Board of Supervisors until the legislators that wrote the enabling legislation forced them. Sullivan said it is beyond the pale, it is unbelievable that the JECOSA Policy Board would not agree to a meeting. He said that Simmons Perrine PLC and JECOSA Attorney Jeff Stone is smiling but the level of cooperation has been abysmal. The State senators should not have to force a meeting.

Rettig said if JECOSA does not get its act together and become more fiscally responsible, she will request the State Legislature to withdraw their ability to have this 28E Agreement. She said she would never have voted for it in the first place because it gives up the County's ability to control the JECC budget. She said she does not think it should be allowed by the Iowa Code. The elected body should always be responsible for budgets. If JECOSA does not get its act together, she hopes the State Legislature will take that right away from them next year. She said the Board asked the Legislature not to introduce it this year in hopes that the new Executive Director would have a different attitude, but if the budget comes in this fall without a different attitude, she will encourage the Legislature to withdraw that ability next year because that 28E Agreement, where an elected body gives up their rights to control budgets, should never have been passed. That should not be legal. Rettig said if Albrecht has a different attitude than that

of previous directors, that is great; if not though, she will work to get that legislation changed so this 28E Agreement is null and void and illegal.

Sullivan said he supposes he would be sitting in the audience smirking also if his firm had made almost \$500,000 off the creation of this entity, which he thinks is another near crime. Rettig said they could have easily used the County or the Iowa City Attorney and hired them three times over for what Simmons Perrine PLC made in less than a year.

Stutsman said the Board's message is loud and clear. They want to support a communications center that is for communications. Harney said he supports the JECC and thinks Albrecht is doing a good job. There were issues in the beginning, partly the Board's fault and partly due to the planning. Sullivan asked which part was the Board's fault. Harney said when they were talking about budgets they cut back when they knew the JECC did not need the full amount of money because they were not going to be open. Rettig said Harney was at fault for voting for the 28E Agreement in the first place where he gave up taxation rights. Harney said it is easy for Rettig to criticize without understanding everything that was going on. Rettig said he gave up his fiscal responsibility. That was the wrong vote and was wrong to do.

Harney said it was wrong for Rettig, but maybe not for someone else. Stutsman said many times the Board makes a decision with information they have at the time. Looking back, they all probably would have approached it differently. Sullivan said he trusted that the people on the Policy Board were going to be responsible to the taxpayers, but they were not. Harney said he thinks they are and they have been. Sullivan said he thinks they were not. He said he would love to have a long public discussion with the camera running as to who voted on what and when, because he thinks it has been completely irresponsible and he thinks Harney's votes have been completely irresponsible. Harney said Sullivan's votes have been irresponsible also and his comments are clear out of line. Sullivan said he is not on the Policy Board.

Harney said people expect a good level of public and emergency services. There have been many times where the radio communication system has done an excellent job for the community. The County could pull out of the JECC at any time and start its own communications center if that is what people want. As an example of how important the JECC is Harney said the other day JECC employees helped deliver a baby by radio in a car driving on Highway 218 South. He thinks there have been a lot of other instances where radio communications has done an excellent job.

Harney said he thinks they need to talk about the agreement for the assurances that is in place as other communities are doing. Harney thinks they need to have a discussion about that in the future and see if they can get that completed. Rettig said it is easy for Harney to say the County could pull out of the JECC, but Harney passed a 28E Agreement which authorizes a blank check for any budget the Policy Board presents and the County would be beholden to pay the debt forever regardless of whether they participated. If Harney thought JECSA was being fiscally irresponsible and the County should have no part of it, they would actually be paying for two systems because of his

vote. Harney said the County is the taxing entity, but they are taxing all the communities. Rettig said that is right.

