or refitting of an existing building or structure, unless the reconstruction of an existing building or structure is required due to economic obsolescence and a reconstruction is necessary to implement a recognized industry standard for the manufacturing and processing of specific products and the reconstruction is required for the owner of the building or structure to continue to competitively manufacture or process those products, which determination shall receive prior approval from the Board of Supervisors of Delaware County upon the recommendation of the Iowa Department of Economic Development.

(3) A property tax exemption under this Section shall not be granted if the property for which the exemption is claimed has received any other property tax exemption authorized by law.

b. Application for exemption by property owner.

(1) An application shall be filed for each project resulting in actual value added for which an exemption is claimed. The application for exemption shall be filed by the owner of the property with the Delaware County Assessor by February 1 of the assessment year in which the value added is first assessed for taxation. Applications for exemptions shall be made on forms prescribed by the Director of Revenue and shall contain information pertaining to the nature of the improvement, its cost, and other information deemed necessary by the Director of Revenue.

(2) A person may submit a proposal to the Board of Supervisors to receive prior approval for eligibility for a tax exemption on new construction. Prior approval shall be subject to the hearing requirements of Iowa Code Section 427B.1. Prior approval does not entitle the owner to exemption from taxation until the new construction has been completed and found to be qualified real estate. However, if the tax exemption for new construction is not approved, the person may submit an amended proposal to the Board of Supervisors to approve or reject.

c. Period of partial exemption.

(1) The actual value added to industrial real estate for the reasons specified in this section is eligible to receive a partial exemption from taxation for a period of five years. However, if property ceases to be classified as industrial real estate, the partial exemption for the value added shall not be allowed for subsequent assessment years. "Actual value added" as used in this section means the actual value added as of the first year for which the exemption is received. The amount of actual value added which is eligible to be exempted from taxation shall be as follows:

(a) For the first year, seventy-five percent.
(b) For the second year, sixty percent.
(c) For the third year, forty-five percent.
(d) For the fourth year, thirty percent.
(e) For the fifth year, fifteen percent.

(2) This schedule shall be followed unless an alternative schedule is adopted by the Board of Supervisors in accordance with Iowa Code Section 427B.1.

(3) The granting of the exemption under this section for new construction constituting complete replacement of an existing building or structure shall not result in the assessed value of the industrial real estate being reduced below the assessed value of the industrial real estate before the start of the new construction added.

d. Repeal of exemption.

(1) The partial exemption shall be available until such time as this section is repealed by the Board of Supervisors. When in the opinion of the County Board of Supervisors continuation of the exemption granted by this ordinance ceases to be of benefit to Delaware County, the County Board of Supervisors may repeal the ordinance as authorized by Iowa Code Section 427B.1, but all existing exemptions shall continue until their expiration.

Section 2. Repealer.

a. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. Severability.

a. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of this ordinance as a whole or any section, provision or part, not adjudged invalid or unconstitutional.

Section 4. Effective Date.

a. This ordinance shall be in effect after final passage, approval and publication as provided in Chapter 331.302, Code of Iowa.

COUNTY ORDINANCE NO. 16

AN ORDINANCE RELATING TO GIFTS THAT MAY BE ACCEPTED OR RECEIVED BY COUNTY OFFICIALS, EMPLOYEES, CANDIDATES OR THEIR IMMEDIATE FAMILY MEMBERS

Be it ordained by the Board of Supervisors of Delaware County, Iowa;

Section 1. Definitions.

As used in this ordinance, unless the context otherwise requires:

a. "Agency" means a department, division, board, commission, bureau, or office of the executive or legislative branch of state government, the office of the Attorney General, the State Board of Regents, community colleges, and the office of the governor, including, but not limited to, a regulatory agency, or any department, division, board, commission, bureau, or office of the county, but does not include any agricultural commodity promotional board, which is subject to a producer referendum.

b. "Candidate" means any individual who has taken affirmative action to seek nomination or election to a county office and shall also include any judge standing for retention in a judicial election.

c. "Candidate's Committee" means the committee designated by the candidate for a county office to receive contributions in excess of five hundred dollars in the aggregate, expend funds in the excess of five hundred dollars in the aggregate, or incur indebtedness on behalf of the candidate in excess of five hundred dollars in the aggregate in any calendar year.

d. "Client" means a private person or a state, federal, or local government entity that pays compensation to or designates an individual to be a lobbyist.

e. "Committee" includes a political committee and a candidate's committee.

f. "Compensation" means any money, thing of value, or financial benefit conferred in return for services rendered or to be rendered.

g. "Contribution" means a loan, advance, deposit, rebate, refund, transfer of money, an in-kind transfer, or the payment of compensation for the personal services of another person.

h. "County" means Delaware County, Iowa.

i. "County employee" means a person employed by the county and does not include an independent contractor.

j. "County official" means an elected official of the county.

k. "Gift" means a rendering of anything of value in return for which legal consideration of equal or greater value is not given or received.

l. "Honorarium" means anything of value that is accepted or given as consideration for an appearance, speech or article.

m. "Immediate family members" means the spouse and dependent children of a county official, county employee or candidate.

n. "Lobbyist" means an individual who, by acting directly, does any of the following:

1.(a) Received compensation or encourage the passage, defeat, approval, veto, or modification of legislation, a rule, or an executive order by the members of the General Assembly, a state agency, or any state-wide elected official.

(b) Is a designated representative of an organization which has as one of its purposes the encouragement of the passage, defeat, approval, veto, or modification of legislation, a rule, or an executive order before the General Assembly, a state agency, or any state-wide elected official.

(c) Represents the position of a federal, state, or local government agency, in which the person serves or is employed as the designated representative, for purposes of encouraging the passage, defeat, approval, veto, or modification of legislation, a rule, or an executive order by members of the General Assembly, a state agency, or any state-wide elected official.

(d) Makes expenditures of more than one thousand dollars in a calendar year, other than to pay compensation to an individual who provides the services specified under subparagraph (a) or to communicate with only the members of the General Assembly who represent the district in which the individual resides, to communicate in person with members of the General Assembly, a state agency, or any state-wide elected official for purposes of encouraging the passage, defeat, approval, veto or modification of legislation, a rule, or an executive order.

2. "Lobbyist" does not mean:

(a) Officials and employees of a political party organized in the State of Iowa representing more than two percent of the total votes cast for governor in the last preceding general election, but only when representing the political party in an official capacity.

(b) Representatives of the news media only when engaged in the reporting and dissemination of news and editorials.

(c) All federal, state, and local elected officials, while performing the duties and responsibilities of office.

(d) Persons whose activities are limited to appearances to give testimony or provide information or assistance at sessions of committees of the General Assembly or at public hearings of state agencies or who are giving testimony or providing information or assistance at the request of public or county officials or employees.

(e) Members of the staff of the United States Congress or the Iowa General Assembly.

(f) Agency officials and employees while they are engaged in activities within the agency in which they serve or are employed or with another agency with which the officials or employees agency is involved in a collaborative project.

(g) An individual who is a member, director, trustee, officer, or committee member of a business, trade, labor, farm, professional, or religious, educational, or charitable association, foundation, or organization who either is not paid compensation or is not specifically designated as provided in paragraph "1", subparagraph (a) or (b).

(h) Persons whose activities are limited to submitting data, views, or arguments in writing, or requesting an opportunity to make an oral presentation under Section 17A.4, subsection 1, Code of Iowa.

O. "Person" means, without limitation, any individual, corporation, business trust, estate, trust, partnership or association, labor union, or any other legal entity.

p. "Public office" means any state or county office that is filled by election.

q. "Restricted donor" means a person who is in any of the following categories:

1. Is or is seeking to be a party to any one or any combination of sales, purchases, leases or contracts to, from, or with the agency or county office in which the donee holds office or is employed.

2. Will personally be, or is the agent of a person who will be directly and substantially affected financially by the performance or non-performance of the donee's official duty in a way that is greater than the effect on the public generally or on a substantial class of persons to which the person belongs as a member of a profession, occupation, industry, or region.

3. Is personally, or is the agent of a person who is, the subject of or party to a matter which is pending before a subunit of a regulatory agency or county office and over which the donee has discretionary authority as part of the donee's official duties or employment within the county office or regulatory agency's subunit.

4. Is a lobbyist or a client of a lobbyist with respect to matters within the donee's jurisdiction.

r. "Regulatory agency" means, but is not limited to, the Department of Agriculture and Land Stewardship, Department of Employment Services, Department of Commerce, Iowa Department of Public Health, Department of Public Safety, Department of Education, State Board of Regents, Department of Human Services, Department of Revenue and Finance, Department of Inspection and Appeals, Department of Personnel, Public Employment Relations Board, State Department of Transportation, Civil Rights Commission, Department of Public Defense, and Department of Natural Resources.

Section 2. Gifts Accepted or Received.

a. Except as otherwise provided in this ordinance, a county official, county employee, or candidate, or that person's immediate family member shall not, directly or indirectly, accept or receive any gift or series of gifts from a restricted donor. A county official, county employee, candidate, or the person's immediate family member shall not solicit any gift or series of gifts from a restricted donor at any time.

b. Except as otherwise provided in this ordinance, a restricted donor shall not, directly or indirectly, offer or make a gift or series of gifts to a county official, county employee, or candidate. Except as otherwise provided in this ordinance, a restricted donor shall not, directly or indirectly, join with one or more other restricted donors to offer or make a gift or series of gifts to a county official, county employee, or candidate.

c. A restricted donor may give, and a county official, county employee or candidate, or the person's immediate family member, may accept an otherwise prohibited non-monetary gift or a series of otherwise prohibited non-monetary gift and not be in violation of this ordinance if the non-monetary gift or series of non-monetary gifts is donated within thirty days to the state, the county, or a bona fide educational or charitable organization inures to the benefit of any private stockholder or other individual. All such items donated to the state or county shall be disposed of by assignment to state or local agencies or offices for official use or by public sale.

d. Notwithstanding subsections a and b, the following gifts may be received by county officials, county employees, candidates, or members of the immediate family of county officials, county employees, or candidates:

1. Contributions to a candidate or a candidate's committee.

2. Informational material relevant to a county official's or county employee's official functions, such as books, pamphlets, reports, documents, periodicals, or other information that is recorded in a written, audio, or visual format.

3. Anything received from anyone related within the fourth degree of kinship or marriage unless the donor is acting as an agent or intermediary for another person not so related.

4. An inheritance.

5. Anything available or distributed free of charge to members of the general public without regard to the official status of the recipient.

6. Items received from a bona fide charitable, professional, educational, or business organization to which the donee belongs as a dues-paying member, if the items are given to all members of the organization without regard to individual members' status or positions held outside of the organization and if the dues paid are not inconsequential when compared with the items received,

7. Actual expenses of a donee for food, beverages, registration, travel, and lodging for a meeting, which is given in return for participation in a panel or speaking engagement at the meeting when the expenses relate to the day or days on which the donee has participation or presentation responsibilities.

8. Plaques or items or negligible resale value which are given as recognition for the public services of the recipient.

9. Non-monetary items with a value of three dollars or less that are received from any one donor during one calendar day.

10. Items or services solicited by or given to a state, national, or regional government organization in which the county is a member for purposes of a business or educational conference, seminar, or other meeting; or solicited by or given to state, national, or regional government organizations whose memberships and officers are primarily composed of county governmental officials or employees, for purposes of a business or educational conference, seminar, or other meeting.

11. Items or services received by members or representatives of members at a regularly scheduled event that is part of a business or educational conference, seminar, or other meeting that is sponsored and directed by any state, national, or regional government organization in which the county is a member, or received at such an event by members or representatives of members of state, national, or regional government organizations whose memberships and officers are primarily composed of county government officials or employees.

12. Funeral flowers or memorials to a church or non-profit organization.

13. Gifts which are given to a county official or county employee for the county official's or county employee's wedding or 25th or 50th wedding anniversary.

14. Payment of salary or expenses by a person's employer or the firm in which the person is a member for the cost of attending a meeting of a subunit of an agency when the person whose expenses are being paid serves on a board, commission, committee, counsel, or other subunit of the agency and the person is not entitled to receive compensation or reimbursement of expenses from the county for attending the meeting.

