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Daneen Schindler, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Prepared by and Return to: Carla K. Becker, County Auditor, 301 E. Main St., Manchester, IA 52057 (563) 927-4701

CERTIFICATION

Attached hereto are the following supporting documentation for the passage of Ordinance #41 entitled *"An Ordinance Readopting the Existing County Code of Delaware County, Iowa"*, by the Delaware County Board of Supervisors:

1. County Ordinance #41
2. Proof of Publication of the Public Notice for the first and second readings of Ordinance #41 published May 31, 2017 in the *Manchester Press* and in the *Dyersville Commercial* and May 30, 2017 in the *Delaware County Leader*.
3. Copy of Resolution No. 2017-042 approving first reading of Ordinance #41.
4. Copy of Resolution No. 2017-043 approving the second and final reading of Ordinance #41, adopting said ordinance and directing Auditor to publish.
5. Copy of the Board of Supervisors Official Minutes of May 22, 2017 in Book 4, Page 209 setting the public hearing dates for the first and second readings of Ordinance #41.
6. Copy of the Board of Supervisors Official Minutes of June 5, 2017 in Book 4, Page 214 through Page 219 showing the first approved reading of Ordinance #41.
7. Copy of the Board of Supervisors Official Minutes of June 12, 2017 in Book 4, Page 220 through Page 224 showing the approval of second and final reading and the adoption of Ordinance #41.
8. Proof of Publication of the full text of Ordinance #41 on June 21, 2017 in the *Manchester Press* and the *Dyersville Commercial* and June 20, 2017 in the *Delaware County Leader*.

I, Carla K. Becker, Delaware County Auditor, do hereby certify that the attached are originals or true copies of the above listed instruments.

Dated this 2nd day of October 2017.

Carla K. Becker, Delaware County Auditor

DELAWARE COUNTY OFFICIAL SEAL IOWA

STATE OF IOWA)
) SS:
DELAWARE COUNTY)

Subscribed and sworn to before me, and in my presence by Carla K. Becker, Delaware County Auditor, this 2nd day of October 2017.

NOTARIAL SEAL IOWA
ANNE RAVE
Commission Number 757587
My Commission Expires
March 25, 2018

Anne Rave, Notary Public in and for the State of Iowa

DELAWARE COUNTY ORDINANCE #41

Title: An ordinance readopting the existing county code of Delaware County, Iowa:

SECTION 1. PURPOSE. Code of Iowa Section 331.302(10) 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 and 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 the Delaware County Code of Ordinances:

1. No. 2 "An Ordinance Establishing the Area Service System B Road Classification in Delaware County, Iowa" readopted in its entirety.

2. No. 3 "An Ordinance to Establish the Policy and Level of Service in Respect to Clearance of Snow or Ice and Maintenance of This County's Secondary Roads During the Winter Months" readopted in its entirety.

3. No. 7 "Waste Disposal, Solid Waste Management and Disposal, Separation of Yard Waste from all Other Garbage and Refuse" readopted in its entirety.

4. No. 11 "An Ordinance to Impose a Local Option Sales and Services Tax in Delaware County" (Edgewood) readopted in its entirety.

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

6. No. 15 "An Ordinance Relating to Property Tax Exemptions" is amended by removing "upon the recommendation of the Iowa Department of Economic Development" from Section 1. (a) (2).

7. No. 16 "An Ordinance Relating to Gifts that May Be Accepted or Received by County Officials, Employees, Candidates, or their Immediate Family Members" readopted in its entirety.

8. No. 17 "An Ordinance Establishing the Area Service "C" Road Classification in Delaware County, Iowa" readopted in its entirety.

9. No. 20 "Delaware County Regulations for Non-Public Water wells" by amending the first paragraph as follows: "Pursuant to the authority granted the Delaware County Supervisors under Chapter 331, County Home Rule, of the Code of Iowa and by the powers delegated by Section 331.302 (4A) of this Chapter, the Delaware County Board of Supervisors will enforce the rules of Section 567 (Environmental Protection), Chapter 49, NON-PUBLIC

WATER WELLS, and Chapter 39, REQUIREMENTS FOR PROPERLY PLUGGING ABANDONED WELLS of the Iowa Administrative Code. The provisions of Chapters 49 and 39 of the Iowa Administrative Code 567 are adopted by reference and made a part of this ordinance."

By amending Section 1(a) to require a "permit fee ($125.00)."

By amending Section 4(C) as follows: "The citation may be served by personal service as provided in Iowa Rule of Civil Procedure 1.305, or by certified mail address to the respondent at the respondent's last known mailing address, return receipt requested, or by publication in the manner provided in Iowa Rule of Civil Procedure 1.310 and subject to the conditions of Iowa Rule of Civil Procedure 1.311."

By re-numbering Sections 10, 11, 12 and 13 as Sections 5, 6, 7, and 8.

By adding Section 9: "REPEAL: Ordinance No. 11a is hereby repealed in its entirety."

10. No. 24 "An Ordinance Relating to a Prohibition Against Loitering or Prowling" readopted in its entirety.

11. No. 26 "An Ordinance Relating to the Regulation of Sexually Oriented Businesses" readopted in its entirety.

12. No. 27 "An Ordinance Prescribing the General Assistance Program in Delaware County, Iowa" by amending Section 2 as follows:

    A. "Assistance" means food, rent, clothing, transportation, fuel, utilities, medical attention, and burial assistance. Food does not include pop, alcohol, can deposits, tobacco, candy, or pet food but does include laundry soap, household cleaners, and non-food items used for personal hygiene.

    B. "Awaiting approval and receipt" means that a poor person has applied for assistance under any state or federal law, has pursued that application with due diligence, and has not had such application denied. This does not include an appeal of a denial of benefits.

    C. "Burial expenses" include basic services of funeral director and staff, transfer of remains to funeral home, least expensive casket, least expensive vault or grave liner, and hearse. Opening and closing of grave may be considered if all other possible resources are exhausted.

    D. "Director" means the person who has been appointed General Assistance Director as provided by Iowa Code Section 252.26 or his/her designee.

    E. "Emergency basis" can include the following: a person's utilities have been or are going to be disconnected, a person is being evicted from his/her home, medication

as soap products, paper products, household cleaning supplies, personal hygiene items, non-prescription drugs, etc. not to exceed twenty-five dollars ($25) without prior authorization from the Director. Food vouchers are available on an emergency basis if other sources of assistance, such as the Delaware County Food Pantry, are not available."