Rettig said Harney voted to give a blank check with no fiscal responsibility to an unelected body. Harney said that is done with Emergency Management as well. The State has had the same setup. Rettig said Emergency Management does not have a blank check. The Board controls their budget. Harney asked the Board how they want to proceed with the agreement and if they want to put that on the agenda for another day. Rettig said she has no interest in voting on this agreement because it is not what was just described. Sullivan said that is not on the agenda today. He saw something like this a long time ago, but just got this version yesterday and would like some additional time to look at it. Harney asked if there are adjustments that need to be made in that. Stutsman said it is not on the agenda. She thinks they need to put this agreement on the agenda for discussion.

Rettig said this is the same agreement JECSA wanted the Board to vote on six months ago. Albrecht said that is correct. The only difference in language would be the explanation of the base package. One of the issues in the Board's discussion of this agreement is that if there was a problem, everything had to go through the User Advisory Committee. A Board member said there needs to be something immediate if there was an immediate concern rather than waiting a month to go before the User Advisory Committee. He assured the Board that the JECC has a ticket system in place which addresses immediate problems with calls, dispatch, or equipment. All user agencies have access to this web-based system if there is a problem. The agency logs into the system, identifies the problem, and JECC staff address it within five to ten minutes of receiving that ticket system.

Rettig said the Board received the agreement signed by Jones on October 29, 2010. Rettig asked if a new agreement is forthcoming, why would they not just wait on that one and see the language on it. Albrecht said it is his understanding that the language is not going to change per se; it is the understanding that "radio" now means "base package" and if that needs to be spelled out, he assumes that can be done. It would be difficult to redraft and resign all the agreements again. This agreement would stay in place. Sullivan said if terms are changing or being clarified, he would have everyone sign an agreement that reflects what is really happening. There will be questions in the future, and this way there will be a document that backs it up.

Nehring said she thought the Board previously requested a change be made, but the discussion at the time suggested they wanted to have this meeting first. She said Assistant County Attorney Andy Chappell told her he had not made that change because he wanted to give the Board the opportunity to have that discussion but felt some adjustments needed to be made. Nehring did not think the necessary changes were large, substantive changes but there were some concerns that needed to be addressed. Rettig said she has no interest in having an amended form if the other member entities do not adopt it first. The Board would be held to a different scrutiny than the others if they refuse to adopt the amended version. Sullivan said it would have to be a version

everyone agreed on. Otherwise, West Branch Fire Department could potentially get a different level of equipment.

Rettig agreed. The agreement says JECSA shall perform all non-routine maintenance on all radios. It also talks about replacement. Everything Albrecht spelled out is not actually in the agreement and therefore she thinks it should be amended and all members adopt it. Stutsman asked if the Board should hold a work session to discuss this agreement. Rettig said she thinks JECSA should work out the language and bring it forward. Harney said if Chappell knows he is going to make certain changes, he would ask Chappell to develop that and bring it to the Board of Supervisors for further discussion. Stutsman said the Board could tell the other entities that this is what they are planning on signing. Rettig said she is not interested in signing it until all the other entities sign it. Stutsman said the Board needs to have something to show the other entities. Harney said someone has to go first. The Board can consider this after the changes are made to the agreement.

Sullivan said it needs to be something the Board would be willing to sign, but the Policy Board would have to get everyone else lined up to sign it. Albrecht agreed and said the Policy Board would also review the agreement to make sure it is something they agree to also.

Rettig asked when the Board will get an annual report. The amendment requires JECSA to provide the Board with an annual report every year. Albrecht said yes, every January. An annual report was published in January 2011, and the Board will receive another one in January 2012. Rettig said she thought the reports were just very late, and the January 2011 report was just the first of the two annual reports that would have been required before that.

Sullivan asked if Albrecht takes the attorney with him to all the member entities, if he is being billed, and if so, for how much per hour. If these visits can be done without an attorney, it would probably be cheaper. Albrecht said he does not take their attorney to every meeting. Sullivan said he does not want the tax payers to be billed for anything. Executive Assistant Andy Johnson said the annual report is due March 31 of each year, and the Board received a report in 2011.

## **BOARD OF SUPERVISORS**

### **Status of the State Budget and the Effect of a Possible Shutdown**

Johnson said an agenda for a July 1, 2011 Board meeting has been posted.