15. Gifts of food, beverages, travel, or lodging received by a county official or county employee if all of the following apply:

    a. The county official or county employee is officially representing the county or an agency in a delegation whose sole purpose is to attract a specific new business to locate in the state or county, encourage expansion or retention of an existing business already established in the state or county, or to develop markets for Iowa or county businesses or products.

    b. The donor of the gift is not the business or businesses being contacted. However, food or beverages provided by the business or businesses being contacted which are consumed during the meeting are not a gift under this section.

    c. The county official or county employee plays a significant role in the presentation to the business or businesses on behalf of the county official's or county employee's office or other county agency.

16. Gifts other than food, beverages, travel, and lodging received by a county official or county employee which are received from a person who is a citizen of a country other than the United States and is given during a ceremonial presentation or as a result of a custom of the other country and is of personal value only to the donee.

17. Actual registration costs for informational meetings or sessions which assist a county official or county employee in the performance of the person's official functions. The costs of food, drink, lodging and travel are not "registration costs" under this paragraph. Meetings or sessions which a county official or county employee attends for personal or professional licensing purposes are not "informational meetings or sessions which assist a county official or county employee in the performance of the person's official functions" under this paragraph.

e. For purposes of determining the value of an item given or received, an individual who gives an item on behalf of more than one person shall not divide the value of the item by the number of persons on whose behalf the item is given and the value of an item received shall be the value actually received by the donee.

f. A gift shall not be considered to be received by a county official or county employee if the state or county is the donee of the gift and the county official or county employee is required to receive the gift on behalf of the state or the county as part of the performance of the person's duties of office or employment.

Section 3. Honoraria.

a. Except as provided in subsection b, a county official or county employee shall not seek or accept an honorarium from a restricted donor.

b. A county official or county employee may accept an honorarium from any person under the following circumstances:

    1. The honorarium consists of payment of actual expenses of a donee for registration, food, beverages, travel, and lodging paid in return for participation in a panel or speaking engagement at a meeting when the expense is related directly to the day or days on which the recipient has participation or presentation responsibilities.

    2. The honorarium consists of a non-monetary item or a series of non-monetary items that the county official or county employee donates within thirty days to a public body, a bona fide educational charitable organization, or the county as provided in section 2 subsection c.

    3. The honorarium consists of a payment made to a county official or county employee for services rendered as a part of a bona fide private business, trade, or profession in which the county official or county employee is engaged if the payment is commensurate with the actual services rendered and is not being made because of the person's status as a county official or county employee, but, rather, because of some special expertise or qualification.

Section 4. Loans - receipt from lobbyists prohibited.

a. A county official, county employee, candidate, ot that person's immediate family members shall not, directly or indirectly, seek or accept a loan or a series of loans from a person who is a lobbyist.

b. A lobbyist shall not, directly or indirectly, offer or make a loan or series of loans to a county official, county employee, candidate, or that person's immediate family members. A lobbyist shall also not, directly or indirectly, join with one or more persons to offer or make a loan or series of loans to a county official, county employee, candidate, or that person's immediate family members.

c. This section shall not apply to loans made in the ordinary course of business. For purposes of this section, a loan is "made in the ordinary course of business" when it is made by a person who is regularly engaged in a business that makes loans to members of the general public and the finance charges and other terms of the loan are the same or substantially similar to the finance charges and loan terms that are available to members of the general public.

Section 5. Enforcement.

Complaints regarding conduct of county officials, county employees or candidates which violates this ordinance shall be filed, in writing, with the county attorney by any legal resident of the State of Iowa who is 18 years of age or more at the time of commencing the action.

Section 6. Penalties.

In addition to any penalty contained in any other provision of law, a person who knowingly and intentionally violates any provision of this ordinance is guilty of a simple misdemeanor and may be fined in an amount not to exceed one hundred dollars or imprisoned in the county jail for a period not to exceed thirty days and in addition may be reprimanded, suspended, or dismissed from the person's position or otherwise sanctioned.

Section 7. Effective date.

This ordinance shall be in effect after final passage, approval and publication as provided in Chapter 331.302, Code of Iowa.

Motion made by Clemen, seconded by Besler and carried that the final reading of Ordinance #13, 14, 15 and 16 be approved and that a third reading be waived. All ayes.

Sharon McCrabb, County Auditor, Eldon Koeneke and Jerome Besler, Supervisors expressed their appreciation for the years of service Bob Clemen has given Dèlaware County.

Brian Ridenour, County Engineer, stated he had checked all the quotes submitted for the culvert materials and they were correct.

Motion made by Besler, seconded by Clemen and carried that Culverts Unlimited, Inc. be awarded the bid for the low quote of $18,948.72 for culvert materials. All ayes.

There being no further business, this meeting adjourned. These minutes were read and approved.

G. Eldon Koeneke, Chairman

Sharon McCrabb, Auditor

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STATE OF IOWA, Delaware County-ss.

I, Larry K. Woellert, being duly sworn depose and say that I am publisher of The Manchester Press, a newspaper published weekly in Manchester, in said county, and that the

Delaware Co Ordinance 13

in case of

a copy of which is hereto attached, was published in said newspaper for 1 weeks consecutively; the first publication having been made on the 7th day of January A.D. 19 97, and the last on the day of A.D. 19

Publication fee, $35.33

Larry K. Woellert

Subscribed by Larry K. Woellert and by him sworn to before me, a notary public in and of Delaware County, Iowa this 7th day of January A.D. 1997

Witness my hand and seal the date last above written.

Valerie Funke Notary Public

VALERIE FUNKE
MY COMMISSION EXPIRES
3-13-99

DELAWARE COUNTY ORDINANCE #13

Title: An ordinance readopting the existing county code and amending and/or repealing certain portions therein, Delaware County, Iowa:

Be It Enacted by the Board of Supervisors of Delaware County, Iowa:

SECTION 1. PURPOSE. Code of Iowa Section 331.302, subsection nine, requires that once every five years a County shall compile its code of ordinances. This ordinance readopts ordinances already in effect and amends certain ordinances and/or repeals any ordinance deemed no longer necessary to the operation of Delaware County, Iowa, or to the health, safety, and welfare of its citizens.

SECTION 2. READOPTION AND AMENDMENT OF CURRENT CODE. The following ordinances have been previously adopted and enacted into law and were duly published as the law provides. They are stated herein by number and subject matter and by the authority of the Delaware County Board of Supervisors comprise Delaware County Code of Ordinances:

1. No. 2 "An Ordinance Establishing the Area Service System B Road Classification in Delaware County, Iowa" by amending Section 4 to read as follows: The Board of Supervisors of Delaware County is empowered under authority of Chapter 309 of the 1995 Code of Iowa, to classify secondary roads on the area system to provide for a reduced level of maintenance on roads so designated.

By also amending Section 8 to read as follows: As provided in Iowa Code Section 309.57, the county and officers, agents and employees of the county, are not liable for injury to any person or for damage to any vehicle or equipment, which occurs proximately as a result of the maintenance of a road which is classified as Area Service System B, if the road has been maintained as provided in Section 7 of this ordinance.

2. No. 3 "An Ordinance to Establish the Policy and Level of Service in Respect to Clearance or Snow or Ice and Maintenance of this County's Secondary Roads During the Winter Months" by amending Section 1 to read as follows: The purpose of this ordinance is to establish this County's policy and level of service in respect to clearance of snow or ice and maintenance of its secondary road system during the winter months, pursuant to the provisions of Section 309.67 of the 1995 Iowa Code.

3. No. 7 "Waste Disposal Ordinance" by amending Section 1 to read as follows: To provide for the prohibition against land disposal of yard waste in accordance with the directives of Iowa Code Section 455D.9 and 567 IAC 105.

By also amending Section II to read as follows: "Yard waste" means debris such as grass clippings, leaves, garden waste, brush and trees. Yard waste does not include tree stumps.

4. No. 9 "An Ordinance to Impose a Local Option Sales and Services Tax in Delaware County" readopted in its entirety.

5. No. 10 "An Ordinance to Impose a Local Option Sales and Services Tax in Delaware County" readopted in its entirety.

6. No. 11 "An Ordinance Adopting Rules for the Construction and Abandonment of Private Water Wells in Delaware County" readopted in its entirety.

7. No. 12 "An Ordinance for the Establishment and Maintenance of a Uniform Rural Address System for Delaware County" readopted in its entirety.

SECTION 3. REPEAL OF COUNTY LAW. The following ordinances, deemed by the Board of Supervisors to be of no further value to the operation of Delaware County or to the health, safety and welfare of its citizens, are hereby repealed:

1. No. 0 "General Relief Program", effective 6-15-81, repealed in its entirety.

2. No. 4 "An Ordinance Authorizing Property Tax Exemptions" effective 9-9-85, repealed in its entirety.

3. No. 6 "Accepting and Reporting of Gifts" effective July 10, 1989, repealed in its entirety.

4. No. 8 "An Ordinance Readopting the Existing County Code and Amending and/or Repealing Certain Portions Therein, Delaware County, Iowa" effective August 8, 1991, repealed in its entirety.

SECTION 4. CODE OF ORDINANCES. Copies of the code as adopted herein shall now be on file and available for public inspection in the office of the County Auditor during regular office hours.

SECTION 5. WHEN EFFECTIVE. This ordinance shall be effective after its final passage, approval, and publication as provided by law.

Passed and approved by the Board of Supervisors this 30th day of December, 1996.

DELAWARE COUNTY
BOARD OF SUPERVISORS
/S/ G. Eldon Koeneke, Chairman
/S/ Jerome E. Beeler
/S/ Bob Clemen
ATTEST:
/S/ Sharon McCrabb, Secretary to the Board of Supervisors

STATE OF IOWA)
)SS:
DELAWARE COUNTY)

On this 30 day of December, 1996, before me, Carolyn A. Wilson, a Notary Public in and for the State of Iowa, personally appeared G. Eldon Koeneke, Jerome E. Beeler, Bob Clemen and Sharon McCrabb, to me personally known, and who being by me duly sworn, did say that they are the Chairperson of the Board of Supervisors, Supervisors and County Auditor, respectively, of the County of Delaware, Iowa; that the seal affixed to the foregoing instrument is the official seal of the County of Delaware and that the instrument was signed and sealed on behalf of the County, by authority of its Board of Supervisors as passed by the Board of Supervisors on the 30th day of December, 1996, and G. Eldon Koeneke, Jerome E. Beeler, Bob Clemen and Sharon McCrabb acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the County of Delaware, be it voluntarily executed.

/S/ Carolyn A. Wilson, Notary Public in and for the State of Iowa.
My Commission expires 12-17-98
P63

1-7-97

STATE OF IOWA, Delaware County-ss.

I, Larry K. Woellert, being duly sworn depose and say that I am publisher of The Manchester Press, a newspaper published weekly in Manchester, in said county, and that the

County Ordinance No 14
Delaware County

in case of

a copy of which is hereto attached, was published in said newspaper for 1 weeks consecutively; the first publication having been made on the 7th day of January A.D. 19 97, and the last on the day of A.D. 19

Publication fee, $113.36

Larry K. Woellert

Subscribed by Larry K. Woellert and by him sworn to before me, a notary public in and of Delaware County, Iowa this 7th day of January A.D. 19 97

Witness my hand and seal the date last above written.

Valerie Funke Notary Public

VALERIE FUNKE
MY COMMISSION EXPIRES
3-13-98

COUNTY ORDINANCE NO. 14
AN ORDINANCE PRESCRIBING THE GENERAL RELIEF PROGRAM IN DELAWARE COUNTY, IOWA

BE IT RESOLVED, by the Board of Supervisors of Delaware County, Iowa:

SECTION 1 - PURPOSE OF GENERAL RELIEF. County General Relief shall be provided to residents of this county as mandated by the Code of Iowa, section 252.25. The purpose and policy of such provision of relief where appropriate, is to assist the resident in removing barriers to self-sufficiency and economic self-support to prevent, reduce or eliminate dependency.