By amending Section 5.5 to read as follows: "Transportation in an emergency situation if deemed necessary by the chairperson of the Board of Supervisors."

By amending Section 5.6 to read as follows: "Burial expense -- assistance is limited to a maximum of two thousand five hundred dollars ($2,500.00). If the decedent has a burial contract and/or any resources, those amounts will be deducted from the two thousand five hundred dollars ($2,500.00) maximum amount allowed. Burial assistance must be applied for within thirty (30) days of the date of death. The Director may waive the income guidelines with the Board's approval. Total cost cannot exceed $4,000.00."
By amending 5.8 to read as follows: "Medical services, prescriptions, and dental services; the reasonable value of the services actually needed on an emergency basis.

a) Delaware County will not assist any applicant who is covered by any health insurance coverage unless approved by the Delaware County Board of Supervisors.

b) Dental services: applicants shall be limited to one tooth extraction or up to two fillings, or alleviation of pain on an emergency basis. An applicant must be determined to be eligible for county assistance first before the county will set up an appointment for the applicant with a dentist. If services are necessary on a non-emergency basis, the work can be completed at the University of Iowa in Oral Surgery through the completion of State papers. This does not include the School of Dentistry. If dental services have already been provided, county assistance is not available.

c) Prescriptions: assistance is only available for medically necessary medications in a generic form unless a generic form does not exist or it is otherwise specified by the prescribing physician.

    A. "Medically necessary medications" does not include any form of nicotine, contraceptive, diet medication, or any form of alcohol sensitivity medication.
    B. Mental health medications should be requested from the MHDS region.
    C. All requests for medications must be accompanied by a copy of the doctor's prescription.

d) Glasses, including examinations, lens and frame repair when such are prescribed by optometrists or physicians will be funded by the Delaware County Correll Fund."

By amending the last sentence of Section 7.C to read as follows: "The needy person may

or food is needed, an applicant has been the victim of a natural disaster, and/or a person needs an application for a county burial.

F. "Household living unit" mean all persons who live in a residence with common toilet, kitchen, dining, or bedroom facilities or shared rental payment or lease.

G. "Income" shall include any earned and unearned income. Relief is to be provided to persons whose income is below the schedules set up for the Family Investment Program (FIP).

H. "Legally Settled" means applicant has had a permanent residence in Delaware County for ninety (90) days.

I. "Liquid assets" means cash or any other items of net worth of the household living unit that can be converted to cash within seven (7) days.

J. "Needy person" is a person (or household living unit of that person) who is domiciled in Delaware County, Iowa and who, because of circumstances not attributable to that person, needs immediate assistance.

K. "Poor person" is a person (or household living unit of that person) who is domiciled in Delaware County, Iowa, and in accordance with Chapter 252.1 "...[has] no property, exempt or otherwise, and [is] unable, because of physical or mental disabilities, to earn a living by labor..."

L. "Resources" or "net worth" includes income or moneys for any source, moneys due, checking and savings accounts, other deposits, stocks, bonds, real estate, credit union accounts, cash value of life insurance, jewelry, and other items of salable value. Excluded from consideration are the following: a person's homestead, personal possessions, household goods, tools, and equipment used for self support, one licensed motor vehicle with a maximum equity value of $7500.00, burial lots, and funeral trust funds. The total value of these resources shall not exceed two thousand dollars ($2000.00).

M. "Transient" means a needy person who has been in the county for less than five (5) days and will be referred to other local agencies providing transient assistance.

By amending Section 3 to delete "A."

By amending Section 5.2 to read as follows: "Rent -- Rent will only be payable for the current month and available to prevent an eviction. Rent shall not be paid to responsible relatives such as parents, children, grandparents, or grandchildren. A landlord statement may be required."

By amending Section 5.4 to read as follows: "Provisions-- food and non-food items such

be required to provide reasonable proof that he or she is actively seeking employment for future applications."

By amending Section 7.E to read as follows: "Any needy person who quits a job without good cause within thirty (30) days prior to the date of application shall be denied assistance."

By amending Section 7.I to read as follows: "General Assistance shall be denied at any time if the applicant or recipient refuses to rely on his or her resources, there is a transfer of property with intent to qualify for General Assistance, or the applicant or recipient refuses to answer any questions or falsifies an application."

By amending Section 7.O to delete "of General Assistance" from the last sentence.

By amending Section 8 to add: "Pursuant to Iowa Code Section 252.25, all applications, investigation reports, and case records of persons applying for county general assistance under Chapter 252 are considered privileged communications and confidential. These records may only be used and inspected by persons authorized by law in connection with their official duties relating to financial audits and administration or as authorized by a district court order. The applicant may execute a signed release to authorize the examination of his/her applications, reports, and records."

By amending the last sentence of Section 9.A to read as follows: "If denied, the written decision shall state the reason(s) for the denial and the statutes or ordinances and manual sections which applied."

By correcting a scrivener's error in the first sentence in Section 10.A as follows: "Assistant's."

By amending the last sentence of Section 10.C as follows: "The applicant and the applicant's attorney, upon written authorization, shall be granted access by the Director or Assistant to applicant's assistance case file if a request is made."

By amending Section 11.B to read as follows: "The Delaware County Board of Supervisors may decide to uphold the decision of the General Assistance Director or Assistant, or under the provisions of the Iowa Code Section 252.37, the Delaware County Board of Supervisors may 'order the director to provide assistance, or who may direct specific assistance.'"

By amending Section 11.C to read as follows: "The Delaware County Board of Supervisors shall make a decision on the appeal within (5) working days. The Delaware County Board of Supervisors' decision shall be only on the basis of the evidence submitted before the Delaware County Board of Supervisors. The applicant shall be informed within four (4) working days thereafter by the Delaware County Board of Supervisors' mailing of its written decision to the applicant by ordinary mail. The decision shall state the reasons for the action, together with any statutes or ordinances and manual sections applied. The Delaware County Board of Supervisors' decision shall also state that an appeal may be taken from the Delaware County Board of Supervisors' determination, as provided below, and the method by which

such appeal may be taken."

By amending Section 12 to remove "that" from the first sentence.

By amending the last sentence of Section 13 as follows: "Benefits provided to a recipient may be a further claim against the homestead of a recipient and a claim in probate, as provided by Sections 252.13 and 252.14 of the Code of Iowa."

13. No. 29 "Local Option Sales and Services Tax" readopted in its entirety.

14. No. 31 "Local Option Sales and Services Tax" (Dyersville) readopted in its entirety.

15. No. 32 "An Ordinance Regulating the Placement of Wind Energy Conversion Systems (WECS) on Property Located in the Unincorporated Areas of Delaware County, Iowa" by amending Section 3(A)(15) to add "At a minimum, the plan shall provide for decommissioning costs to be placed in an escrow account beginning in year 15."