**COUNTY SHERIFF LONNY PULKRABEK: SHERIFF'S CONTRACT FOR THE PROVISION OF LAW ENFORCEMENT SERVICES TO THE TOWN OF SOLON COMMENCING JULY 1, 2011 FOR \$35.00 PER HOUR, FOR A TOTAL OF UP TO \$58,240.00 PER YEAR**

Sheriff Lonny Pulkrabek said this contract somehow slipped through the cracks. The only change is the rate increased to \$35.00 per hour like the other towns the Board has signed contracts with. The City of Solon has been a model for law enforcement contracts with the County. For example, Solon knew they need a certain number of hours to maintain a level of law enforcement in their town. To accommodate the fairly large celebration of Solon Beef Days in July, Solon started to pay for an additional 40 hours of contracted law enforcement during July. That agreement continues on this contract. He suggests the Board sign the contract.

Stutsman clarified that all cities are at \$35.00 per hour, but some have just chosen to reduce their hours. Pulkrabek said yes, all except the City of North Liberty. North Liberty is at a slightly different rate, but that contract ends in October 2011.

Sullivan asked what the actual hourly rate is right now. Pulkrabek said it is a little over \$39.00. Sullivan asked if that just includes salary and benefits, not the car. Pulkrabek said that is correct. Sullivan said the County has been incrementally increasing the rate, and now everyone is at \$35.00 per hour. He asked what the next increment increase is. Pulkrabek said he thinks it will go up to \$39.00 in two years. The Sheriff's Office has been increasing rates at \$4.00 increments. Next year, it will stay the same and after that, the rate will increase again. Sullivan said that is good for the cities to know they are getting a good deal.

Rettig said she is grateful to Solon for holding up their responsibilities. It is not the taxpayers' responsibility to provide law enforcement in every incorporated city. Towns have to pay these additional funds. If not, people living in incorporated cities with law enforcement would be paying double. Solon has been a good partner. Pulkrabek agreed.

### **FIRST DEPUTY AUDITOR CHRIS EDWARDS FY2010 Cost Allocation Plan**

First Deputy Auditor Chris Edwards said the FY10 Cost Allocation Plan was prepared by Cost Advisory Services, Inc. This was the third year of the County's three-year contract with them. The reason they have the plan prepared is because it makes the County eligible to receive reimbursement for a portion of the administrative costs for certain programs, and specifically operations of the local Department of Human Services office, the Targeted Case Management Program, and the Child Support Recovery Program in the Attorney's Office. The recoveries based on this plan will be coming in FY12. They are expected to be about \$145,000. Some examples of the indirect costs that will be reimbursed include: annual audit costs, insurance, human resource services, accounting and payroll, building maintenance, and county management.

Rettig asked how much the County will pay for the study. Edwards said the current contract was \$6,445 a year. He said Cost Advisory Services, Inc. President Randall Handley does all the allocation work, so technical questions can be addressed to Handley. Stutsman said this is something they choose not to do in-house. She asked if anyone does it in-house. Edwards said he is not aware of any counties that do it in-house. Rettig said

she heard there are only two companies in Iowa that do this. Edwards said Cost Advisory Services, Inc. has about 90 of Iowa's 99 counties, and the other company is Maximus, who does not have an Iowa office but provides the service in Iowa.

Rettig asked when they will get the numbers for the new cost allocation of the Health and Human Services Building. Edwards said that does not become part of this plan. He thinks Mental Health/Disability Services (MH/DS) and Social Services apply for those reimbursements directly, so it is not part of this. As soon as the building is considered complete and the contractor has been paid, they will capitalize the building and start depreciating it. Rettig clarified it is not actually part of this plan. Edwards said correct.

Johnson said there is a Certificate of Cost Allocation Plan the Board chairperson signs, so that could be put on for approval for the following week.

