

**May 1, 2003**

The Mahaska County Board of Supervisors met in special session on the above date at 9:00 a.m. in the third floor conference room of the Mahaska County courthouse. Present were the following board members: Lawrence Rouw; Henry W. VanWeelden and Greg Gordy. Also present were the following: Dean Mattix, Iowa Workforce Development; Jerry Nusbaum, County Engineer; Lori Faybik, Ottumwa Courier; Charles Stream, Mahaska County Attorney; Daryl Cox; Gayla Harrison, Attorney for Mr. Cox and Kay Swanson, Mahaska County Auditor.

Chairman Gordy opened the meeting with a moment of silence.

It was moved by VanWeelden seconded by Rouw to approve the agenda with the addition of the resolution for Senate File 453. All present voted aye. Motion carried.

It was moved by VanWeelden seconded by Rouw to approve the following resolution. All present voted aye. Motion carried.

### **RESOLUTION**

**WHEREAS**, Iowa Workforce Development has an established office at 410 South 11<sup>th</sup> Street, Oskaloosa, Iowa 52577; and

**WHEREAS**, the workforce office in Oskaloosa, Iowa is an essential placement and training referral center used by many businesses, employers and Iowa citizens; and

**WHEREAS**, the Mahaska County Board of Supervisors has a letter dated April 4, 2003, stating the intended closing of 55 of the rural Iowa Workforce Development Center offices, which includes the Oskaloosa, Iowa office; and

**WHEREAS**, funding source for those 55 offices, the unemployment insurance surcharge, is set to sunset on June 30, 2003; and

**WHEREAS**, we, the members of the Mahaska County Board of Supervisors believe the services provided by all Iowa Workforce Development Centers and their partners are critical to the future well being of businesses, employers and citizens of Iowa; and

**WHEREAS**, we, the members of the Mahaska County Board of Supervisors further believe mass closure of the rural Iowa Workforce Development Centers will have a lasting negative affect statewide, causing small and rural businesses more hardship in an increasingly unstable economic period;

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Mahaska County, Iowa, ask that you consider extending the surcharge to allow the Oskaloosa,

Iowa and other workforce offices to continue serving all Iowa business, employer and citizen needs.

**AYE**

**NAY**

Greg Gordy  
Name, Chairman

\_\_\_\_\_  
Name, Member

Lawrence Rouw  
Name, Member

\_\_\_\_\_  
Name, Member

Henry W. VanWeelden  
Name, Member

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Name, Member

Dated this 1<sup>st</sup> day of May, 2003

ATTEST: Kay Swanson  
County Auditor

It was moved by Rouw seconded by VanWeelden to approve the following resolution. All present voted aye. Motion carried.

**RESOLUTION**

**WHEREAS**, the Iowa Legislature has passed Senate File 453 and presented it to Governor Vilsack, so that unless the Governor vetoes the bill it will become law; and

**WHEREAS**, the \$70 million in funding cuts proposed by this misnamed “Reinventing Government” bill would have a disastrous effect on the services provided by local governments across Iowa; and

**WHEREAS**, Senate File 453 breaks promises that the state made to local governments, and would result in cuts to locally provided services such as parks, libraries, law enforcement and fire protection; and

**WHEREAS**, the Gronstal Amendment and the Miller/Brunkhorst amendment were workable, realistic amendments to Senate File 453 that would have balanced the budget but used state resources to spare some of the cuts to local governments:

**THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF Mahaska County** that the board urges Governor Vilsack to veto Senate File 453.

Greg Gordy  
Chair, Board of Supervisors

Date: May 1, 2003

ATTEST:

Kay Swanson

County Auditor

Date: May 1, 2003

It was moved by VanWeelden seconded by Rouw to go into closed session pursuant to Iowa Code Section 21.5 (1.c) at 10:05 a.m. Roll call vote: Gordy – aye; VanWeelden – aye; Rouw – aye. Motion carried. At 10:23 a.m. it was moved by VanWeelden seconded by Rouw to return to open session. Roll call vote: VanWeelden – aye; Rouw – aye; Gordy – aye. Motion carried.