    By amending Section 3 to add subparagraph C: "A permit issued under this ordinance shall expire automatically if

    1. Within five (5) years of issuance, substantial action has not been taken to accomplish the purpose of the permit, or
    2. After substantial action has been taken, work is subsequently discontinued for a period of one (1) year, or
    3. The use has been established and subsequently discontinued for a period of one (1) year.

    "Substantial action" shall include commencement of construction, erection, alteration, demolition, or similar work required for the development authorized by the permit.

    By amending Section 3 to add subparagraph D: "A permit subject to automatic expiration under subsection C may be extended for a period of up to one (1) year if the Board of Supervisors concludes that:

    1. The permit has not expired, or
    2. The permit recipient has proceeded in good faith and with due diligence, or
    3. Conditions have not changed so substantially as to warrant a new application.

    Successive extensions may be granted for periods of up to one (1) year."

    By amending the first paragraph of Section 6 as follows: "C-WECS shall be considered a discontinued use or not in use after one (1) year without energy production, unless a plan is developed and submitted to the Board of Supervisors outlining the steps and schedule for placing the C-WECS in service. If a C-WECS is considered a discontinued use or unused, the Board of Supervisors may issue a Notice of Non-Use or Discontinuation of Use to the owner of the C-WECS. The owner shall have the right to respond to the

Notice of Non-Use or Discontinuation of Use within thirty (30) days from the notice receipt date. The Board may withdraw the notice 1) if the owner provides information that demonstrates the C-WECS is in use or 2) if the Board accepts the owner's plan outlining the steps and schedule for placing the C-WECS in service."

By amending the second paragraph of Section 6 to add "or non-use" to the end of the first sentence.

16. No. 33 "Assessment of Wind Energy Conversion Property" readopted in its entirety.

17. No. 34 "Floodplain Management Ordinance" readopted in its entirety.

18. No. 35 "An Ordinance Establishing Voting Precincts and Supervisor Districts Pursuant to the 2010 Population Census" readopted in its entirety.

19. No. 37 "Social Host" readopted in its entirety.

20. No. 38 "An Ordinance to Establish a Policy for the Construction and Reconstruction of Roadways and Bridges on the Delaware County Secondary Road System" readopted in its entirety.

21. No. 39 "Regulating the Operation of All-Terrain Vehicles & Off-Road Utility Vehicles in Delaware County, Iowa" readopted in its entirety.

22. No. 40 "Delaware County Private Sewage Disposal Systems" 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. 11a "An Ordinance Adopting Rules for the Construction and Abandonment of Private Water Wells in Delaware County."

2. No. 19 "Delaware County On-Site Wastewater Treatment and Disposal Systems."

3. No. 36 "A Ordinance Readopting the Existing County Code of Delaware County, Iowa."

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 adopted by the Board of Supervisors this 12th day of June, 2017.

DELAWARE COUNTY BOARD OF SUPERVISORS

Jeff Madlom, Chairperson

Carla K. Becker, Auditor

STATE OF IOWA)
) ss:
DELAWARE COUNTY)

On this 26th day of June, 2017, before me, Anne Rave, a Notary Public in and for the State of Iowa, personally appeared Jeff Madlom and Carla K. Becker, 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. 41 passed (or Resolution adopted) by the Board of Supervisors on the 12th day of June, 2017, and Jeff Madlom and Carla K. Becker 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

NOTARIAL SEAL IOWA

ANNE RAVE
Commission Number 757587
My Commission Expires
March 25, 2018

STATE OF IOWA
DUBUQUE COUNTY SS:

CERTIFICATE OF PUBLICATION

I, Linda L. Vorwald, of Woodward Communications, Inc., an Iowa corporation, publisher of the Dyersville Commerical, a newspaper of general circulation published in the City of Dyersville, County of Dubuque and State of Iowa; hereby certify that the attached notice was published in said newspaper on the following dates May 31, 2017, and for which the charge is $15.92.

Subscribed to before me, a Notary Public in and for Dubuque County, Iowa, this 1st day of June 2017.

LINDA L. VORWALD
Commission Number 702790
MY COMM. EXP. 4-18-18

Linda L. Vorwald

Notary Public in and for
Dubuque County, Iowa

LEGAL NOTICE – DELAWARE COUNTY
Board of Supervisors
Notice of Public Hearings

Public Notice is hereby given that the Delaware County Board of Supervisors will hold a public hearing for the first reading in consideration of **Ordinance #41 "An Ordinance Readopting the County Code of Ordinances"** at its regular meeting on **June 5, 2017 at 1:15 pm** and a public hearing for the second, and possibly final, reading at its regular meeting on **June 12, 2017 at 1:15 pm.** Both public hearings will be held at the Delaware County Courthouse, Manchester, Iowa. A copy of the full text of said Ordinance is available to the public at the Delaware County Auditor's Office or on the County's website at www.co.delaware.ia.us.

Summary: Code of Iowa Section 331.302(10) 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 and safety and welfare of its citizens.

Carla K. Becker, Delaware County Auditor
5-31

RESOLUTION No. 2017-42

BE IT RESOLVED that the first reading of the ordinance entitled:

"AN ORDINANCE READOPTING THE EXISTING COUNTY CODE OF ORDINANCES IN DELAWARE COUNTY, IOWA"

Is hereby approved and that said ordinance be further considered for its second, and possibly final, reading at a meeting to be held on the 12th of June, 2017 at 1:15 pm in the office of the Delaware County Board of Supervisors located within the Delaware County Courthouse, Manchester, Iowa. At such time and place, all persons interested shall be given the opportunity to be heard concerning said ordinance.

Approve this 5th day of June, 2017 by the Delaware County Board of Supervisors.

Jeff Madlom, Chairperson

Pete Buschmann

Shirley E. Helmrichs

Attest: _____
Carla K. Becker, County Auditor

Notarization

State of Iowa, Delaware County, ss:

I, Mary Helle, 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 May 30, 2017, and ending same, 20__.

PRINTERS FEES: $ 15.96

Mary Helle

Subscribed in my presence and sworn to before me by Mary Helle on this 30th day of May, 2017.