### **Proposals Received for Cost Allocation Services for FY2011**

Edwards said they sent out a Request for Proposal (RFP) to the two companies that provide these services. The only response was from Cost Advisory Services, Inc., and they proposed another three-year contract, which is essentially the same as the previous contract. The cost went up \$300.00 per year, so it will be \$6,775 per year. Edwards said he and Chappell reviewed the contract and Edwards recommends the Board approve it.

Harney clarified the increase would be a \$900.00 increase over the three year term of the new contract. Rettig asked if there is a copy of the contract in the Board's Office. Edwards said yes, he sent it to Johnson. He also has two originals that will need to be signed if it is approved. Stutsman asked if he knows any reason why no one else responded to the RFP. Edwards said he does not know for sure but can only speculate that since the other company is down to a small-market share, they may no longer be pursuing Iowa clientele.

Sullivan said the Finance Committee has been interested in discussing when RFPs and Requests for Quotations (RFQs) would be done for ongoing services. For example, cost allocation services are used every year and so they sent out an RFP and are doing a three-year contract. But there are other things for which the Board signs five-year or ten-year contracts. He said the Finance Committee may make a recommendation to the Board regarding RFP and RFQ standards. Edwards said since they were spending \$20,000 over three years, it would be worth sending out an RFP.

### **PUBLIC HEALTH DIRECTOR DOUG BEARDSLEY: UPDATE BOARD OF HEALTH REGULATIONS OF HEALTH NUISANCES**

Public Health Director Doug Beardsley said he wanted to start a dialogue about the new proposed regulations. Before Board of Health regulations become effective they need to be approved by the Board of Supervisors and then published. He provided a memo to offer an overview of the regulations. It is not exhaustive of all the things that were discussed along the way. The current regulations are one and one-third pages long

and list nuisances but did not provide a lot of direction. One of the motivators of this was to provide a little more structure, definition, as well as guidance for staff. This document could also be used by the public so someone can find out if they are in compliance. It will hopefully be used as an educational tool as well.

Beardsley said the updated regulations provide the process for enforcement, including what needs to be in a notice that is sent out and the process for enforcement afterwards. They tried to answer other questions for specific cases. When they started reviewing this with the Board of Health, there were not any areas that had not been regulated before that they wanted to regulate. They focused on what directly affects public health and safety and not to go beyond that.

Beardsley said the section on abandoned vehicles has always been nebulous before, so the updated regulations will provide more definition and guidance to staff. In addition, most of the complaints about stagnant water was regarding water in swimming pools and they decided to include a specific section for that. There were clarifications on open burning regulations in order to make it clear that burning plastics is considered a public health nuisance and a risk, it is prohibited.

Beardsley said there is no urgency to completing these updates. He would like to take the necessary time to address all the questions. If there are policy issues that need to be taken back to the Board of Health, he would be happy to do that. Beardsley thanked Nehring and the support he received from the Attorney's Office. Harney said the Board of Health is not necessarily adopting this yet. Beardsley said yes, though the Board of Health held public hearing, considered input, and then voted to approve the draft in front of the Board today. If there are issues that need to be revised, then they will have to go before the Board of Health.

Sullivan said he has been following the regulations update process and is impressed with the work to date. Sullivan said he thinks the staff and Board of Health members have really improved what was previously in place. Sullivan said he was a little concerned with a particular section of the regulations because it talks about a given property and says the owner/manager/agent/lessee can be cited in violation of the regulation. He was concerned because an owner and a lessee can easily exist on a given piece of property and may be in disagreement as to who is at fault for the health violation. Sullivan asked Beardsley to address that situation.

Beardsley said the general rule of thumb is to address the violation with the person who appears, or the Board assesses is, most in control. Usually that is the occupant. Sullivan said if there is a dispute, they have the ability to cite both parties. Beardsley said that potential is there. Ultimately, if all else fails they go after the property owner since they hold title to the property. Sullivan said those parties could always sue each other if they felt like it. Beardsley said they try to stay out of disputes and just respond to nuisances that need to be cleaned up while a tenant is living there.

Nehring said the regulations outline the first step as delivering the notice. If the individual denies they are at fault, then that could be addressed in a few ways. The Board could choose to go after the other party or tell the individual to work out the problems and clean up the nuisance before they return.