SECTION 2 - DEFINITIONS. The definition of terms as used in this ordinance are:

1. "NEEDY PERSON" is a person or the family unit of that person who is domiciled in Delaware County, Iowa and who, because of circumstances which are not attributable to that person, needs immediate relief.

2. "POOR PERSON" is a person or family unit of that person who is domiciled in Delaware County, Iowa, and who, because of physical or mental disability, is unable to engage in gainful employment and otherwise cannot make a living.

3. "RELIEF" means rent, shelter, clothing, fuel, electricity, water, personal care items, medical attention, and burial expenses.

4. "RESOURCES" include monies from any source, monies due, savings and other deposits, stocks, bonds, real estate, cash value of life insurance policies, jewelry, and the value of all other real and personal property, but excludes clothing, wedding rings, usual household furniture, bedding, towels, and similar items. The total value of these resources shall not exceed Two Thousand Dollars ($2,000.00).

5. "INCOME" includes any earned or unearned income. Relief is to be provided to persons whose income is below the schedules set up for the Family Investment Program (FIP).

6. "FAMILY UNIT" means the individual applying and all members of the immediate family as long as they reside with the applicant as a family unit.

7. "AWAITING APPROVAL AND RECEIPT" means a poor person who has applied for assistance under any state or federal law, who has pursued that application with due diligence and who has not had that application denied.

SECTION 3 - FORM OF RELIEF. The relief shall be purchased directly from the supplier for the applicant or the family unit. It may be for one or more of the items of relief that can be provided.

SECTION 4. ELIGIBILITY.

1. Compliance with the requirements of Section 252.16 of the Code of Iowa.

2. Resources:

a. licensed vehicle - maximum equity value of $7,500.00.

b. resources - maximum $2,000.00.

c. income - below the current scheduled level provided under DHS assistance to dependent children.

3. Transients - needy persons who have been in the county for less than five (5) days will be considered "transient" and will be referred to other local agencies providing transient assistance.

4. Job Seeking Requirements - a needy person shall immediately register for employment with Job Service of Iowa and otherwise actively seek employment unless the person is a:

a. disabled person - a doctor's statement may be required if the disability is not evident.

b. primary caretaker of a child in the home who is under 6 years of age.

c. elderly person - age 62 or over.

d. minor - under 18 years of age and attending school full-time, it of school age.

The needy person shall seek and accept any reasonable employment whether or not it is suitable employment under the guidelines of Job Service of Iowa. A refusal or failure to actively seek employment or refusal or failure to accept reasonable employment offered shall disqualify the needy person from receiving future benefits. The needy person may be required to provide reasonable proof that he or she is actively seeking employment.

5. Quitting a job - a needy person who quits a job without good cause within thirty (30) days prior to the date of application shall be denied.

6. Reasons for denial - General Relief shall be denied at any time if:

a. the applicant or recipient refuses to rely on his or her resources.

b. there is a transfer of property with intent to qualify for General Relief.

c. the applicant or recipient refuses to answer any question or if they falsify their application.

7. Reasons for disqualification - An applicant may be disqualified from receiving future benefits if that person:

a. falsifies the application, verification or any other information. In cases of falsification, the applicant shall be denied further assistance for one (1) year.

b. fails to repay the value of benefits received as agreed, except for reasons not attributable to that person. The Board of Supervisors may, upon application, waive the repayment of all or some of the benefits provided on the same basis as it may waive payment of property taxes.

SECTION 5 - LEVEL OF BENEFITS. Relief shall be paid only on current bills. Relief shall not be paid for deposits, hook-up fees, reconnect fees, or to satisfy any past due bills unless necessary for current service or goods and it is approved by the Board of Supervisors.

The maximum level of benefits to be provided for each item of relief for each person or that person's family unit shall be:

1. Rent and Utilities:

# of persons	Maximum allocation amount
1	$155
2	$205
3	$220
4	$245
5	$245
6	$270
7	$280
8	$305

Rent shall be paid to bona fide landlords. Rent shall not be paid to responsible relatives such as parents, children, grandparents, or grandchildren.

2. Clothing, the reasonable value of clothing actually needed if not immediately available from other sources.

3. Fuel, electricity, and water, the amount needed to provide these services and supplies.

4. Personal care items, the reasonable value of personal hygiene items actually needed, not to exceed Fifteen Dollars ($15).

5. Medical services, prescriptions, and dental services, the reasonable value of these services actually needed on an emergency basis. Dental services shall be limited to tooth extraction or alleviation of pain. If extensive medical treatment is anticipated, a State Paper may be considered.

6. Burial assistance, the reasonable value of these services, not to exceed Six Hundred and Fifty Dollars ($650). In cases where income exceeds the guidelines, but is less that the cost of burial, the Director may waive the income guidelines with the Board approval.

SECTION 6 - RELIEF OF AN EXTENDED NATURE. It is contemplated that items of relief provided to needy persons, or their family unit will not exceed two (2) months during a 12 month period of time. If it appears that items of relief should be provided continuously beyond this two (2) month period, and it is determined by the Director of Relief or Appointed Designee and the Board of Supervisors that it is necessary, the family unit of the needy will continue to receive items of relief on a month to month basis.

SECTION 7 - APPLICATION OF RELIEF. Applications for relief shall be submitted by needy persons to the Director of Relief or Appointed Designee at the Delaware County Community Services in Manchester, Iowa, during usual business hours upon forms provided by the Director or Appointed Designee. If, because of undue hardship, a needy person cannot come to the Office, the Director or Appointed Designee shall mail such person an application form or deliver to such person the application. If the applicant or the family unit is or appears to be eligible for relief or assistance from any other federal, state, or local source, the Director or Appointed Designee shall immediately refer the applicant to that source. It shall be the obligation of the applicant to immediately make application to that source, and pursue such application with due diligence as a condition to be eligible for further relief under this ordinance. It is the obligation of each person applying to establish his or her eligibility for any category of general relief and need for any item of relief. If requested, the person applying shall provide the Director or Appointed Designee with a verified statement of net worth, federal and state income tax returns of the previous year, medical reports, medical authorization, and anything else requested by the Director or Appointed Designee that bears upon the person's eligibility and need for relief. The Director or Appointed Designee may also require upon approval of the Board, that the applicant submit to a physical or mental examination to determine applicant's capacity of labor. The Director or appointed Designee, shall also resolve anything that the person applying desires to submit to establish their ability or need to include statements or letters, medical reports, and other written documents as well as the verbal statements of the applicant. The Director or Appointed Designee shall then proceed to conduct a reasonable investigation concerning the applicant's eligibility and needs. The applicant's file and the investigation and findings of the Director or Appointed Designee shall be made available to the applicant, upon request, or to the applicant's attorney by written authorization.

SECTION 8 - INITIAL DETERMINATION.

(a)(1) The Director or Appointed Designee shall make an initial determination of the eligibility and needs of the applicant within five (5) working days of the receipt of the application. Upon that determination, the Director or Appointed Designee shall notify the applicant by telephone immediately, if possible, and within three (3) working days after that determination, mail the applicant at the last address shown on the application, by ordinary mail, the Director's or Appointed Designee's written decision showing the reasons for the determination and the statutes or ordinances applied, together with the specific benefits and their amounts to which the applicant is entitled.

(a) (2) If the Director or Appointed Designee cannot make the initial determination within five (5) working days, the Director or Appointed Designee shall immediately inform the applicant by telephone, if possible, of the reasons that such determination cannot be made. The Director or Appointed Designee shall, also, mail to the applicant, by ordinary mail, within three (3) working days thereafter, the Director's or Appointed Designee's written decision showing the reasons why such determination could not be made. The Director or Appointed Designee shall, also, mail to the applicant, by ordinary mail, within three (3) working days thereafter, the Director's or Appointed Designee's written decision showing the reasons why such determination could not be made.

(b) If an applicant has been previously found eligible, the Director or Appointed Designee need not receive a new application, but may proceed to a determination of whether or not current relief is warranted. Notice and mailing of such determination shall be as provided above. If an emergency and immediate need is present, the Director or Appointed Designee may verbally authorize a supplier or vendor to furnish any item of relief for the benefit of the applicant and the amount allowed for such benefit. The Director or Appointed Designee shall inform the applicant and issue a written decision as provided above.

(c) Whenever an applicant is found eligible and entitled to relief, the Director or Appointed Designee shall proceed to provide the same and notify the Board of Supervisors.

SECTION 9 - APPEAL

(a) Every applicant, whether granted relief or not, shall be informed in the Director's or Appointed Designee's written decision of the applicant's right to appeal from such decision to the Board of Supervisors. The applicant shall be informed (1) of the method of which an appeal may be taken, and

(2) that he or she may represent him or herself, or may be represented by an attorney.

(b) Any written appeal or communication to the Director or Appointed Designee by or on behalf of an applicant requesting appeal of the Director's or Appointed Designee's determination, shall be taken by the Director or Appointed Designee and put immediately upon the Board of Supervisor's agenda, in accordance with Chapter 28A, Code of Iowa, for the next regular Board meeting, providing that such appeal shall not be heard sooner that five (5) days after appeal is taken. The written appeal or communication must be made to the Director or Appointed Designee within ten (10) days of the Director's or Appointed Designee's determination, provide applicant's current address and telephone number, and state the reasons for the appeal. The applicant shall be informed immediately by telephone and by ordinary mail, of the date and time of hearing before the Board. Applicant and his or her attorney, upon written authorization, shall be granted access by the Director or Appointed Designee to his or her relief case file if request it made.

County Auditor

First Reading: December 23, 1996
Second Reading: December 30, 1996
Third Reading: Waived
Published:
January 7, 1997 in The Manchester Press
January 8, 1997 in the Hopkinton Leader
STATE OF IOWA)
)ss:
DELAWARE COUNTY)

On this 30 day of December, 1996 before me, Carolyn A. Wilson a Notary Public in and for the State of Iowa, personally appeared G. Eldon Koeneke and Sharon McCrabb to me personally known, and who, being by me duly sworn, did say that they are the Chairperson of the Board of Supervisors and County Auditor, respectively, of the County of Delaware, Iowa; that the seal affixed to the foregoing instrument is the county seal of the county and that the instrument was signed and sealed on behalf of the county, by authority of its Board of Supervisors, as contained in Ordinance No.14 passed (or Resolution adopted) by the Board of Supervisors under Roll Call No. ____ of the Board of Supervisors on the 30 day of December, 1996, and G. Eldon Koeneke and Sharon McCrabb acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the county, by it voluntarily executed.

Notary State of Iowa
/S/ Carolyn A. Wilson
My Commission expires 12-17-98
P53

4 1-7-97

SECTION 10 - APPEAL HEARING.

(a) The Board of Supervisors shall hear applicant's appeal de novo at the time scheduled in the agenda unless continuance is requested by applicant.

Applicant shall be permitted to present whatever evidence desired in support of the appeal including testifying, having other witnesses testify, offering documentary evidence and reasonable cross examination of other witnesses, if present. The technical rules of evidence shall not apply. The Board may set reasonable times for the present action of the parties at any appeal. The applicant's file shall be admitted into evidence. The Board may question the applicant, and the Director or Appointed Designee shall present the Board with reasons for the determination. The appeal will be tape recorded. The hearing before the Board will not be an open meeting under Chapter 28A, Code of Iowa, since the confidential files of the applicant will be in evidence. When the Board deliberates on the appeal, no parties shall be present.

(b) The Board shall make a decision on the appeal within five (5) working days. The Board's decision shall be only on the basis of evidence submitted before the Board. The applicant shall be informed immediately by telephone of the decision and within four (4) working days thereafter, the Board shall mail to the applicant at his or her last known address, by ordinary mail, its decision in writing. The decision shall state the reasons for the action, together with any statute or ordinance applied. The Board's decision shall also state that an appeal may be taken from the Board's determination, as provided below, and the method by which such appeal may be taken.

(c) Any appeal to the District Court shall be allowed by the applicant from the Board's decision within the time and by the manner and procedures established under the Iowa Administrative Procedures Act, Chapter 17A, Code of Iowa.