Cathy S Harris

Notary Public

NOTARIAL SEAL IOWA

CATHY S. HARRIS
Commission Number 731078
My Commission Expires
October 19, 2019

Legal Notice--Delaware County Board of Supervisors

Notice of Public Hearings

Public Notice is hereby given that the Delaware County Board of Supervisors will hold a public hearing for the first reading in consideration of **Ordinance #41 "An Ordinance Readopting the County Code of Ordinances"** at its regular meeting on **June 5, 2017 at 1:15 p.m.** and a public hearing for the second, and possibly final, reading at its regular meeting on

June 12, 2017 at 1:15 pm. Both public hearings will be held at the Delaware County Courthouse, Manchester, Iowa. A copy of the full text of said Ordinance is available to the public at the Delaware County Auditor's Office or on the County's website at www.co.delaware.ia.us.

Summary: Code of Iowa Section 331.302(10) 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 and safety and welfare of its citizens.

Carla K. Becker, Delaware County Auditor

RESOLUTION No. 2017-043

WHEREAS, the second reading of Proposed Ordinance #41, "AN ORDINANCE READOPTING THE CODE OF ORDINANCES IN DELAWARE COUNTY, IOWA" was held today, Monday, June 12, 2017 at 1:15 pm, and

WHEREAS, there were no comments received, either written or oral, for or against the passage of said ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors approves the second reading, and waives the third reading, of the ordinance entitled:

"AN ORDINANCE READOPTING THE CODE OF ORDINANCES IN DELAWARE COUNTY, IOWA"

Said ordinance is approved as read and hereby adopted on this 12th day of June, 2017.

We furthermore direct the Delaware County Auditor to publish said ordinance, in its entirety, in all three official newspapers of the county.

Approved this 12th day of June, 2017 by the Delaware County Board of Supervisors.

Jeff Madlom, Chairperson

Pete Buschmann

Shirley E. Helmrichs

Attest: _____
Carla K. Becker, County Auditor

STATE OF IOWA)
) **Ss:**
DELAWARE COUNTY)

May 22, 2017
Manchester, Iowa
1:15 p.m.

The Delaware County Board of Supervisors met in regular session this date at 1:15 p.m. with Helmrichs and Buschmann present and Madlom absent. Also present were Mike Corkery, Daneen Schindler, Jerry Ries, Gary Weyant, Anthony Bardgett, Carla Becker, and three members of the media. Vice-Chairperson Buschmann called the meeting to order.

Motion made by Helmrichs, second by Buschmann and carried to approve the agenda as posted. All Ayes

Motion made by Helmrichs, second by Buschmann and carried to approve the minutes from the last meeting. All Ayes

Motion made by Helmrichs, second by Buschmann and carried to acknowledge the following employees to attend their respective out-of-county meetings: Peggy Petlon to attend a telehealth meeting on May 22nd and a hospital meeting on May 23rd both in Anamosa, as well as a CSN training in Cedar Rapids on May 24th; Carla Becker will be attending the Solutions School of Instruction in Ames on May 25th; Anthony Bardgett will be attending the RPA meeting in Dubuque on May 25th; and Supervisor Helmrichs will be attending the watershed meeting in Monticello on May 23rd and the NEI 3A meeting in Waterloo on May 24th. All Ayes

Motion made by Helmrichs, second by Buschmann and carried to approve the following claims for payment:

Maquoketa Valley REC	Electrical Power	827.07
US Cellular	Telephone Services	1172.19
Windstream	Telephone Service	215.01
Wellmark BCBS	Cobra	4154.45

All Ayes

There were no "Applications for Underground Construction on Delaware County Right-of-Way" submitted for consideration.

There were no manure management plan updates filed for acknowledgment at today's meeting.

Motion made by Helmrichs, second by Buschmann and carried to approve the appointment of Ken Pillard to the Adams/Hazel Green Benefitted Fire District Board of Trustees effective May 22, 2017 for a term of three years. All Ayes

Motion made by Helmrichs, second by Buschmann and carried to set Monday, June 5, 2017 at 1:15 pm and Monday, June 12, 2017 at 1:15 pm as the dates and times to hold the first and second readings, respectively, of proposed Ordinance No. 41 – An ordinance to readopt the County Code of Ordinances. All Ayes

Motion made by Helmrichs, second by Buschmann and carried to approve the transfer of $105,267 from the Rural Services Fund to the Secondary Roads Fund based on tax collection in the month of April 2017. All Ayes

ENGINEER'S REPORT
220th Ave Bridge Project – Taylor Construction is planning to start pile drivings tomorrow.
Quaker Mill Dam and Stream Realignment – Top Grade Excavating continues work on removing the dam. They will be waiting for dryer weather before starting the stream realignment.
C64 Paving Project – Cold-in-place recycling process is finished. Contractor will begin work on paving soon.

NEXT MEETING –The next regular session will be held on Tuesday, May 30, 2017 at 1:15 p.m.

PUBLIC COMMENTS – Jerry Ries does not agree with the county offering to purchase the Community Savings Bank building in Manchester. He feels it will have a negative impact on the jail bond issue. Supervisor Helmrichs stated that it was a rare opportunity to purchase property so close to the courthouse. A portion of the building will be used for election administration and the storage of over $200,000 worth of election equipment that is currently being stored in 5-6 different locations; some of which are not environmentally climate controlled. There are other countywide entities in desperate need of space. In the near future, the Board will deliberate on which entities will be considered.

There being no further comments or business before the Board, Vice-Chairperson Buschmann called for a motion to adjourn.

Motion made by Helmrichs, second by Buschmann and carried to adjourn the meeting at 1:30 pm. All Ayes

These minutes have been read and approved for publication.

Pete Buschmann, Vice-Chairperson

Carla K. Becker, County Auditor

STATE OF IOWA)
) **Ss:**
DELAWARE COUNTY)

June 5, 2017
Manchester, Iowa
1:15 p.m.

The Delaware County Board of Supervisors met in regular session this date at 1:15 p.m. with all members present. Also present were Milt Kramer, Karen Cameron, Daneen Schindler, Dave Fink, Teresa Turnis, Pat Colgan, Cole Turnis, Conner Turnis, Chloe Colgan, Lamont Davidson, Gary Weyant, Anthony Bardgett, Carla Becker, and two members of the media. Chairperson Madlom called the meeting to order.