Sullivan said he is glad the terminology “habitual violator” is in the regulation because realistically, they do not have Public Health people driving around looking for violations. The definition of a habitual violator is someone who has committed three or more violations within an 18-month period. He said he thinks that is plenty. He wants to make sure that if a person is deemed a habitual violator, they will be punished because three or more violations is pretty egregious. If the Board claims to care about public health they want to make sure flagrant rule violators are severely punished. He said Beardsley assured him that this is available to them.

Beardsley said that is something they have not had in their regulations before. If someone is declared a habitual violator, the Board of Health can get an injunction for any property they own. Such action could lead to further violations and carry other penalties. He said this is designed to prevent the person from future violations on any properties. Sullivan said he is glad to hear that. Beardsley said the violations apply to the person on any property they own.

Nehring said when a civil infraction is filed, the judge has a fair amount of discretion in the type of ruling the judge holds and in assessing a penalty. The judge has more clout than Public Health. There is escalation in the civil penalty for repeat offenders. There are quite a few ways to step up the process if someone refuses to comply, but also allows them to intervene with people who may not have understood or had hard times.

Sullivan said he thinks that is great. Most people correct their behavior when they find out they have done something wrong, but there is always the small percentage of people who will continue to violate the regulations and he thinks they should be punished. Nehring said these regulation updates better address the consequences for the different types of situations that come up in this context.

Sullivan said he thinks they need to do some outreach around the issue of burning plastic. People need to know it is not okay, and maybe the County can create a drop-off site. Stutsman said the Board of Health had drop-off sites years ago and it became a real issue; dead animals were left at the site. She said she thinks education is the key and maybe a drop-off location would work. People are used to dropping off at City Carton Recycling. Stutsman said issues occur especially in the unincorporated areas where there is not close monitoring. Rettig said there are sometimes grants to do this. Maybe it is something they should look into. When she has done technology drop-offs, people are there to supervise. An appointment is not necessary, but people dropping items off are checked in and the items are taken. People cannot leave whatever they want. If the Board thinks this is a problem in a particular area, perhaps the Board should look at some pilot grant. Stutsman said they could do something similar to what the Iowa City did with recycling plastics. Beardsley said that is something they can look into.

Rettig said she had some specific questions about section 3B on page four of the regulations update. She read from the updated regulation as follows: Presence of inoperable or unlicensed motor vehicles prohibited. The owner of a property shall not allow more than a total of three motor vehicles, trailers, boats, snowmobiles, campers, and any other vehicles required to be registered or titled by the State or are unlicensed or otherwise inoperable or dilapidated in such a condition they have to be there for more than 30 days. She said it goes on to say that one of the exceptions is for vehicles stored in an enclosed building. A person can store as many inoperable vehicles as they want in an enclosed building as long as it is not harboring vermin. She asked if automobile dealers are required to have their cars registered or titled. Sullivan said he assumes yes. Beardsley said he thought the owner does have title but he does not know.

Sullivan said car dealers are always at the Treasurer's Office changing out titles. He said he assumes that is when they get new inventory. Rettig said according to the way the regulations update is written, she could not be a car, motor marina, snowmobile, or camper dealer because she will have three or more vehicles stored outside that are not registered. Beardsley said the vehicles are operable and licensed. Rettig said they are not licensed. She said the regulations refer to vehicles "...which are unlicensed or otherwise inoperable." A brand new motor home is required to be titled but not licensed. It is not licensed until it is actually sold. Sullivan asked if temporary dealer licenses count as licenses.

Nehring said vehicles are authorized to be on the road once a dealer license plate is on the vehicle. She thinks that suffices for the purposes of license. Rettig said vehicles, trailers, boats, snowmobiles, and campers that are either being sold as new, used, or stored do not have license plates on them. They are not specifically licensed. She said she is not sure if that is what they intended, but the way it is worded creates a gray area. Beardsley said that is not what they intended. Rettig said many times people will winterize and store their boat or motor home without a license plate. They deliver it with a license plate, but then it expires during that time. People can go in the military and be gone for a couple years or spend a year abroad. People do many things where they take their boat to the marina and leave it there for a year or more and in the interim whatever license plate it had that got it there becomes unlicensed. She said she is not sure that is what was intended either.