SECTION 11 - ACTIONS OF THE BOARD OF SUPERVISORS. In the event the Board of Supervisors, in reviewing the actions of the Director of Relief or Appointed Designee, questions any allowance of relief benefits allowed by the Director or Appointed Designee, it shall take no action concerning such allowance until it conducts a hearing. This hearing, the reasons for it, and notification to the applicant shall be given in the same manner as if the applicant had taken an appeal. This hearing shall proceed in the same manner as appeal from the Director's or Appointed Designee's determination.

SECTION 12 - ADDITIONAL PROVISIONS. The Director or Appointed Designee may allow, upon application, the additional benefits provided for in Chapter 252, Code of Iowa. The provisions of Chapter 252.13, Code of Iowa, for repayment of benefits to Delaware County, are applicable and the applicant shall acknowledge the same in writing. Recipients of relief may further be required to work for the County as a condition to receipt of such benefits as required in Sections 252.7 and 252.42, Code of Iowa. Benefits provided a recipient may be further a claim against the homestead of a recipient and a claim in probate, as provided by law.

SECTION 13. All ordinances and resolutions, or parts thereof, in conflict herewith are hereby repealed.

CHAIR, BOARD OF SUPERVISORS
/S/ G. Eldon Koeneke
Attest:
/S/ Sharon McCrabb

BOOK 6 PAGE 263

STATE OF IOWA, Delaware County-ss.

I, Larry K. Woellert, being duly sworn depose and say that I am publisher of The Manchester Press, a newspaper published weekly in Manchester, in said county, and that the _____

Delaware Co Ordinance 15

_____

in case of _____

_____

a copy of which is hereto attached, was published in said newspaper for 1 weeks consecutively; the first publication having been made on the 7th day of January A.D. 19 97, and the last on the _____ day of _____ A.D. 19____

Publication fee, $ 38.73

Larry K. Woellert

Subscribed by Larry K. Woellert and by him sworn to before me, a notary public in and of Delaware County, Iowa this 7th day of January A.D. 19 97

Witness my hand and seal the date last above written.

Valerie Funke Notary Public

VALERIE FUNKE
MY COMMISSION EXPIRES
3-13-98

COUNTY ORDINANCE NO.15
AN ORDINANCE RELATING TO
PROPERTY TAX
EXEMPTIONS

Be it ordained by the Board of Supervisors of Delaware County, Iowa:

Section 1. Exemptions.

a. Scope; applicability.

(1) This section provides for a partial exemption from property taxation for the actual value added to industrial real estate by the new construction of industrial real estate pursuant to Section 427 B. 1 of the Code of Iowa, conditioned as follows:

(2) *"New Construction"*, as referred to herein, means new buildings and structures and includes new buildings and structures which are constructed as additions to existing buildings and structures. *"New construction"* does not include reconstruction of an existing building or a structure that does not constitute complete replacement of an existing building or structure or refitting of an existing building or structure, unless the reconstruction of an existing building or structure is required due to economic obsolescence and a reconstruction is necessary to implement a recognized industry standard for the manufacturing and processing of specific products and the reconstruction is required for the owner of the building or structure to continue to competitively manufacture or process those products, which determination shall receive prior approval from the Board of Supervisors of Delaware County upon the recommendation of the Iowa Department of Economic Development.

(3) A property tax exemption under this Section shall not be granted if the property for which the exemption is claimed has received any other property tax exemption authorized by law.

b. Application for exemption by property owner.

(1) An application shall be filed for each project resulting in actual value added for which an exemption is claimed. The application for exemption shall be filed by the owner of the property with the Delaware County Assessor by February 1 of the assessment year in which the value added is first assessed for taxation. Applications for exemptions shall be made on forms prescribed by the Director of Revenue and shall contain information pertaining to the nature of the improvement, its cost, and other information deemed necessary by the Director of Revenue.

(2) A person may submit a proposal to the Board of Supervisors to receive prior approval for eligibility for a tax exemption on new construction. Prior approval shall be subject to the hearing requirements of Iowa Code Section 427 B. 1. Prior approval does not entitle the owner to exemption from taxation until the new construction has been completed and found to be qualified real estate. However, if the tax exemption for new construction is not approved, the person may submit an amended proposal to the Board of Supervisors to approve or reject.

c. Period of partial exemption.

(1) The actual value added to industrial real estate for the reasons specified in this section is eligible to receive a partial exemption from taxation for a period of five years. However, if property ceases to be classified as industrial real estate the partial exemption for the value added shall not be allowed for subsequent assessment years. *"Actual value added"* as used in this section means the actual value added as of the first year for which the exemption is received. The amount of actual value added which is eligible to be exempted from taxation shall be as follows:

(a) For the first year, seventy-five percent.
(b) For the second year, sixty percent.
(c) For the third year, forty-five percent.
(d) For the fourth year, thirty percent.
(e) For the fifth year, fifteen percent.

(2) This schedule shall be followed unless an alternative schedule is adopted by the Board of Supervisors in accordance with Iowa Code Section 427B. 1.

(3) The granting of the exemption under this section for new construction constituting complete replacement of an existing building or structure shall not result in the assessed value of the industrial real estate being reduced below the assessed value of the industrial real estate before the start of the new construction added.

d. Repeal of exemption.

(1) The partial exemption shall be available until such time as this section is repealed by the Board of Supervisors. When in the opinion of the County Board of Supervisors continuation of the exemption granted by this ordinance ceases to be of benefit to Delaware County, the County Board of Supervisors may repeal the ordinance as authorized by Iowa Code Section 427 B. 1, but all existing exemptions shall continue until their expiration.

Section 2. *Repealer.*

a. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. *Severability.*

a. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of this ordinance as a whole or any section, provision or part, not adjudged invalid or unconstitutional.

Section 4. *Effective Date.*

a. This ordinance shall be in effect after final passage, approval and publication as provided in Chapter 331.302, Code of Iowa.

PASSED AND ADOPTED THIS 30th day of December, 1996.

/S/ G. Eldon Koeneke, Chairperson,
Delaware County Board of Supervisors

ATTEST:
/S/ Sharon McCrabb,
County Auditor

STATE OF IOWA)
)ss:
DELAWARE COUNTY)

On this 30 day of December, 1996,before me, Carolyn A. Wilson a Notary Public in and for the State of Iowa, personally appeared G. Eldon Koeneke and Sharon McCrabb to me personally known, and who, being by me duly sworn, did say that they are the Chairperson of the Board of Supervisors and County Auditor, respectively, of the County of Delaware, Iowa; that the seal affixed to the foregoing instrument is the county seal of the county and that the instrument was signed and sealed on behalf of the county, by authority of its Board of Supervisors, as contained in Ordinance No. 15 passed (or Resolution adopted) by the Board of Supervisors under Roll Call No. _____ of the Board of Supervisors on the 30 day of December, 1996, and G. Eldon Koeneke and Sharon McCrabb acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the county, by it voluntarily executed.

/S/ Carolyn A. Wilson
Notary Public,State of Iowa
My commission expires 12-17-98

P53

1-7-97

STATE OF IOWA, Delaware County-ss.

I, Larry K. Woellert, being duly sworn depose and say that I am publisher of The Manchester Press, a newspaper published weekly in Manchester, in said county, and that the Delaware Co Ordinance 16

in case of

a copy of which is hereto attached, was published in said newspaper for 1 weeks consecutively; the first publication having been made on the 7th day of January A.D. 19 97, and the last on the day of A.D. 19

Publication fee, $ 127.39

Larry K. Woellert

Subscribed by Larry K. Woellert and by him sworn to before me, a notary public in and of Delaware County, Iowa this 27th day of January A.D. 19 97

Witness my hand and seal the date last above written.

Valerie Funke Notary Public

VALERIE FUNKE
MY COMMISSION EXPIRES
3-13-99

COUNTY ORDINANCE NO. 16
AN ORDINANCE RELATING TO GIFTS THAT MAY BE ACCEPTED OR RECEIVED BY COUNTY OFFICIALS, EMPLOYEES, CANDIDATES OR THEIR IMMEDIATE FAMILY MEMBERS

Be it ordained by the Board of Supervisors of Delaware County, Iowa:

Section 1. *Definitions.*

As used in this ordinance, unless the context otherwise requires:

a. *"Agency"* means a department, division, board, commission, bureau, or office of the executive or legislative branch of state government, the office of the Attorney General, the State Board of Regents, community colleges, and the office of the governor, including, but not limited to, a regulatory agency, or any department, division, board, commission, bureau, or office of the county, but does not include any agricultural commodity promotional board, which is subject to a producer referendum.

b. *"Candidate"* means any individual who has taken affirmative action to seek nomination or election to a county office and shall also include any judge standing for retention in a judicial election.

c. *"Candidate's Committee"* means the committee designated by the candidate for a county office to receive contributions in excess of five hundred dollars in the aggregate, expend funds in the excess of five hundred dollars in the aggregate, or incur indebtedness on behalf of the candidate in excess of five hundred dollars in the aggregate in any calendar year.

d. *"Client"* means a private person or a state, federal, or local government entity that pays compensation to or designates an individual to be a lobbyist.

e. *"Committee"* includes a political committee and a candidate's committee.

f. *"Compensation"* means any money, thing of value, or financial benefit conferred in return for services rendered or to be rendered.

g. *"Contribution"* means a loan, advance, deposit, rebate, refund, transfer of money, an in-kind transfer, or the payment of compensation for the personal services of another person.

h. *"County"* means Delaware County, Iowa.

i. *"County employee"* means a person employed by the county and does not include an independent contractor.

j. *"County official"* means an elected official of the county.

k. *"Gift"* means a rendering of anything of value in return for which legal consideration of equal or greater value is not given and received.

l. *"Honorarium"* means anything of value that is accepted or given as consideration for an appearance, speech or article.

m. *"Immediate family members"* means the spouse and dependent children of a county official, county employee or candidate.

n. i. *"Lobbyist"* means an individual who, by acting directly, does any of the following:

(a) Receives compensation to encourage the passage, defeat, approval, veto, or modification of legislation, a rule, or an executive order by the members of the General Assembly, a state agency, or any state-wide elected official.

(b) Is a designated representative of an organization which has as one of its purposes the encouragement of the passage, defeat, approval, veto, or modification of legislation, a rule, or an executive order before the General Assembly, a state agency, or any state-wide elected official.

(c) Represents the position of a federal, state, or local government agency, in which the person serves or is employed as the designated representative, for purposes of encouraging the passage, defeat, approval, veto, or modification of legislation, a rule, or an executive order by members of the General Assembly, a state agency, or any state-wide elected official.

(d) Makes expenditures of more than one thousand dollars in a calendar year, other than to pay compensation to an individual who provides the services specified under subparagraph (a) or to communicate with only the members of the General Assembly who represent the district in which the individual resides, to communicate in person with members of the General Assembly, a state agency, or any state-wide elected official for purposes of encouraging the passage, defeat, approval, veto or modification of legislation, a rule, or an executive order.

2. *"Lobbyist"* does not mean:

(a) Officials and employees of a political party organized in the State of Iowa representing more than two percent of the total votes cast for governor in the last preceding general election, but only when representing the political party in an official capacity.

(b) Representatives of the news media only when engaged in the reporting and dissemination of news and editorials.

(c) All federal, state, and local elected officials, while performing the duties and responsibilities of office.

(d) Persons whose activities are limited to appearances to give testimony or provide information or assistance at sessions of committees of the General Assembly or at public hearings of state agencies or who are giving testimony or providing information or assistance at the request of public or county officials or employees.

(e) Members of the staff of the United States Congress or the Iowa General Assembly.

(f) Agency officials and employees while they are engaged in activities within the agency in which they serve or are employed or with another agency with which the officials or employees agency is involved in a collaborative project.

(g) An individual who is a member, director, trustee, officer, or committee member of a business, trade, labor, farm, professional, or religious, educational, or charitable association, foundation, or organization who either is not paid compensation or is not specifically designated as provided in paragraph "1", subparagraph (a) or (b).