Motion made by Helmrichs, second by Buschmann and carried to approve the agenda as posted. All Ayes

Motion made by Buschmann, second by Helmrichs and carried to approve the minutes from the last meeting. All Ayes

Motion made by Helmrichs, second by Buschmann and carried to acknowledge the following employees to attend their respective out-of-county meetings: Peggy Petlon to attend a social work meeting in Cedar Rapids on June 6th, RCF meeting in Iowa City on June 14th and 21st, RCF meeting in Cedar Rapids on June 27th, and a work session in Cedar Rapids on June 29th; Supervisors Madlom, Helmrichs and Buschmann to attend the RTA meeting in Dubuque on June 7th; and Supervisor Buschmann to attend the Operation New View meeting in Dubuque on June 8th. All Ayes

Motion made by Buschmann, second by Helmrichs and carried to approve the following claims for payment:

Alliant Energy	Service	776.55
CenturyLink	Data Processing Supplies	300.00
CenturyLink	Telephone Services	366.70
Mediacom LLC	Data Processing	205.90
Windstream	Telephone Service	941.44

All Ayes

There were no "Applications for Underground Construction on Delaware County Right-of-Way" submitted for consideration.

Motion made by Helmrichs, second by Buschmann and carried to acknowledge receipt of the following manure management plan updates: Take Down Ranch LLC, Mike Gaul, in Section 4 of Honey Creek Township; WB Farms, Linda Brandel, in Section 17 of Coffins Grove Township; and Gentz Farms Inc, Burkle Site, in Section 20 of Colony Township. All Ayes

Presentation – Update on Lake Delhi Dam Operations

Pat Colgan, Lake District Trustee, addressed the Board regarding the operations of the newly reconstructed Lake Delhi Dam. After the breach in 2010, there were two main benchmarks to meet in order for the lake to be restored. The first was they had to meet federal standards for adequate spillway capacity. The crucial determination for this was the hazard level of the dam being set as "moderate" and not as "high". As a moderate hazard level dam they would need to have the capacity for 69,000 cfs (the old dam was 30,000 cfs maximum). Second, the permit needed to be "run of the river". This means that once the impoundment is filled, any flow into the area has to pass out through the dam or spillway. They were also restricted from manipulating the flow.

Phase I of the project brought the concrete structure up to standards. All existing concrete was tested and replaced as needed. They also added three (3) new 20' floodgates weighing 27,000 lbs. each. These gates are attached to augers, which have the ability to move the gates in 1" increments.

Phase II was the construction of the new spillway. The labyrinth design maximizes the surface for water flow. The points of the labyrinth are 6" lower downstream than upstream. The dam level is set at 896.5 feet. The spillway allows the water level to be self-regulating to a point. The gates are used only if the flow is over the spillway's 39,000 cfs capacity.

The district has an operating permit and emergency action plan in place for flood events. The computer operating the gates has an opening sequence tied to the level of flow. Each gate can also be operated manually or shut off completely. In all, there are four separate ways to operate the gates. Even though the system is 100% computer operated, they also have contracted with Burrington Group (in conjunction with several volunteers) to oversee the daily operations and implement the emergency action plan when needed.

Since October 2016, they have only had to open one gate to a level of 3'. Some residents in the upper part of the district feel that the dam should be able to help with the flooding in their area by being proactive when high water is predicted. Mr. Colgan reminded everyone that the current permit is a "Run of the River" which does not allow them to lower the level of the impoundment in anticipation of high water flow. Even if it did, the models tell them that it would not make any difference. Those on the upper end of the lake are going to flood. In 2013, when there was no dam, the people on the upper end of the lake still flooded.

When there is a 2" rise at the dam, there may be a 9' rise at the start of the Lake District. This is mostly due to the shallow nature of the river at that location and the several bends that the river takes before it gets to the dam. When asked if a water gauge should be placed at Hwy 20, Mr. Colgan stated that there already is one at that location. He does agree one should be placed near Bailey's Ford. He also stated that concerns with Hartwick Bridge are unsupported. Models noted a 1' 4" rise at Hartwick Bridge, which does not substantiate the placement of additional culverts. Mr. Colgan stated they would continue to work with Dave Fink and other lake residents to tweak the current process.

The Board thanked Mr. Colgan for his presentation.

Motion made by Buschmann, second by Helmrichs and carried to approve an update to the 28E Agreement between Delaware County and the Department of Transportation for the issuance of drivers' licenses and permits as follows:

MEMORANDUM OF AGREEMENT BETWEEN THE IOWA DEPARTMENT OF TRANSPORTATION AND DELAWARE COUNTY, IOWA

This Agreement is made and entered into this 5th day of June 2017, by and between Delaware County, Iowa, ("the county") and the Iowa Department of Transportation ("the department").

RECITATIONS

WHEREAS, the county is authorized to issue driver's licenses, non-operator's identification cards, and persons with disabilities devices ("county issuance") on a permanent basis under section 321M.3 of the Iowa Code, and;

WHEREAS, the county wishes to exercise its authority to participate in county issuance, and;

WHEREAS, section 321M.5 of the Iowa Code requires the department and a county participating in county issuance to execute an agreement pursuant to Chapter 28E of the Iowa Code that details the relative responsibilities and liabilities of each party to the agreement;

NOW, THEREFORE, the county and department enter into the following agreement to facilitate county issuance by the county.

TERMS AND CONDITIONS

I. AUTHORITY

This agreement is entered into pursuant to the provisions of Iowa Code Chapters 28E and 321M.

II. DURATION

This agreement shall become effective upon filing with the Secretary of State of Iowa in accordance with Iowa Code § 28E.8 and shall remain valid until terminated as set forth herein.

III. PURPOSE

The purpose of this agreement is to establish the terms and conditions whereby the county will participate in county issuance under Chapter 321M of the Iowa Code.

IV. COUNTY TREASURER AS PROGRAM ADMINISTRATOR

The county's treasurer shall administer the county's issuance program and shall be responsible for performance of county issuance functions under this agreement.

V. SUPERVISORY AUTHORITY AND AGENCY RELATIONSHIP

Pursuant to Iowa Code § 321M.10, the department shall retain all supervisory authority over the county's issuance program. The county treasurer and the county treasurer's employees shall be considered agents of the department when performing county issuance functions pursuant to this agreement.

VI. AUTHORIZATION OF COUNTY TREASURER EMPLOYEES

A. **County as employer.** The county treasurer shall employ at the county's expense and designate such employees as are necessary for performance of the county's issuance program, including the county treasurer if the county treasurer elects to perform such functions. Persons employed and designated for such purposes remain employees of the county and the department shall have no responsibility for their wages, taxes, benefits, or other employment rights or obligations. The county shall defend, indemnify, and hold harmless the department from any and all claims related to or arising out of any person's employment with the county, including any termination or discharge from employment. The county shall not use or allow any person not employed within the county treasurer's office to perform county issuance functions, except an employee of another county designated by that county to perform county issuance functions, and shared between the counties under an agreement between the counties.