The board discussed the settlement with Gayla Harrison, attorney for Daryl Cox and Daryl Cox.

The board recessed at 11:30 a.m.

The board reconvened at 11:38 a.m.

It was moved by VanWeelden seconded by Rouw to approve the following settlement agreement. Roll call vote: VanWeelden – aye; Rouw – aye; Gordy – aye. Motion carried.

#### SETTLEMENT AGREEMENT

WHEREAS, Daryl Cox applied for a position as Maintenance & Equipment Operator for the Mahaska County Secondary Roads Department;

WHEREAS, Mahaska County hired another individual to fill the position effective October 1, 2001;

WHEREAS, Daryl Cox initiated an action in the Iowa District Court for Mahaska County, alleging violation of the Iowa Veterans Preference law;

WHEREAS, on March 28, 2003, the Court, after hearing on the Petition, entered its Order directing that Mahaska County Secondary Roads Department employ Daryl Cox and set a hearing on the backpay claim of Cox; and

WHEREAS, Cox and the Mahaska County Board of Supervisors have agreed to resolve the present dispute;

NOW, THEREFORE, in consideration of the mutual promises and consideration outlined herein, the parties agree as follows:

1. Daryl Cox will report for work at 8 a.m. on Monday, May 5, 2003, as a Maintenance and Equipment Operator for Mahaska County Secondary Roads Department at a rate of \$15.03 per hour. Cox agrees to submit to a pre-employment drug test on May 5, 2003.
2. Mahaska County Secondary Roads Department agrees to set the seniority date for Cox as of October 1, 2001.
3. Mahaska County agrees to provide Cox with all benefits that he is entitled to under the collective bargaining agreement between Mahaska County Secondary Roads Department and Service Employees International Union, Local #199, including vacation eligibility and sick leave accrual back to October 1, 2001.
4. Mahaska County agrees to provide Cox with Health, Major Medical, Dental and Vision Care coverage effective May 1, 2003, with Mahaska County paying the single premium for these coverages and 85% of the dependent premium for Health and Major Medical and Dental coverage as of May 1, 2003.
5. Mahaska County agrees to pay Cox the sum of Thirty-seven Thousand Five Hundred Dollars (\$37,500.00) less withholding for federal and state income taxes and FICA and Medicare deductions on May 15, 2003. Cox will provide the Mahaska County Auditor with a W-4 for this check no later than May 8, 2003.
6. Mahaska County agrees to pay the 5.75% IPERS contribution on the payment described in Paragraph 5. Mahaska County agrees to file wage adjustments with IPERS to reflect that the payment is allocated evenly over the 6 calendar quarters from October 1, 2001, through March 31, 2003 (\$6,250 per quarter). Counsel for Cox will work with IPERS counsel and the Mahaska County Auditor to submit the required paperwork to complete this settlement.

Mahaska County will also deduct from the check issued to Cox on May 15, 2003, 3.7% to be submitted to IPERS as the employee contribution for the six calendar quarters.

7. Cox will dismiss his action against Mahaska County with prejudice upon receipt of a signed copy of this Agreement.
8. Mahaska County agrees to pay the costs of the action pending in Mahaska County.

9. Mahaska County acknowledges that the Mahaska County Board of Supervisors has authority to settle this matter and that the Board has properly approved the settlement by Resolution on May 1, 2003, an authorized the Chair of the Board to sign this Agreement on behalf of Mahaska County.

Dated this 1<sup>st</sup> day of May, 2003.

MAHASKA COUNTY BOARD OF SUPERVISORS

S/ Daryl Cox

By: Greg Gordy, Chairman

It was moved by Rouw seconded by VanWeelden to place Daryl Cox on the payroll as Maintenance and Equipment Operator at \$15.03 per hour effective May 5, 2003 with no probationary period per court order dated March 28, 2003. All present voted aye. Motion carried.

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

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Chairman, Mahaska County Board of Supervisors

ATTEST: \_\_\_\_\_  
County Auditor