(h) Persons whose activities are limited to submitting data, views, or arguments in writing, or requesting an opportunity to make an oral presentation under Section 17A.4, subsection 1, Code of Iowa.

o. *"Person"* means, without limitation, any individual, corporation, business trust, estate, trust, partnership or association, labor union, or any other legal entity.

p. *"Public office"* means any state or county office that is filled by election.

q. *"Restricted donor"* means a person who is in any of the following categories:

1. Is or is seeking to be a party to any one or any combination of sales, purchases, leases or contracts to, from, or with the agency or county office in which the donee holds office or is employed.

2. Will personally be, or is the agent of a person who will be, directly and substantially affected financially by the performance or non-performance of the donee's official duty in a way that is greater than the effect on the public generally or on a substantial class of persons to which the person belongs as a member of a profession, occupation, industry, or region.

3. Is personally, or is the agent of a person who is, the subject of or party to a matter which is pending before a subunit of a regulatory agency or county office and over which the donee has discretionary authority as part of the donee's official duties or employment within the county office or regulatory agency's subunit.

4. Is a lobbyist or a client of a lobbyist with respect to matters within the donee's jurisdiction.

r. *"Regulatory agency"* means, but is not limited to, the Department of Agriculture and Land Stewardship, Department of Employment Services, Department of Commerce, Iowa Department of Public Health, Department of Public Safety, Department of Education, State Board of Regents, Department of Human Services, Department of Revenue and Finance, Department of Inspection and Appeals, Department of Personnel, Public Employment Relations Board, State Department of Transportation, Civil Rights Commission, Department of Public Defense, and Department of Natural Resources.

Section 2. *Gifts Accepted or Received.*

a. Except as otherwise provided in this ordinance, a county official, county employee, or candidate, or that person's immediate family member shall not, directly or indirectly, accept or receive any gift or series of gifts from a restricted donor. A county official, county employee, candidate, or the person's immediate family member shall not solicit any gift or series of gifts from a restricted donor at any time.

b. Except as otherwise provided in this ordinance, a restricted donor shall not, directly or indirectly, offer or make a gift or series of gifts to a county official, county employee, or candidate. Except as otherwise provided in this ordinance, a restricted donor shall not, directly or indirectly, join with one or more other restricted donors to offer or make a gift or series of gifts to a county official, county employee, or candidate.

c. A restricted donor may give, and a county official, county employee or candidate, or the person's immediate family member, may accept an otherwise prohibited non-monetary gift or a series of otherwise prohibited non-monetary gift and not be in violation of this ordinance if the non-monetary gift or series of non-monetary gifts is donated within thirty days to the state, the county, or a bona fide educational or charitable organization, if no part of the net earnings of the educational or charitable organization inures to the benefit of any private stockholder or other individual. All such items donated to the state or county shall be disposed of by assignment to state or local agencies or offices for official use or by public sale.

d. Notwithstanding subsections a and b, the following gifts may be received by county officials, county employees, candidates, or members of the immediate family of county officials, county employees, or candidates:

1. Contributions to a candidate or a candidate's committee.

2. Informational material relevant to a county official's or county employee's official functions, such as books, pamphlets, reports, documents, periodicals, or other information that is recorded in a written, audio, or visual format.

3. Anything received from anyone related within the fourth degree of kinship or marriage unless the donor is acting as an agent or intermediary for another person not so related.

4. An inheritance.

5. Anything available or distributed free of charge to members of the general public without regard to the official status of the recipient.

6. Items received from a bona fide charitable, professional, educational, or business organization to which the donee belongs as a dues-paying member, if the items are given to all members of the organization without regard to individual members' status or positions held outside of the organization and if the dues paid are not inconsequential when compared with the items received.

7. Actual expenses of a donee for food, beverages, registration, travel, and lodging for a meeting, which is given in return for participation in a panel or speaking engagement at the meeting when the expenses relate to the day or days on which the donee has participation or presentation responsibilities.

8. Plaques or items or negligible resale value which are given as recognition for the public services of the recipient.

9. Non-monetary items with a value of three dollars or less that are received from any one donor during one calendar day.

10. Items or services solicited by or given to a state, national, or regional government organization in which the county is a member for purposes of a business or educational conference, seminar, or other meeting; or solicited by or given to state, national, or regional government organizations whose memberships and officers are primarily composed of county government officials or employees, for purposes of a business or educational conference, seminar, or other meeting.

11. Items or services received by members or representatives of members at a regularly scheduled event that is part of a business or educational conference, seminar, or other meeting that is sponsored and directed by any state, national, or regional government organization in which the county is a member, or received at such an event by members or representatives of members of state, national, or regional government organizations whose memberships and officers are primarily composed of county government officials or employees.

12. Funeral flowers or memorials to a church or non-profit organization.

13. Gifts which are given to a county official or county employee for the county official's or county employee's wedding or 25th or 50th wedding anniversary.

14. Payment of salary or expenses by a person's employer or the firm in which the person is a member for the cost of attending a meeting of a subunit of an agency when the person whose expenses are being paid serves on a board, commission, committee, counsel, or other subunit of the agency and the person is not entitled to receive compensation or reimbursement of expenses from the county for attending the meeting.

15. Gifts of food, beverages, travel, or lodging received by a county official or county employee if all of the following apply:

(a) The county official or county employee is officially representing the county or an agency in a delegation whose sole purpose is to attract a specific new business to locate in the state or county, encourage expansion or retention of an existing business already established in the state or county, or to develop markets for Iowa or county businesses or products.

(b) The donor of the gift is not the business or businesses being contacted. However, food or beverages provided by the business or businesses being contacted which are consumed during the meeting are not a gift under this section.

(c) The county official or county employee plays a significant role in the presentation to the business or businesses on behalf of the county official's or county employee's office or other county agency.

16. Gifts other than food, beverages, travel, and lodging received by a county official or county employee which are received from a person who is a citizen of a country other than the United States and is given during a ceremonial presentation or as a result of a custom of the other country and is of personal value only to the donee.

17. Actual registration costs for informational meetings or sessions which assist a county official or county employee in the performance of the person's official functions. The costs of food, drink, lodging and travel are not "registration costs" under this paragraph. Meetings or sessions which a county official or county employee attends for personal or professional licensing purposes are not "informational meetings or sessions which assist a county official or county employee in the performance of the person's official functions" under this paragraph.

e. For purposes of determining the value of an item given or received, an individual who gives an item on behalf of more than one person shall not divide the value of the item by the number of persons on whose behalf the item is given and the value of an item received shall be the value actually received by the donee.

f. A gift shall not be considered to be received by a county official or county employee if the state or county is the donee of the gift and the county official or county employee is required to receive the gift on behalf of the state or the county as part of the performance of the persons duties of office or employment.

Section 3. *Honoraria.*

a. Except as provided in subsection b, a county official or county employee shall not seek or accept an honorarium from a restricted donor.

b. A county official or county employee may accept an honorarium from any person under the following circumstances:

1. The honorarium consists of payment of actual expenses of a donee for registration, food, beverages, travel, and lodging paid in return for participation in a panel or speaking engagement at a meeting when the expense is related directly to the day or days on which the recipient has participation or presentation responsibilities.

2. The honorarium consists of a non-monetary item or a series of non-monetary items that the county official or county employee donates within thirty days to a public body, a bona fide educational charitable organization, or the county as provided in section 2 subsection c.

3. The honorarium consists of a payment made to a county official or county employee for services rendered as a part of a bona fide private business, trade, or profession in which the county official or county employee is engaged if the payment is commensurate with the actual services rendered and is not being made because of the person's status as a county official or county employee, but, rather, because of some special expertise or qualification.

Section 4. *Loans - receipt from lobbyists prohibited.*

a. A county official, county employee, candidate, or that person's immediate family members shall not, directly or indirectly, seek or accept a loan or a series of loans from a person who is a lobbyist.

b. A lobbyist shall not, directly or indirectly, offer or make a loan or series of loans to a county official, county employee, candidate, or that person's immediate family members. A lobbyist shall also not, directly or indirectly, join with one or more persons to offer or make a loan or series of loans to a county official, county employee, candidate, or that person's immediate family members.

c. This section shall not apply to loans made in the ordinary course of business. For purposes of this section, a loan is *"made in the ordinary course of business"* when it is made by a person who is regularly engaged in a business that makes loans to members of the general public and the finance charges and other terms of the loan are the same or substantially similar to the finance charges and loan terms that are available to members of the general public.

Section 5. *Enforcement.*

Complaints regarding conduct of county officials, county employees or candidates which violates this ordinance shall be filed, in writing, with the county attorney by any legal resident of the State of Iowa who is 18 years of age or more at the time of commencing the action.

Section 6. *Penalties.*

In addition to any penalty contained in any other provision of law, a person who knowingly and intentionally violates any provision of this ordinance is guilty of a simple misdemeanor and may be fined in an amount not to exceed one hundred dollars or imprisoned in the county jail for a period not to exceed thirty days and in addition may be reprimanded, suspended, or dismissed from the person's position or otherwise sanctioned.

Section 7. *Effective date.*

This ordinance shall be in effect after final passage, approval and publication as provided in Chapter 331.302, Code of Iowa.

PASSED AND ADOPTED THIS 30th day of December, 1996.

/S/ G. Eldon Koenske, Chairperson
Delaware County Board of Supervisors

ATTEST:
/S/ Sharon McCrabb, County Auditor

STATE OF IOWA)
) ss:
DELAWARE COUNTY)

On this 30 day of December, 1996, before me, Carolyn A. Wilson a Notary Public in and for the State of Iowa, personally appeared G. Eldon Koenske and Sharon McCrabb to me personally known, and who, being by me duly sworn, did say that they are the Chairperson of the Board of Supervisors and County Auditor, respectively, of the County of Delaware, Iowa; that the seal affixed to the foregoing instrument is the county seal of the county and that the instrument was signed and sealed on behalf of the county, by authority of its Board of Supervisors, as contained in Ordinance No. 16 passed (or Resolution adopted) by the Board of Supervisors under Roll Call No. of the Board of Supervisors on the 30 day of December, 1996, and G. Eldon Koenske and Sharon McCrabb acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the county, by it voluntarily executed.

Notary Public, State of Iowa
/S/ Carolyn A. Wilson
My Commission expires 12-17-98.

3 1-7-97 P53

COUNTY ORDINANCE NO. 16
AN ORDINANCE RELATING TO GIFTS THAT MAY BE ACCEPTED OR RECEIVED BY COUNTY OFFICIALS, EMPLOYEES, CANDIDATES OR THEIR IMMEDIATE FAMILY MEMBERS

Be it ordained by the Board of Supervisors of Delaware County, Iowa:

Section 1. Definitions.