B. **Department approval.** The department shall have the right to approve the county employees that may perform county issuance functions, and the county treasurer shall not use or allow any county employee that has not been approved by the department to perform county issuance functions. The department's exercise of the right to approve county employees is not an exercise of employment rights or an employment decision but an exercise of program governance and control; all employment rights and decisions relative to any person employed or to be employed by the county remain the county's. When determining whether to approve a county employee to perform county issuance functions, the department shall adhere to the following procedures and standards:

1. **Background checks.** The county shall not use or allow any person to perform county issuance functions, and the department shall not approve any person to perform county issuance functions, unless the person has been subjected to and successfully passes the background check requirements of 6 C.F.R. § 37.45 and 49 C.F.R § 384.228. The county shall inform any employee or prospective employee subject to a background check that he or she is subject to the background check and the contents of the background check. The content of the required background checks is set forth in subparagraphs 2 and 3 below.

2. **Verification of prior employment and employment eligibility.** The county shall conduct at its expense that part of the background check required by 6 C.F.R. § 37.45 that consists of verification of references from prior employment and employment eligibility verification, and shall provide proof of completion of such checks to the department before the department grants or denies approval for any county employee or prospective county employee.

3. **Criminal history records check.**

   i. The department shall conduct at its expense that portion of the background check that consists of a criminal history records check that meets the requirements of 6 C.F.R. § 37.45 and 49 C.F.R § 384.228.

   ii. The county shall not use or allow to perform county issuance functions, and the department shall not approve to perform county issuance functions, any employee or person that has a disqualifying offense, crime, or conviction under 6 C.F.R. § 37.45 or 49 C.F.R § 384.228.

   iii. The department shall impose the same criteria for determining a disqualifying offense, crime, or conviction that the department imposes for persons employed by the department that are subject to the background checks. In the event the county employee or prospective county employee is determined to have a disqualifying offense, crime, or conviction, the department shall notify the county treasurer, who shall notify the county employee or prospective county employee.

   iv. In the event the county treasurer has been designated to perform county issuance functions and is determined to have a disqualifying offense, crime, or conviction, the department shall notify the county treasurer and the chair of the county's board of supervisors.

   v. The county treasurer shall immediately notify the department if a county employee that has successfully passed the required background checks has committed or is determined to have committed or incurred a disqualifying offense, crime, or conviction, and the department shall revoke the county employee's approval to perform county issuance functions and terminate the county employee's access to the department's issuance system. The department shall also revoke a county employee's approval to perform county issuance functions and terminate the county employee's access to the department's issuance system if the department independently learns or otherwise determines that the county employee has committed or is determined to have committed a disqualifying offense, crime or conviction.

C. **Change of employment status or function.** In the event a county employee designated by the county treasurer for any reason ceases to be employed by the county or is otherwise assigned to another position or functions and responsibilities and will no longer perform county issuance functions, the county treasurer shall immediately notify the department that the county employee is no longer employed and/or designated to perform county issuance functions, and the department shall withdraw the county employee's approval and terminate the county employee's access to the department's issuance system.

VII. FACILITIES AND FURNISHINGS

A. **County to provide.** The county shall provide at the county's expense all facilities and furnishings necessary for performance of the county's issuance program. The department shall have no responsibility to provide facilities or furnishings to the county and shall have no responsibility for any expense, cost, or liability related to or arising out of the county's facilities or furnishings, including but not limited to rent or utilities. The county shall defend, indemnify, and hold harmless the department from any and all claims related to or arising out of operation, maintenance, or provision of the county's facilities or furnishings.

B. **Access by department**. The county shall grant department employees, vendors, and contractors reasonable access to the county's facilities during the county's regular business hours for the purpose of guiding and auditing the county's issuance program and providing, installing, maintaining, replacing, inspecting, or otherwise servicing the issuance equipment, hardware, software, systems, data or networks lines, and materials provided by the department to the county

for performance of the county's issuance program, and at all other times agreed upon by the county and department or as reasonably necessary to protect said items in the event of any breach in or damage to the county's facilities or security safeguards.

VIII. ISSUANCE EQUIPMENT, HARDWARE, SOFTWARE, SYSTEMS AND MATERIALS

A. **Duty to provide.** The department shall provide from funds allocated to the department for the purpose of supporting county issuance all equipment required to be provided by the department under section 321M.9, subsections 2 and 3 of the Iowa Code, including all issuance and testing equipment, hardware, software, data line communications, forms, supplies and materials determined by the department as necessary for conduct of the county's issuance program. The department shall not provide and shall not be responsible for other equipment specifically excepted under section 321M.9, subsection 3. The parties acknowledge that permanent driver's licenses, non-operator's identification cards, and other cards that may be issued as part of the county's issuance program are produced at a secure third-party facility, and that the department is solely responsible for the production

and mailing of permanent cards through the department's card production vendor and through funds allocated to the department for that purpose.

B. **Property rights.** All equipment, hardware, software, forms, supplies, data line communications, forms, supplies, materials and other property placed and provided by the department at the county's facilities under this agreement shall remain department property. The department may assign and reassign or replace property as it deems appropriate. In the event this agreement is terminated, property placed and provided by the department shall be returned to the department unless the parties otherwise mutually agree. The department shall bear the cost of removing said property, but shall not be responsible for returning the county's facilities to any prior condition.

IX. TRAINING, EDUCATION AND RESOURCES

A. **Department to provide.** The department shall provide all training, continuing education, and resource materials (manuals, technical guidance, policies, memos and other resources intended to guide activities covered by this agreement, whether in written or electronic format) determined by the department as necessary for the proper implementation and performance of the county's issuance program, at times and places determined by the department. Training, continuing education, and resource materials shall be entirely consistent with and integrated wherever possible with the training, continuing education, and resource materials provided for department employees.

B. **Costs and expenses covered by the department.** The department shall provide all resource materials at the department's cost, and shall cover the travel expenses for county employees that are required to travel to attend training, continuing education, or conferences required by the department from funds allocated to the department for the purpose of supporting county issuance. As used in this paragraph, travel expenses shall include reasonable mileage, meals, and lodging expenses, all of which shall be subject to and paid at the rates and according to the conditions and limitations set forth in the department's policy for department employees, "Personal Expense Reimbursement and Travel," department policy no 120.02, as published and updated by the department on the department's intranet site. All such training, continuing education, or

conferences shall be within the state of Iowa; the department shall neither require nor be responsible for out-of-state travel or associated costs or expenses for county employees.