Rettig said there are auto repair businesses in the County that she thinks are operating legally. It is not unusual for a vehicle that has been in an accident or a vehicle that is being rehabilitated or rebuilt to be on site for more than 30 continuous days. The regulations say, "...unlicensed or otherwise inoperable, or in a dilapidated condition, to be stored or remain on the property for more than 30 continuous days." She said any auto repair place worth its salt that has business, will have cars outside. Any car that was badly damaged or cars that are being rebuilt are sometimes there for more than 30 days. She said she does not know of any auto repair business that can store all of those types of vehicles indoors. She is not sure this section of the regulations is written in a way so that the intention is clear. She does not think they meant to ban car dealers, marinas,

snowmobiles, and auto repairs that are operating legally, safely, and not harboring vermin.

Nehring said she is presuming some of the businesses they are talking about may have a permit to operate a salvage yard in association with their business. Some of the businesses may be covered by that. She interprets this section as applying to three or more vehicles, all of which would be there for 30 continuous days. If a business is constantly rotating vehicles in and out that are being worked on, she would not see that as being an issue that would come under this. She said she would be surprised if there are many auto repair places that are parking and doing nothing to a large number of vehicles for more than 30 days.

Rettig said her mother took her recreation vehicle (RV) in for repairs in Illinois at the end of the season last year. The RV sat there for months outside and unlicensed because in the interim, the license plate expired. Her mother might have updated the license but did not drive 20 miles to put the sticker on it. If they would have had three vehicles, and it was in Johnson County, it would be considered a public nuisance according to this definition. She said they can go to the boat marina, or the RV dealer on Highway 6, or any car dealer and they would find that to be true.

Sullivan said maybe that is not such a bad thing. Otherwise, people say will claim they are a business and can have as many cars or boats as they want on their property. That would be discouraged if they are forced to move the vehicles indoors. Rettig said she thinks that according to the way the regulation is written, car dealers, boat marinas, snowmobile dealers, and auto repair businesses would not be able to operate because those vehicles are often unlicensed. Stutsman said the Attorney's Office should take a look at that, because she wonders if that situation would be regulated by the zoning code.

Beardsley said that is why they include a section on junkyards. If something is zoned to be a junkyard, then they are supposed to have all of that stuff there. If something is zoned commercial, and that is their legitimate business, it was not their intent to change the nature of the complaints. He said they could reevaluate that section. Their intention was to address issues of five or six vehicles stored on someone's yard. Rettig said she understands what they meant to do.

Harney said when he read it he thought it does not necessarily address the issue of a licensed facility or properly zoned facility. Nehring said the only issue that gives her pause is the boat question, because they are more seasonal and may go for longer periods of time when they are not being used and it may be more difficult to move them inside of a building. She said she does not think that a vehicle with an expired registration would be considered an unlicensed vehicle as in the example of Rettig's mother's camper. Rettig said she thinks they would ticket her mother if she drove it as an unlicensed vehicle. Nehring said in enforcement situations she has been involved with, they ask if the driver realizes the registration is expired. Unless there is an issue with that property that they want to enforce, they address the problem, but Nehring does not think it would

necessarily apply to those situations. She said her initial impression about car dealerships is that those vehicles do not come under this Public Health regulation.

Nehring said she does have pause about the boat issue. Certainly, if the Board wants to send the regulations back to Public Health to reexamine the issue, they will look at all of it. She said this is modeled on language that has been used in a number of other counties. Rettig said just because other counties did it, did not make it right. It says "unlicensed" so if Rettig has 15 unlicensed motor homes that she is about to sell that are sitting on her lot, she is in violation of this public nuisance regulation. That is what the regulations say.