As used in this ordinance, unless the context otherwise requires

a "Agency" means a department, division, board, commission, bureau, or office of the executive or legislative branch of state government, the office of the Attorney General, the State Board of Regents, community colleges, and the office of the governor, including, but not limited to, a regulatory agency, or any department, division, board, commission, bureau, or office of the county, but does not include any agricultural commodity promotional board, which is subject to a producer referendum

b "Candidate" means any individual who has taken affirmative action to seek nomination or election to a county office and shall also include any judge standing for retention in a judicial election

c "Candidate's Committee" means the committee designated by the candidate for a county office to receive contributions in excess of five hundred dollars in the aggregate, expend funds in the excess of five hundred dollars in the aggregate, or incur indebtedness on behalf of the candidate in excess of five hundred dollars in the aggregate in any calendar year.

d "Client" means a private person or a state, federal, or local government entity that pays compensation to or designates an individual to be a lobbyist

e "Committee" includes a political committee and a candidate's committee

f "Compensation" means any money, thing of value, or financial benefit conferred in return for services rendered or to be rendered

g "Contribution" means a loan, advance, deposit, rebate, refund, transfer of money, an in-kind transfer, or the payment of compensation for the personal services of another person.

h " County" means Delaware County, Iowa

i "County employee" means a person employed by the county and does not include an independent contractor

j "County official" means an elected official of the county

k "Gift" means a rendering of anything of value in return for which legal consideration of equal or greater value is not given and received

l "Honorarium" means anything of value that is accepted or given as consideration for an appearance, speech or article

m "Immediate family members" means the spouse and dependent children of a county official, county employee or candidate

n 1 "Lobbyist" means an individual who, by acting directly, does any of the following

(a) Receives compensation to encourage the passage, defeat, approval, veto, or modification of legislation, a rule, or an executive order by the members of the General Assembly, a state agency, or any state wide elected official

(b) Is a designated representative of an organization which has one of its purposes the encouragement of the passage, defeat, approval, veto, or modification of legislation, a rule, or an executive order before the General Assembly, a state agency, or any state wide elected official

(c) Represents the position of a federal, state or local government agency, in which the person serves or is employed as the designated representative, for purposes of encouraging the passage, defeat, approval, veto, or modification of legislation, a rule, or an executive order by members of the General Assembly, a state agency, or any state wide elected official

(d) Makes expenditures of more than one thousand dollars in a calendar year, other than to pay compensation to an individual who provides the services specified under subparagraph (a) or to communicate with only the members of the General Assembly who represent the district in which the individual resides, to communicate in person with members of the General Assembly, a state agency, or any state wide elected official for purposes of encouraging the passage, defeat, approval, veto or modification or legislation, a rule, or an executive order

2 "Lobbyist" does not mean

(a) Officials and employees of a political party organized in the State of Iowa representing more than two percent of the total votes cast for governor in the last preceding general election, but only when representing the political party in an official capacity

(b) Representatives of the news media only when engaged in the reporting and dissemination of news and editorials

(c) All federal, state and local elected officials, while performing the duties and responsibilities of office

(d) Persons whose activities are limited to appearances to give testimony or provide information or assistance at sessions of committees of the General Assembly or at public hearings of state agencies or who are giving testimony or providing information or assistance at the request of public or county officials or employees

(e) Members of the staff of the United States Congress or the Iowa General Assembly

(f) Agency officials and employees while they are engaged in activities within the agency in which they serve or are employed or with another agency with which the officials or employees agency is involved in a collaborative project

(g) An individual who is a member, director, trustee, officer, or committee member of a business, trade, labor, farm, professional or religious, educational or charitable association, foundation, or organization who either is not paid compensation or is not specifically designated as provided in paragr "1", subparagraph (a) or (b)

(h) Persons whose activities are limited to submitting data, views or arguments in writing, or requesting an opportunity to make an oral presentation under Section 17A.4, subsection 1, Code of Iowa.

o "Person" means, without limitation, any individual, corporation, business trust, estate, trust, partnership or association, labor union, or any other legal entity

p "Public office" means any state or county office that is filled by election

q "Restricted donor" means a person who is in any of the following categories:

1 Is or is seeking to be a party to any one or any combination of sales, purchases, leases or contracts to, from, or with the agency or county office in which the donee holds office or is employed

2 Will personally be, or is the agent of a person who will be, directly and substantially affected financially by the performance or non-performance of the donee's official duty in a way that is greater than the effect on the public generally or on a substantial class of persons to which the person belongs as a member of a profession, occupation, industry or region

3 Is personally, or is the agent of a person who is, the subject of or a party to a matter which is pending before a subunit of a regulatory agency or county office and over which the donee has discretionary authority as part of the donee's official duties or employment within the county office or regulatory agency's subunit.

4 Is a lobbyist or a client of a lobbyist with respect to matters within the donee's jurisdiction.

r "Regulatory agency" means, but is not limited to, the Department of Agriculture and Land Stewardship, Department of Employment Services, Department of Commerce, Iowa Department of Public Health, Department of Public Safety, Department of Education, State Board of Regents, Department of Human Services, Department of Revenue and Finance, Department of Inspection and Appeals, Department of Personnel, Public Employment Relations Board, State Department of Transportation, Civil Rights Commission, Department of Public Defense, and Department of Natural Resources

Section 2. Gifts Accepted or Received.

a Except as otherwise provided in this ordinance, a county official, county employee, or candidate, or that person's immediate family member shall not, directly or indirectly, accept or receive any gift or series of gifts from a restricted donor. A county official, county employee, candidate or the person's immediate family member shall not solicit any gift or series of gifts from a restricted donor at any time

b Except as otherwise provided in this ordinance, a restricted donor shall not, directly or indirectly, offer or make a gift or series of gifts to a county official, county employee, or candidate. Except as otherwise provided in this ordinance, a restricted donor shall not, directly or indirectly, join with one or more other restricted donors to offer or make a gift or series of gifts to a county official, county employee, or candidate

c A restricted donor may give, and a county official, county employee or candidate, or the person's immediate family member, may accept an otherwise prohibited non-monetary gift or a series of otherwise prohibited non-monetary gifts and not be in violation of this ordinance if the non-monetary gift or series of non-monetary gifts is donated within thirty days to the state, the county, or a bona fide educational or charitable organization, if no part of the net earnings of the educational or charitable organization inures to the benefit of any private stockholder or other individual. All such items donated to the state or, county shall be disposed of by assignment to state or local agencies or offices for official use or by public use.

d Notwithstanding subsections a and b, the following gifts may be received by county officials, county employees, candidates, or members of the immediate family of county officials, county employees, or candidates

1. Contributions to a candidate or a candidate's committee.

2. Informational material relevant to a county official's or county employee's functions, such as books, pamphlets, reports, documents, periodicals or other information that is recorded in a written, audio or visual format.

3. Anything received from anyone related within the fourth degree of kinship or marriage unless the donor is acting as an agent or intermediary for another person not so related.

4. An inheritance.

5. Anything available or distributed free of charge to members of the general public without regard to the official status of the recipient.

6. Items received from a bona fide charitable, professional, educational, or business organization to which the donee belongs as dues-paying member, if the items are given to all members of the organization without regard to individual member's status or positions held outside of the organization and if the dues paid are not inconsequential when compared with the items received.

7. Actual expenses of a donee for food, beverages, registration, travel, and lodging for a meeting, which is given in return for participation in a panel or speaking engagement at the meeting when the expenses relate to the day or days on which the donee has participation or presentation responsibilities.

8. Plaques or items or negligible resale value which are given as recognition for the public services of the recipient.

9. Non-monetary items with a value of three dollars or less that are received from any donor during one calendar day.

10. Items or services solicited by or given to a state, national, or regional government organization in which the county is a member for purposes of a business or educational conference, seminar, or other meeting; or solicited by or given to state, national, or regional government organizations whose memberships and officers are primarily composed of county government officials or employees, for purposes of a business or educational conference, seminar, or other meeting.

11. Items or services received by members or representatives of members at a regularly scheduled event that is part of a business or educational conference, seminar, or other meeting that is sponsored and directed by any state, national, or regional government organization in which the county is a member, or received at such an event by members or representatives of members of state, national or regional government organizations whose memberships and officers are primarily composed of county government officials or employees.

12. Funeral flowers or memorials to a church or non-profit organization.

13. Gifts which are given to a county official or county employee for the county official's or county employee's wedding or 25th or 50th wedding anniversary.

14. Payment of salary or expenses by a person's employer or the firm in which the person is a member for the cost of attending a meeting of a subunit of an agency when the person whose expenses are being paid serves on a board, commission, committee, counsel or other subunit of the agency and the person is not entitled to receive compensation or reimbursement of expenses from the county for attending the meeting.

15. Gifts of food, beverages, travel, or lodging received by a county official or county employee if all of the following apply:

(a) The county official or county employee is officially representing the county or an agency in a delegation whose sole purpose is to attract a specific new business to locate in the state or county, encourage expansion or retention of an existing business already established in the state or county, or to develop markets for Iowa or county businesses or products.

(b) The donor of the gift is not the business or businesses being contacted. However, food or beverages provided by the business or businesses being contacted which are consumed during the meeting are not a gift under this section.

(c) The county official or county employee plays a significant role in the presentation to the business or businesses on behalf of the county official's or county employee's office or other county agency.

16. Gifts other than food, beverages, travel, and lodging received by a county official or county employee which are received from a person who is a citizen of a country other than the United States and is given during a ceremonial presentation or as result of a custom of the other country and is of personal value only to the donee.

17. Actual registration costs for informational meetings or sessions which assist a county official or county employee in the performance of the person's official functions. The costs of food, drink, lodging and travel are not "registration costs" under this paragraph. Meetings or sessions which a county official or county employee attends for personal or professional licensing purposes are not "informational meetings or sessions which assist a county official or county employee in the performance of the person's official functions" under this paragraph.

e For purposes of determining the value of an item given or received, an individual who gives an item on behalf of more than one person shall not divide the value of the item by the number of persons on whose benefit the item is given and the value of an item received shall be the value actually received by the donee.

f A gift shall not be considered to be received by a county official or county employee if the state or county is the donee of the gift and the county official or county employee is required to receive the gift on behalf of the state or the county as part of the performance of the person's duties of office or employment.

Section 3. Honoraria.

a. Except as provided in subsection b, a county official or county employee shall not seek or accept an honorarium from a restricted donor.

b. A county official or county employee may accept an honorarium from any person under the following circumstances:

1. The honorarium consists of payment of actual expenses of a donee for registration, food, beverages, travel and lodging paid in return for participation in a panel or speaking engagement at a meeting when the expenses is related directly the day or days on which the recipient has participation or presentation responsibilities.

2. The honorarium consists of a non-monetary item or a series of non-monetary items that the county official or county employee donates within the thirty days to a public body, a bona fide educational charitable organization, or the county as provided in section 2 subsection c.

3. The honorarium consists of a payment made to a county official or county employee for services rendered as part of a bona fide private business, trade, or profession in which the county official or county employee is engaged if the payment is commensurate with the actual services rendered and is not being made because of the person's status as a county official or county employee, but, rather, because of some special expertise or qualification.

Section 4. Loans- receipt from lobbyists prohibited.

a A county official, county employee, candidate or that person's immediate family members shall not, directly or indirectly, seek or accept a loan or a series of loans from a person who is a lobbyist.

b A lobbyist shall not, directly or indirectly, offer to make a loan or series of loans to a county official, county employee, candidate, or that person's immediate family members. A lobbyist shall also not, directly or indirectly, join with one or more person to offer or make a loan or series of loans to a county official, county employee, candidate or that person's immediate family members.

c This section shall not apply to loans made in the ordinary course of business. For purposes of this section, a loan is *"made in the ordinary course of business"* when it is made by a person who is regularly engaged in a business that makes loans to members of the general public and the finance charges and other items of the loan are the same or substantially similar to the finance charges and loan terms that are available to members of the general public.

Section 5. Enforcement.

Complaints regarding conduct of county officials, county employees or candidates which violates this ordinance shall be filed, in writing, with the county attorney by any legal resident of the State of Iowa who is 18 years of age or more at the time of commencing the action.

Section 6. Penalties.

In addition to any penalty contained in any other provision of law, a person who knowingly and intentionally violates any provision of this ordinance is guilty of a simple misdemeanor and may be fined in an amount not to exceed one hundred dollars or imprisoned in the county jail for a period not to exceed thirty days and in addition may be reprimanded, suspended, or dismissed from the person's position or otherwise sanctioned.

Section 7. Effective date.

This ordinance shall be in effect after final passage, approval and publication as provided in Chapter 331.302, Code of Iowa.

PASSED AND ADOPTED this 30th day of December, 1996.

G Eldon Koeneke, Chairperson
Delaware County Board of Supervisors

ATTEST
Sharon McCrabb, County Auditor

STATE OF IOWA
DELAWARE COUNTY--SS

On this 30th day of December, 1996, before me, Carolyn A. Wilson, a Notary Public in and for the State of Iowa, personally appeared G Eldon Koeneke and Sharon McCrabb to me personally known, and who, being by me duly sworn, did say that they are the Chairperson of the Board of Supervisors and County Auditor, respectively, of the County of Delaware, Iowa, that the seal affixed to the foregoing instrument is the county seal of the county and that the instrument was signed and sealed on behalf of the county, by authority of its Board of Supervisors as contained in Ordinance No ____ passed (or Resolution adopted) by the Board of Supervisors under Roll Call No ____ of the Board of Supervisors on the 30th day of December, 1996, and G Eldon Koeneke and Sharon McCrabb acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the county, by it voluntarily executed.

Carolyn A. Wilson,
Notary Public, State of Iowa
My commission expires 12-17-98

State of Iowa, Delaware County, ss.