C. **County adherence to training and continuing education.** The county shall require all county employees designated to perform issuance functions to complete all training and continuing education required by the department, and where such training or continuing education is required as a condition to perform or to continue to perform a task or activity within the issuance program, shall not permit a county employee to perform or to continue to perform that task or activity until the employee has successfully completed the required training or continuing education. The department may withdraw the county employee's approval to participate in the county's issuance program and terminate the county employee's access to the department's issuance system if the employee fails to successfully complete required training and continuing education.

D. **Training and continuing education content.** Training and continuing education subject to this division shall encompass all topics and content determined by the department to be reasonable and necessary for the proper, effective and well-governed administration of the state and county issuance programs, as well as all training or education currently required or to be required by state or federal law or regulations, including but not limited to the federal REAL ID regulations established at 6 C.F.R. part 37 and the federal commercial driver's license regulations established at 49 C.F.R.
parts 383 and 384.

E. **Certification of examiners.** For purposes of this division, an examiner is a county employee designated by the county to administer or initiate commercial driver's license knowledge tests or to perform commercial, noncommercial, or motorcycle skills (driving or operation) tests. A county employee designated for such purposes shall not perform such tasks unless the employee has and properly maintains the proper certification to do so, as set forth in the following:

1. **Commercial driver's license knowledge test examiner.** The county employee must successfully complete all training, refresher training, and examination required for certification as a knowledge test examiner under 49 C.F.R. § 384.228.
2. **Commercial driver's license skills test examiner.** The county employee must successfully complete all training, refresher training, and examination required for certification as a skills test examiner under 49 C.F.R. § 384.228.
3. **Non-commercial driver's license skills test examiner.** The county employee must successfully complete all training, refresher training, and examination required for certification as a driver examiner under the International Driver Examiner Certification program established by the American Association of Motor Vehicle Administrators.
4. **Motorcycle skills test examiner.** The county employee must successfully complete all training, refresher training, and examination required for certification as a motorcycle examiner in accordance with the standards of the Motorcycle Safety Foundation as adopted by the department.

All county employees designated as participants in the county issuance program are considered commercial driver's license knowledge test examiners and must attain and maintain such certification. The county may determine which employees it may designate as commercial or noncommercial driver's license skills test examiners or motorcycle skills test examiners. All county commercial driver's license knowledge or skills test examiners as agents of the department are considered state examiners and not third-party examiners for purposes of 49 C.F.R. §§ 383.75, 384.228, and 384.229, and are subject to the requirements set forth therein for state examiners, including but not limited to the auditing and monitoring requirements of 49 C.F.R. § 384.229. Nothing in this division requires the county to offer commercial driver's license skills test exams or motorcycle skills test exams or to designate county employees to perform such services.

X. PROTECTION OF PERSONAL INFORMATION

A. **Duty to protect personal information.** The county and its employees shall only access and use personal information regarding a driver's license or non-operator's identification card holder or applicant or otherwise contained in a department database or record in the course of the county's official functions, and shall not access or use such information for any other reason or purpose, personal or otherwise. Any release, disclosure or re-disclosure of such personal information must comply with the requirements Iowa Code § 321.11 and the federal Driver's Privacy Protection Act, 18 U.S.C. § 2721 et seq ("the DPPA). Personal information as used in this agreement means as defined in Iowa Code § 321.11(2).

B. **Duty to report.** The county shall immediately report to the department any actual or suspected access, use, release, disclosure, or re-disclosure of personal information that is not permitted under Iowa Code § 321.11 or the DPPA, whether intentional or unintentional.

C. **Duty to cooperate.** The county shall fully cooperate with the department to investigate and mitigate any actual or suspected access, use, release, disclosure, or re-disclosure of personal information that is not permitted under Iowa Code § 321.11 or the DPPA, and shall grant the department all access to the county's facilities and employees reasonably necessary to complete the investigation and fully mitigate the incident, including but not limited to securing personal information, recovering personal information, and protecting against further access, use, release, disclosure, or re-disclosure of personal information that is not permitted under Iowa Code § 321.11 or the DPPA.

D. **Termination of authority and denial of approval or access.** The department reserves the right to:

1. Terminate authorization of the county's issuance program should the county fail to protect personal information as required by this division;
2. Withdraw approval to participate in the county's issuance program and terminate access to the department's issuance system for any county employee that engages in or permits access, use, release, disclosure, or re-disclosure of personal information that is not permitted under Iowa Code § 321.11 or the DPPA.

XI. SECURITY

A. **County safeguards**. The county shall establish, provide, and maintain reasonable administrative, technical, and physical safeguards to protect the security of the county's facilities dedicated to performance of the county's issuance program and to

protect the security, confidentiality, and integrity of the issuance equipment, hardware, software, systems, data or network lines, and materials housed, stored, or accessed in or at the county's facilities and any personal information collected, stored, accessed, or maintained in the course of performance of the county's issuance program, and agrees to comply with any security policies or protocols established by the department and made known to the county. The county's safeguards shall, at a minimum, be sufficient to comply with the department's security plan established under the federal REAL ID regulations, 6 C.F.R. § 37.41.

B. **Protection against unauthorized access.** In no event shall the county allow any person not authorized by the department to access or use the issuance equipment, hardware, software, systems, data or network lines, and materials housed, stored, or accessed in or at the county's facilities or any personal information collected, stored, accessed, or maintained in the course of performance of the county's issuance program, nor shall the county allow or require county employees to share, disclose, or otherwise disseminate the individual user names and passwords provided by the department to the county employee for the county employee's access to the department's systems, records and data.

C. **Duty to report.** The county shall immediately report to the department:

1. Any actual or suspected breach in or damage to its facilities or the security safeguards employed by the county that would threaten the security, confidentiality or integrity of the issuance equipment, hardware, software, systems, data or network lines, and materials housed, stored, or accessed in or at the county's facilities or any personal information collected, stored, accessed, or maintained in the course of performance of the county's issuance program.
2. Any actual or suspected unauthorized access to or use of the issuance equipment, hardware, software, systems, data or network lines, and materials housed, stored, or accessed in or at the county's facilities or any personal information collected, stored, accessed, or maintained in the course of performance of the county's issuance program.
3. Any actual or suspected misappropriation or theft of the issuance equipment, hardware, software, systems, data or network lines, and materials housed, stored, or accessed in or at the county's facilities or any personal information collected, stored, accessed, or maintained in the course of performance of the county's issuance program.
4. Any other act or occurrence that would reasonably be suspected to impair the security, confidentiality or integrity of the issuance equipment, hardware, software, systems, data or network lines, and materials housed, stored, or accessed in or at the county's facilities or any personal information collected, stored, accessed, or maintained in the course of performance of the county's issuance program.