Sullivan said the zoning code might apply. Stutsman said she thinks this came up with somebody who was storing a large number of boats on their lot and Planning and Zoning stepped in and said they could not store them outside and they need to be under cover.

Harney said they have received complaints about unlicensed vehicles sitting outside a repair shop and they have also had issues with snowmobile. Stutsman said then that is what they want. Rettig said they do not want to put businesses out of business. Sullivan said if they said that in the zoning districts where this is permitted, it does not apply. Rettig said they could have an exemption that says "Does not apply to properly zoned businesses." Nehring said they would be happy to take it up for further consideration and discuss it with Planning and Zoning. She said she is not going to pretend she has extensive knowledge on the registration of campers and boats to be able to answer the question at this point. She said she thinks Rettig's intent is that that the regulations are not obstacles for people to run their businesses. They will look at that issue and make sure those issues have been addressed. She said she would not anticipate Public Health would have an objection to such an exemption.

Beardsley said it was not the intent to shut down businesses that are operating legally. Sullivan said realistically, there may be conditions where they want to cite a business. Beardsley said they want to make sure the language is crafted in such a way that it does prevent them from citing businesses operating legally but still posing a threat to public health or the environment. Beardsley said he would be happy to reexamine and reword the language. He added that if they are going to propose changing language, it must go before the Board of Health again. Nehring agreed saying that any edits other than correcting a typographical error must go before the Board of Health.

Beardsley said before creating this draft, they listened to the public comments from the Property Maintenance Code Public Hearing and have addressed those concerns. He said the Johnson County Farm Bureau looked over the draft and made some suggestions. Furthermore, Johnson County Farm Bureau President Russ Meade was present at the last Board of Health meeting and supported the version before the Board today.

Harney thanked Beardsley for his work on this draft. He said it does not address some of the rental property issues he had hoped it would, but that is going to be a separate issue for the Board.

**BUSINESS FROM EXECUTIVE ASSISTANT ANDY JOHNSON**  
**Reports and Inquiries**

Johnson said most County offices, except Emergency Services, will be closed on July 4, 2011 for the Fourth of July. On July 6, 2011, a Department Head Evaluation Meeting is scheduled at 9:00 a.m. and a Joint Meeting with the Criminal Justice Coordinating Committee (CJCC) is scheduled at 4:30 p.m. An RFQ was sent to CJCC members and it would be helpful to receive Board comments sometime before that meeting. A Board meeting scheduled for July 7, 2011 at 9:00 a.m. The following week, the Board will have a Joint Meeting with the Swisher City Council and he invited Board members to offer suggestions for agenda items ahead of time.

**BOARD OF SUPERVISORS**  
**Status of the State Budget and the Effect of a Possible Shutdown**

Harney said an Informal Meeting has been posted for July 1, 2011 at 10:30 a.m. Johnson said as of now, both sessions have convened and are now in recess while caucusing. The House did introduce a bill that is a temporary appropriation through July. Rettig said it was introduced yesterday and it will cover 30 days. Sullivan said it still makes sense to hold the meeting tomorrow even if an agreement is reached before then. It would not hurt to review whatever that agreement is and how it affects the County.

Rettig said Johnson County Empowerment (Empowerment) has advised the providers that if they provided day care after today, they may or may not get reimbursed. Rettig thinks some of the providers will continue to provide day care and some are not. These are low-income folks who do not necessarily have jobs where they can spontaneously take a vacation day. Iowa City Housing Authority has already received memos stating that certain children will no longer have childcare as of July 1, 2011. This is part of the State budget cuts and Empowerment cannot guarantee payments.

Rettig said the County has given a layoff notice to one person because they had faith the State would get to a budget, but they probably should have been giving layoff notices to more people. Stutsman said layoff notices create a lot of anxiety. Rettig said yes, but the County will absorb all the expenditures if programs got cut or unfunded. Sullivan said they are fortunate July 1, 2011 is on a Friday because day cares are more likely to stay open since people are on vacation anyway, but they may not be able to open again on July 5, 2011.