I, Mary Nelle, being duly sworn, state that I am the publisher of the Delaware County Leader, a newspaper published at Hopkinton, Delaware County, Iowa, and the attached notice was published in said newspaper for One consecutive weeks beginning Jan. 8 19 97 and ending Same 19____, Printer's fees, $328.97.

Mary Nelle

Subscribed in my presence and sworn to before me by Mary Nelle on this 31st day of January, 19 97.

GERALDINE P. HUBER
MY COMMISSION EXPIRES
Jan 26 1998

Geraldine P Huber
Notary Publ

BOOK 05

Legal Notices -- Board of Supervisors

DELAWARE COUNTY ORDINANCE #13

Title: An ordinance readopting the existing county code and amending and/or repealing certain portions therein, Delaware County, Iowa:

Be It Enacted by the Board of Supervisors of Delaware County, Iowa:

SECTION 1. PURPOSE. Code of Iowa Section 331.302, subsection nine, requires that once every five years a County shall compile its code of ordinances. This ordinance readopts ordinances already in effect and amends certain ordinances and/or repeals any ordinance deemed no longer necessary to the operation of Delaware County, Iowa, or to the health, safety, and welfare of its citizens.

SECTION 2. READOPTION AND AMENDMENT OF CURRENT CODE. The following ordinances have been previously adopted and enacted into law and were duly published as the law provides. They are stated herein by number and subject matter and by the authority of the Delaware County Board of Supervisors comprise Delaware County Code of Ordinances:

1. No. 2. "An Ordinance Establishing the Area Service System B Road Classification in Delaware County, Iowa" by amending Section 4 to read as follows: The Board of Supervisors of Delaware County is empowered under authority of Chapter 309 of the 1995 Code of Iowa, to classify secondary roads on the area system to provide for a reduced level of maintenance on roads so designated.

By also amending Section 8 to read as follows: As provided in Iowa Code Section 309.57, the county and officers, agents and employees of the county, are not liable for injury to any person or for damage to any vehicle or equipment, which occurs proximately as a result of the maintenance of a road which is classified as Area Service System B, if the road has been maintained as provided in Section 7 of this ordinance.

2. No. 3 "An Ordinance to Establish the Policy and Level of Service in Respect to Clearance or Snow or Ice and Maintenance of This County's Secondary Roads During the Winter Months" by amending Section 1 to read as follows: The purpose of this ordinance is to establish this County's policy and level of service in respect to clearance of snow or ice and maintenance of its secondary road system during the winter months, pursuant to the provisions of Section 309.67 of the 1995 Iowa Code.

3. No. 7 "Waste Disposal Ordinance" by a mending Section 1 to read as follows: The provide for the prohibition against land disposal of yard waste in accordance with the directives of Iowa Code Section 455D.9 and 567 IAC 105.

By also amending Section 11 to read as follows: "Yard Waste" means debris such as grass clippings, leaves, garden waste, brush and trees. Yard waste does not include tree stumps.

4. No. 9 "An Ordinance to Impose a Local Option Sales and Services Tax in Delaware County" readopted in its entirety.

5. No. 10 "An Ordinance To Impose a Local Option Sales and Services Tax in Delaware County" readopted in its entirety.

6. No. 11 "An Ordinance Adopting Rules for the Construction and Abandonment of Private Wells in Delaware County" readopted in its entirety.

7. No. 12 "An Ordinance for the Establishment and Maintenance of a Uniform Rural Address System in Delaware County" readopted in its entirety.

SECTION 3. REPEAL OF COUNTY LAW. The following ordinances, deemed by the Board of Supervisors to be of no further value to the operation of Delaware County or to the health, safety and welfare of its citizens, are hereby repealed:

1. No. 0. "General Relief Program", effective 6-15-81, repealed in its entirety.
2. No. 4 "An Ordinance Authorizing Property Tax Exemptions" effective 9-9-85, repealed in its entirety.
3. No. 6 "Accepting and Reporting of Gifts" effective July 10, 1989, repealed in its entirety.
4. No. 8 "An Ordinance Readopting the Existing County Code and Amending and/or Repealing Certain Portions Therein, Delaware County, Iowa" effective August 8, 1991, repealed in its entirety.

SECTION 4. CODE OF ORDINANCES. Copies of the code as adopted herein shall now be on file and available for public inspection in the office of the County Auditor during regular office hours.

SECTION 5. WHEN EFFECTIVE. This ordinance shall be effective after its final passage, approval, and publication as provided by law.

Passed and approved by the Board of Supervisors this 30th day of December, 1996.

DELAWARE COUNTY BOARD
OF SUPERVISORS
G. Eldon Koeneke, Chairman
Jerome E. Besler
Bob Clemen

ATTEST
Sharon McCrabb, Secretary to the
Board of Supervisors

STATE OF IOWA
DELAWARE COUNTY--SS

On this 30th day of December, 1996, before me, Carolyn A. Wilson, a Notary Public in and for the State of Iowa, personally appeared G. Eldon Koeneke, Jerome E. Besler, Bob Clemen and Sharon McCrabb, to me personally known, and who being by me duly sworn, did say that they are the Chairperson of the Board of Supervisors, Supervisors and County Auditor, respectively, of the County of Delaware, Iowa; that the seal affixed to the foregoing instrument is the official seal of the County of Delaware and that the instrument was signed and sealed on behalf of the County, by authority of its Board of Supervisors as passed by the Board of Supervisors on the 30th day of December, 1996, and G. Eldon Koeneke, Jerome E. Besler, Bob Clemen and Sharon McCrabb acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the County of Delaware, be it voluntarily executed.

Carolyn A. Wilson, Notary Public in
and for the State of Iowa
My commission expires 12-17-98

COUNTY ORDINANCE #NO. 14
AN ORDINANCE PRESCRIBING THE GENERAL RELIEF PROGRAM IN DELAWARE COUNTY, IOWA

BE IT RESOLVED by the Board of Supervisors of Delaware County, Iowa:

SECTION 1 - PURPOSE OF GENERAL RELIEF. County General Relief shall be provided to residents of this county as mandated by the Code of Iowa, Section 252.25. The purpose and policy of such provision of relief where appropriate, is to assist the residents in removing barriers to self-sufficiency and economic self-support to prevent, reduce or eliminate dependency.

SECTION 2. DEFINITIONS. The definition of terms as used in this ordinance are:

1. **"NEEDY PERSON"** is a person or the family unit of that person who is domiciled in Delaware County, Iowa and who, because of circumstances which are not attributable to that person, needs immediate relief.

2. **"POOR PERSON"** is a person or family unit of that person who is domiciled in Delaware County, Iowa, and who, because of physical or mental disability, is unable to engage in gainful employment and otherwise cannot make a living.

3. **"RELIEF"** means rent, shelter, clothing, fuel, electricity, water, personal care items, medical attention, and burial expenses.

4. **"RESOURCES"** includes monies from any source, monies due, savings and other deposits, stocks, bonds, real estate, cash value of life insurance policies, jewelry and the value of all other real and personal property, but excludes clothing, wedding rings, usual household furniture, bedding, towels, and similar items. The total value of these resources shall not exceed Two Thousand Dollars ($2000.00).

5. **"INCOME"** includes earned or unearned income. Relief is to be provided to persons whose income is below the schedules set up for the Family Investment Program (FIP).

6. **"FAMILY UNIT"** means the individual applying and all members of the immediate family as long as they reside with the applicant as a family unit.

7. **"AWAITING APPROVAL AND RECEIPT"** means a poor person who has applied for assistance under any state or federal law, who has pursued that application with due diligence and who has not had that application denied.

SECTION 3 - FORM OF RELIEF. The relief shall be purchased directly from the supplier for the applicant or the family unit. It may be for one or more of the items of relief that can be provided.

SECTION 4 - ELIGIBILITY.

1. Compliance with the requirements of Section 252.16 of the Code of Iowa.
2. Resources
   a. licensed vehicle - maximum equity value of $7500.00.
   b. resources - maximum $2000.00.
   c. income - below the current scheduled level provided by DHS assistance to dependent children.
3. Transients - needy persons who have been in the county for less than five (5) days will be considered "transient" and will be referred to other local agencies providing transient assistance.
4. Job Seeking Requirements - a needy person shall immediately register for employment with Job Service of Iowa and otherwise actively seek employment unless the person is a:
   a. disabled person - a doctor's statement may be required if the disability is not evident.
   b. primary caretaker of a child in the home who is under 6 years of age.
   c. elderly person - age 62 or over.

The needy person shall seek and accept any reasonable employment whether or not it is suitable employment under the guidelines of Job Service of Iowa. A refusal or failure to actively seek employment or refusal or failure to accept reasonable employment offered shall disqualify the needy person from receiving future benefits. The needy person may be required to provide reasonable proof that he or she is actively seeking employment.

5. Quitting a job - a needy person who quits a job without good cause within thirty (30) days prior to the date of application shall be denied.
6. Reasons for denial - General Relief shall be denied at any time if:
   a. the applicant or recipient refuses to rely on his or her resources.
   b. there is a transfer of property with intent to qualify for General Relief.
   c. the applicant or recipient refuses to answer any questions of if they falsify their application.
7. Reasons for disqualification - An applicant may be disqualified from receiving future benefits if that person:
   a. falsifies the application, verification or any other information. In cases of falsification, the applicant shall be denied further assistance for one (1) year.
   b. fails to repay the value of benefits received as agreed, except for reasons not attributable to that person. The Board of Supervisors may, upon application, waive the repayment of all or some of the benefits provided on the same basis as it may waive payment of property taxes.

SECTION 5 - LEVEL OF BENEFITS. Relief shall be paid only on current bills. Relief shall not be paid for deposits, hook-up fees, reconnect fees, or to satisfy any past due bills unless necessary for current service or goods and it is approved by the Board of Supervisors.

The maximum level of benefits to be provided for each item of relief for each person or that person's family unit shall be:

1. Rent and Utilities:

#of persons	Maximum allocation amount
1	$155
2	$205
3	$220
4	$245
5	$245
6	$270
7	$280
8	$105

Rent shall be paid to bona fide landlords. Rent shall not be paid to responsible relatives such as parents, children, grandparents, or grandchildren.

2. Clothing, the reasonable value of clothing actually needed if not immediately available from other sources.
3. Fuel, electricity and water, the amount needed to provide these services and supplies.
4. Personal care items, the reasonable value of personal hygiene items actually needed, not to exceed Fifteen Dollars ($15).
5. Medical services, prescriptions, and dental services, the reasonable value of these services actually needed on an emergency basis. Dental services shall be limited to tooth extraction or alleviation of pain. If extensive medical treatment is anticipated, a State Paper may be considered.
6. Burial assistance, the reasonable value of these services, not to exceed Six Hundred and Fifty Dollars ($650). In cases where income exceeds the guidelines, but is less that the cost of burial, the Director may waive the income guidelines with the Board approval.

SECTION 6 - RELIEF OF AN EXTENDED NATURE. It is contemplated that items of relief provided to needy persons, or their family unit will not exceed two (2) months during a 12 month period of time. If it appears that items of relief should be provided continuously beyond this two (2) month period, and it is determined by the Director of Relief of Appointed Designee and the Board of Supervisors that it is necessary, the family unit of the needy will continue to receive items of relief on a month-to-month basis.

SECTION 7 - APPLICATION OF RELIEF. Application for relief shall be submitted by needy persons to the Director of Relief or Appointed Designee at the Delaware County Community Services in Manchester, Iowa, during usual business hours upon forms provided by the Director or Appointed Designee. If, because of undue hardship, a needy person cannot come to the Office, the Director or Appointed Designee, shall mail such person an application form or deliver to such person the application. If the applicant or the family unit is or appears to be eligible for relief or assistance from any other federal, state or local source, the Director or Appointed Designee shall immediately refer the applicant to that source. It shall be the obligation of the applicant to immediately make application to that source, and pursue such application with due diligence as a condition to be eligible for further relief under this ordinance. It is the obligation of each person applying to establish his or her eligibility for any category of general relief and need for any item of relief. If requested, the person applying shall provide the Director or Appointed Designee with a verified statement of net worth, federal and state income tax returns of the previous year, medical reports, medical authorization and anything else requested by the Director or Appointed Designee that bears upon the person's eligibility and need for relief. The Director or Appointed Designee may also require, upon approval of the Board, that the applicant submit to a physical or mental examination to determine applicant's capacity of labor. The Director or Appointed Designee shall also receive anything that the person applying desires to submit to establish their eligibility or need to include statements or letters, medical reports, and other written documents as well as the verbal statements of the applicant. The Director or Appointed Designee shall then proceed to conduct a reasonable investigation concerning the applicant's eligibility and needs. The applicant's file and the investigation and findings of the Director or Appointed Designee shall be made available to the applicant, upon request, or the applicant's attorney by written authorization.

