

September 20, 2004

The Mahaska County Board of Supervisors meeting for today was cancelled.

September 29, 2004

The Mahaska County Board of Supervisors met in special session on the above date in the Mahaska County third floor conference room of the Mahaska County courthouse at 9:00 a.m. Present were the following board members: Lawrence Rouw – Chair; Henry W. VanWeelden – Vice Chair; Greg Gordy – Member. Also present was the following department heads and county officials: R. D. Keep; Charlie VanToorn; Joleen Arnold, Connie Kitzman; Gary Smith; Diane Upton Crookham; Charles Stream; Don Russell; Christine Ahrens, KBOE Radio and Kay Swanson, County Auditor.

It was moved by Gordy seconded by VanWeelden to approve the agenda. All present voted aye. Motion carried.

After much discussion it was moved by Gordy seconded by Rouw to approve the following resolution. Roll call vote: Gordy – aye; VanWeelden – nay; Rouw – aye. Motion carried.

RESOLUTION

WHEREAS, Iowa statutory law posits full authority and power in the Mahaska County Board of supervisors on all matters pertaining to the adoption of county line item budgets (and enforcement of those budgets); the financing and payment of county obligations including but not limited to approval for payment of vendors of the various departments and approval of payment for all employees of those departments; and

WHEREAS, on September 9, 2004 the Iowa District Court for Mahaska County, Honorable James Q. Blomgren, entered a Ruling in Stream et. al. v. Greg Gordy et. al., Mahaska Law No. 073836, holding that the Mahaska County Board had acted illegally in denying a requested increase in compensation for clerical help in the County Attorney's office and concluding that the Board's separate statutory powers of approving or disapproving such a compensation request were rendered moot and for naught pertaining thereto; and that the Board lacked any power in supervision and enforcement of the line-items in any budget negotiated between the Board and any County department or officer after that budget had been approved, leaving to the unfettered determination of any such department or officer how and upon what public monies would be spent during the ensuing fiscal year despite the Board's attempt to reduce control and minimize these public expenditures and the constant increases in public taxation which fund them; and

WHEREAS, the above referenced Ruling, holdings and the implications thereof are to disregard the statutory home rule powers conferred upon the Mahaska County Board of Supervisors, to negate the express budgetary, financial and fiscal powers and duties

enjoined upon the Board by law to effectively control the purse-strings of county government thereby displacing the Board's statutory prerogatives in such matters and to improperly invest such powers and duties in the individual departments and officers where the statutory law does not place such authority; and

WHEREAS, the effect of such Ruling is to leave this Board powerless to control Mahaska County finances, where the law places it, and repose that control in the individual county departments and officers who may now spend as they please under the budget for any fiscal year without any form of oversight by veto, disapproval or prohibition to be exercised by this Board; and

WHEREAS, this Board has consequently decided to appeal the above referenced Ruling to the Supreme Court of Iowa and has presently begun steps in taking that appeal in an attempt to regain the powers taken from the Board by such Ruling; and

WHEREAS, the appeal to the Iowa Supreme Court of such Ruling is expected to take considerable time during and under which, due to the Ruling appealed, the Board will not enjoy its home-rule statutory powers to prevent and otherwise control unnecessary government hiring and expenditures which prevent the occasioned need for increased property taxes to finance and fund those hirings and expenditures;

NOW, THEREFORE, BE IT HEREBY RESOLVED,

1. That the Mahaska County Board of Supervisors will hereforth approve "under protest", for as long as the above referenced Ruling is on appeal to the Iowa Supreme Court, all departments' and officers' requisitions for payments by county warrants of all goods, services and payrolls; which were otherwise once subject to this Board's statutory budgetary and fiscal oversight powers as diminished and relegated by the Ruling appealed; and
2. That the Mahaska County Board of Supervisors hereby admonishes all officers, departments and employees thereof, to avoid unnecessary expenditures, increases in expenditures and expenses of departmental operation and improvident agreements and contracts of hiring and remuneration, all to the end of holding fast against increased property taxes which can thereby be avoided

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

Lawrence Rouw, Chairman
Mahaska County Board of Supervisors

ATTEST: _____
Kay Swanson, Mahaska County Auditor