**REPORTS AND INQUIRIES FROM THE BOARD OF SUPERVISORS**

Sullivan reminded County employees that parking fees will go into effect on July 1 or July 3, 2011 and he reminded people to turn in the paperwork to Human Resources (HR).

He said he and Rettig had a liaison meeting with HR Administrator Lora Shramek. He said he and Stutsman had a liaison meeting with Medical Examiner Administrator Mike Hensch. He said Rettig, Johnson, and himself serve on the Finance Committee. That Committee has completed a draft of a Financial Reserves Policy to present to the Board. He believes Treasurer Tom Kriz is going to try to speak to Supervisors on an individual basis.

Sullivan said he continues to serve on the United Nations Educational, Scientific, and Cultural Organization City of Literature Board and wanted to remind people that the Iowa City Book Festival is on July 15-17, 2011. He attended the Iowa City Area Chamber of Commerce Business PM at the Crisis Center of Johnson County. Sullivan attended the Juneteenth Celebration at Mercer Park and he said Community Projects Specialist LaTasha Massey did wonderful work there. They have Fourth of July stuff coming up with many events around the area. Upcoming, there is TiffinFest, River Junction Tractor, the County Fair, and RAGBRAI which means there are demands on county law enforcement. He hopes people will enjoy these events and be safe.

Stutsman said the Job Evaluation Team continues to discuss the performance review form and may have a new form ready by July 1, 2011. She also attended the Juneteenth Celebration. Stutsman attended the Iowa City Foreign Relations Council luncheon where Linn County Supervisor Ben Rogers spoke about his trip to Pakistan. She attended a Safety Committee meeting yesterday where they agreed on tornado shelter signs that will be posted in all the tornado safe rooms in County buildings. Stutsman said she received a report on the DeskActive software that will be installed on individual computers. Stutsman said the Safety Committee discussed the south drive way of the Administration Building and decided they would recommend that be one-way traffic to the West. Rettig said she would like to discuss this at a meeting. Stutsman said they will discuss it at the July 7, 2011 Board meeting and she asked Johnson to ask Facilities Manager David Kempf not to proceed at this time.

Rettig said the Juneteenth Celebration is the first one in Johnson County. Juneteenth celebrates the end of African-American slavery. However, it is not the end of slavery. She said sex slavery in the United States, and across the world, is increasing dramatically. She congratulated all the staff and programs that put the event together.

Rettig said Habitat for Humanity is short on cash in their third Women's Build. In cooperation with the Johnson County Housing Trust, they have come up with a micro-lending program where someone will loan a minimum of \$500 to Habitat for Humanity for a period of ten years, which will be paid back annually by the funds that Habitat for Humanity families pay back for the home they are in. The Housing Trust is guaranteed an interest rate of 2.5% for that. If people are financially able, support the project, and are interested in loaning funds to Habitat for Humanity, please contact Habitat for Humanity or the Johnson County Housing Trust. Habitat for Humanity homes in Johnson County pay \$180,000 per year in property taxes.

Rettig congratulated the volunteers, donors, and people who have brought food and games to the Iowa Troop Pantry. The Iowa Troop Pantry was formally awarded the Governor's 2011 Volunteer Service Award on June 29, 2011. As the Fourth of July celebration is approaching, this is a good opportunity to remember American troops who are unable to be with their families. She wished everyone a happy Fourth of July.

Harney said Mike and Le Ann Tyson do a terrific job with the Iowa Troop Pantry. Harney met with the U.S. Corps of Engineers, Department of Natural Resources officials, and some law enforcement officials in an attempt to attain some property at the Coralville Reservoir for a range for local law enforcement. Harney participated in the six-month evaluation of Joint Emergency Communication Center Executive Director Gary Albrecht, and he met with MH/DS Director Kris Artley to discuss a letter regarding changes in the MH/DS service manual. He hopes everyone will have a safe Fourth of July.

Adjourned at 11:44 a.m.

Attest: Tom Slockett, Auditor  
By Emily Lentz, Recording Secretary