SECTION 8 - INITIAL DETERMINATION.

(a) (1) The Director or Appointed Designee shall make an initial determination of the eligibility and needs of the applicant within five (5) working days of the receipt of the application. Upon that determination, the Director or Appointed Designee shall notify the applicant by telephone immediately, if possible and within three (3) working days after that determination, mail the applicant at the last address shown on the application, by ordinary mail, the Director's or Appointed Designee's written decision showing the reasons for the determination and the statutes or ordinances applied, together with the specific benefits and their amounts to which the applicant is entitled.

(a) (2) If the Director or Appointed Designee cannot make the initial determination within five (5) working days, the Director or Appointed Designee shall immediately inform the applicant by telephone, if possible, of the reasons why such determination cannot be made. The Director or Appointed Designee shall, also, mail to the applicant, by ordinary mail, within three (3) working days thereafter, the Director's or Appointed Designee's written decision showing the reasons why such determination could not be made. The Director or Appointed Designee shall, also, mail to the applicant, by ordinary mail, within three (3) working days thereafter, the Director's or Appointed Designee's written decision showing the reasons why such determination could not be made.

(b) If an applicant has been previously found eligible, the Director or Appointed Designee need not receive a new application, but may proceed to a determination of whether or not current relief is warranted. Notice and mailing of such determination shall be as provided above. If an emergency and immediate need is present, the Director or Appointed Designee may verbally authorize a supplier or vendor to furnish any item of relief for the benefit of the applicant and the amount allowed for such benefit. The Director or Appointed Designee shall inform the applicant and issue a written decision as provided above.

(c) Whenever an applicant is found eligible and entitled to relief, the Director or Appointed Designee shall proceed to provide the same and notify the Board of Supervisors.

SECTION 9 - APPEAL.

(a) Every applicant, whether granted relief or not, shall be informed in the Director's or Appointed Designee's written decision of the applicant's right to appeal from such decision to the Board of Supervisors. The applicant shall be informed (1) of the method of which an appeal may be taken, and (2) that he or she may represent him or herself, or may be represented by an attorney.

(b) Any written appeal or communication to the Director or Appointed Designee by or on behalf of an applicant requesting appeal of the Director's or Appointed Designee's determination, shall be taken by the Director or Appointed Designee and put immediately upon the Board of Supervisors agenda, in accordance with Chapter 28A, Code of Iowa, for the next regular Board meeting, providing that such appeal shall not be heard sooner than five (5) days after appeal is taken. The written appeal or communication must be made to the Director or Appointed Designee within ten (10) days of the Director's or Appointed Designee's determination, provide applicant's current address and telephone number, and state the reasons for the appeal. The applicant shall be informed immediately by telephone and by ordinary mail, of the date and time of hearing before the Board. Applicant and his or her attorney, upon written authorization, shall be granted access by the Director or Appointed Designee to his or her relief case file if request is made.

SECTION 10 - APPEAL HEARING.

(a) The Board of Supervisors shall hear applicant's appeal de novo at the time scheduled in the agenda unless continuance is requested by applicant. Applicant shall be permitted to present whatever evidence desired in support of the appeal including testifying, having other witnesses testify, offering documentary evidence and reasonable cross examination of other witnesses, if present. The technical rules of evidence shall not apply. The Board may set reasonable times for the present action of the parties at any appeal. The applicant's file shall be admitted into evidence. The Board may question the applicant, and the Director or Appointed Designee shall present the Board with reasons for the determination. The appeal will be tape recorded. The hearing before the Board will not be an open meeting under Chapter 28A, Code of Iowa, since the confidential files of the applicant will be in evidence. When the Board deliberates on the appeal, no parties shall be present.

(b) The Board shall make a decision on the appeal within five (5) working days. The Board's decision shall be only the basis of evidence submitted before the Board. The applicant shall be informed immediately by telephone of the decision and within four (4) working days thereafter, the Board shall mail to the applicant at his or her last known address, by ordinary mail, its decision in writing. The decision shall state the reasons for the action, together with any statute or ordinance applied. The Board's decision shall also state that an appeal may be taken from the Board's determination as provided below, and the method by which such appeal may be taken.

(c) Any appeal to the District Court shall be allowed by the applicant from the Board's decision within the time and by the manner and procedures established under the Iowa Administrative Procedures Act, Chapter 17A, Code of Iowa.

SECTION 11 - ACTIONS OF THE BOARD OF SUPERVISORS. In the event the Board of Supervisors, in reviewing the actions of the Director of Relief or Appointed Designee, questions any allowance of relief benefits allowed by the Director or Appointed Designee, it shall take no action concerning such allowance until it conducts a hearing. This hearing, the reasons for it, and notification to the applicant shall be given in the same manner as if the applicant had taken an appeal. This hearing shall proceed in the same manner as appeal from the Director's or Appointed Designee's determination.

SECTION 12 - ADDITIONAL PROVISIONS. The Director or Appointed Designee may allow, upon application, the additional benefits provided for the in Chapter 252, Code of Iowa. The provisions of Chapter 252.13, Code of Iowa, for repayment of benefits to Delaware County, are applicable and the applicant shall acknowledge the same in writing. Recipients of relief may further be required to work for the County as a condition to receipt of such benefits as required in Sections 252.7 and 252.42, Code of Iowa. Benefits provided a recipient may be further a claim against the homestead of a recipient and a claim in probate, as provided by law.

SECTION 13. All ordinances and resolutions, or parts thereof, in conflict herewith are hereby repealed.

G. Eldon Koeneke,
Chair, Board of Supervisors

Attest:
Sharon McCrabb, County Auditor
First Reading: December 23, 1996
Second Reading: December 30, 1996
Third Reading: Waived
Published: January 7, 1997 in the Manchester Press and January 8, 1997 in the Hopkinton Leader.

STATE OF IOWA
DELAWARE COUNTY--SS

On this 30th day of December, 1996, before me, Carolyn A. Wilson, a Notary Public in and for the State of Iowa, personally appeared G. Eldon Koeneke and Sharon McCrabb to me personally known, and who, being by me duly sworn, did say that they are the Chairperson of the Board of Supervisors and County Auditor, respectively, of the County of Delaware, Iowa; that the seal affixed to the foregoing instrument is the county seal of the county and that the instrument was signed and sealed on behalf of the county, by authority of its Board of Supervisors, as contained in Ordinance No. ____ passed (or Resolution adopted) by the Board of Supervisors under Roll Call No. ____ of the Board of Supervisors on the 30th day of December, 1996, and G. Eldon Koeneke and Sharon McCrabb acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the county, by it voluntarily executed.

Carolyn A. Wilson
Notary Public, State of Iowa
My commission expires 12-17-98

COUNTY ORDINANCE NO. 15
AN ORDINANCE RELATING TO PROPERTY TAX EXEMPTIONS

Be it ordained by the Board of Supervisors of Delaware County, Iowa:

Section 1. Exemptions.

a. *Scope; applicability.*

(1) This section provides for a partial exemption from property taxation for the actual value added to industrial real estate by the new construction of industrial real estate pursuant to Section 427B.1 of the Code of Iowa, conditioned as follows.

(2) "New Construction", as referred to herein, means new buildings and structures and includes new buildings and structures which are constructed as additions to existing buildings and structures. "New construction" does not include reconstruction of an existing building or a structure that does not constitute complete replacement of an existing building or structure or refitting of an existing building or structure, unless the reconstruction of an existing building or structure is required due to economic obsolescence and a reconstruction is necessary to implement a recognized industry standard for the manufacturing and processing of specific products and the reconstruction is required for the owner of the building or structure to continue to competitively manufacture or process those products, which determination shall receive prior approval from the Board of Supervisors of Delaware County upon the recommendation of the Iowa Department of Economic Development.

(3) A property tax exemption under this Section shall not be granted if the property for which the exemption is claimed has received any other property tax exemption authorized by law.

b. *Application for exemption by property owner.*

(1) An application shall be filed for each project resulting in actual value added for which an exemption is claimed. The application for exemption shall be filed by the owner of the property with the Delaware County Assessor by February 1 of the assessment year in which the value added is first assessed for taxation. Applications for exemptions shall be made on forms prescribed by the Director of Revenue and shall contain information pertaining to the nature of the improvement, its cost, and other information deemed necessary by the Director of Revenue.

(2) A person may submit a proposal to the Board of Supervisors to receive prior approval for eligibility for a tax exemption on new construction. Prior approval shall be subject to the hearing requirements of Iowa Code Section 427B.1. Prior approval does not entitle the owner to exemption from taxation until the new construction has been completed and found to be qualified real estate. However, if the tax exemption for new construction is not approved, the person may submit an amended proposal to the Board of Supervisors to approve or reject.

c. *Period of partial exemption.*

(1) The actual value added to industrial real estate for the reasons specified in this section is eligible to receive a partial exemption from taxation for a period of five years. However, if property ceases to be classified as industrial real estate, the partial exemption for the value added shall not be allowed for subsequent assessment years. "Actual value added" as used in this section means the actual value added as of the first year for which the exemption is received. The amount of actual value added which is eligible to be exempted from taxation shall be as follows:

(a) For the first year, seventy-five percent
(b) For the second year, sixty percent
(c) For the third year, forty-five percent
(d) For the fourth year, thirty percent
(e) For the fifth year, fifteen percent

(2) This schedule shall be followed unless an alternative schedule is adopted by the Board of Supervisors in accordance with Iowa Code Section 427B.1.

(3) The granting of the exemption under this section for new construction constituting complete replacement of an existing building or structure shall not result in the assessed value of the industrial real estate being reduced below the assessed value of the industrial real estate before the start of the new construction added.

d. *Repeal of exemption.*

(1) The partial exemption shall be available until such time as this section is repealed by the Board of Supervisors. When in the opinion of the County Board of Supervisors continuation of the exemption granted by this ordinance ceases to be of benefit to Delaware County, the County Board of Supervisors may repeal the ordinance as authorized by Iowa Code Section 427B.1, but all existing exemptions shall continue until their expiration.

Section 2. Repealer.

a. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. Severability.

a. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of this ordinance as a whole or any section, provision or part, not adjudged invalid or unconstitutional.

Section 4. Effective Date.

a. This ordinance shall be in effect after final passage, approval and publication as provided in Chapter 331.302, Code of Iowa.

PASSED AND ADOPTED THIS 30TH DAY OF DECEMBER, 1996.

G. Eldon Koeneke, Chairperson
Delaware County Board of Supervisors

ATTEST:
Sharon McCrabb, County Auditor

STATE OF IOWA
DELAWARE COUNTY--SS

On this 30th day of December, 1996, before me, Carolyn A. Wilson, a Notary Public in and for the State of Iowa, personally appeared G. Eldon Koeneke and Sharon McCrabb to me personally known, and who, being by me duly sworn, did say that they are the Chairperson of the Board of Supervisors and County Auditor, respectively, of the County of Delaware, Iowa; that the seal affixed to the foregoing instrument is the county seal of the county and that the instrument was signed and sealed on behalf of the county, by authority of its Board of Supervisors, as contained in Ordinance No. ____ passed (or Resolution adopted) by the Board of Supervisors under Roll Call No. ____ of the Board of Supervisors on the 30th day of December, 1996, and G. Eldon Koeneke and Sharon McCrabb acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the county, by it voluntarily executed.

Carolyn A. Wilson,
Notary Public, State of Iowa
My commission expires 12-17-98