D. **Duty to cooperate.** The county shall fully cooperate with the department to investigate and mitigate any actual or suspected breach, unauthorized access or use, or theft or misappropriation and shall grant the department all access to the county's facilities and employees reasonably necessary to complete the investigation and fully mitigate the incident, including but not limited to securing, recovering, and protecting against further breach, unauthorized access or use, or theft or misappropriation of the issuance equipment, hardware, software, systems, data or network lines, and materials housed, stored, or accessed in or at the county's facilities or any personal information collected, stored, accessed, or maintained in the course of performance of the county's issuance program. This includes any acts necessary to protect and recover such items in the event of damage to the county's facilities, whether intentional or unintentional and whether natural or man-made.

E. **Termination of authorization and denial of approval or access.** The department reserves the right to:

1. Refuse and prohibit the conduct of issuance activities at any county facility that is not reasonably secured as required in this division;
2. Terminate authorization of the county's issuance program should the county fail to establish, provide, and maintain reasonable safeguards as required by this division;
3. Withdraw approval to participate in the county's issuance program and terminate access to the department's issuance system for any county employee that engages in or permits a breach, unauthorized access or use, or theft or misappropriation of the issuance equipment, hardware, software, systems, data or network lines, and materials housed, stored, or accessed in or at the county's facilities or any personal information collected, stored, accessed, or maintained in the course of performance of the county's issuance program.

XII. PERFORMANCE OF SERVICES

A. **General**. The county shall perform all services within the county issuance program consistently with and according to the requirements of all state and federal laws and regulations, including the regulations of the department and all policies and procedures established by the department and made known to the county.

B. **Service not limited to county residents**. The county shall serve all Iowa residents that present for services, without regard to whether the person is a resident of the county.

C. **Commercial driver's license services**. The county's issuance of commercial driver's licenses shall be subject to the requirements of sections 321M.6. The department shall certify the county's issuance of commercial driver's licenses by separate letter to the county, which shall document whether the county offers commercial driver's license skills tests and the terms and conditions under which the county may do so. Nothing in this paragraph or this agreement shall require the county to offer commercial driver's license skills tests.

D. **Acknowledgment of general obligations under anti-discrimination laws**. The county acknowledges that the county's issuance program is subject to Title VI of the federal Civil Right Acts of 1964, 42 U.S.C. 2000d – 2000d-7 (Title VI), and to Iowa Code § 216.7. These laws create the following obligations:

1. **Title VI**. Under Title VI, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under the county's issuance program.
2. **Iowa Code § 216.7**. Under Iowa Code § 216.7, it is an unfair or discriminatory practice for a public accommodation to:
   i. Refuse or deny to any person because of race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability the accommodations, advantages, facilities, services, or privileges thereof, or otherwise to discriminate against any person because of race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability in the furnishing of such accommodations, advantages, facilities, services, or privileges.
   ii. Directly or indirectly advertise or in any other manner indicate or publicize that the patronage of persons of any particular race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability is unwelcome, objectionable, not acceptable, or not solicited.

The county agrees that it will operate and offer access to its facilities and performs its issuance program in conformance with these obligations.

E. **Acknowledgment of specific obligations under anti-discrimination laws.** The county further acknowledges that its obligations under the antic-discrimination laws set forth in the preceding paragraph "C" specifically include but are not limited to the following obligations, and agrees to operate and offer access to its facilities and perform its issuance program in conformance with these specific obligations:

1. **Service to foreign nationals.** The county shall not deny or refuse to perform services to a person on the basis that the person is a temporary or permanent foreign national, and will not refuse to issue credentials intended for such persons. As used herein a foreign national is a person who is not a U.S. citizen but can properly demonstrate lawful presence in the U.S.
2. **Service to persons of limited English proficiency**. The county shall not deny or refuse to perform services on the basis that the person is of limited English proficiency, and in conjunction with the department shall provide

reasonable translation and interpretation services as needed to facilitate services to persons of limited English proficiency.

XII. FEES

A. **Consideration**. The county's sole consideration for services performed under this agreement shall be retention of fees as set forth in Iowa Code § 321M.9(1).

B. **Daily remittance of fees and penalties collected.** The county shall remit daily to the state treasurer all fees and civil penalties collected in the performance of the county's issuance program under chapter 321M.

C. **Monthly reconciliation of fees retained.** The fees retained by the county under Iowa Code § 321M.9(1) shall be deducted from the moneys collected under chapter 321 and otherwise transferred to the state treasurer on the 10th of each month, pursuant to Iowa Code §§ 321.152 and 321.153, and shall be reported to the department in conjunction with other fees retained by the county, as provided in Iowa Code § 321.152.

D. **Daily and monthly reporting and reconciliation procedures.** The department shall provide procedures for daily and monthly reporting and reconciliation of fees and penalties transferred and retained to assure accurate accounting of all penalties and fees collected, transferred, and retained.

XIII. TERMINATION

A. **Termination by the county**. The county may terminate this agreement with 30 days' notice to the department.

B. **Termination by mutual agreement**. The county and department may terminate this agreement upon mutual written agreement at any time, with or without notice.

C. **Termination for cause**. Pursuant to Iowa Code § 321M.4, the department may terminate the county's authorization to conduct the county issuance program if the county fails to meet the department's standards for issuance. Termination for cause may occur under any of the following circumstances:

a. The county fails to comply with or satisfy any of the provisions of this agreement.

b. The county fails to comply with the department's policies and procedures for performance of the county's issuance program.

c. The county fails to comply with any state or federal law or regulation that applies to performance of the county's issuance program.

d. The county commits an act or omission that compromises the integrity of the state's issuance program or threatens the integrity or security of the state's systems, hardware, software, networks, or databases.

e. The county commits an act or omission that warrants termination of the county's authorization under the specific terms of any other division of this agreement.

f. The county falsifies any record or information provided or used in the performance of the county's issuance program or fraudulently approves a credential, benefit, permission or privilege for which a person is not legally entitled or due.

g. The county misappropriates or otherwise fails to properly account for fees collected under this agreement and chapter 321M, or fraudulently assesses any person a fee or penalty that is not legally due.

As used in this paragraph, "county" includes the county, its officers, agents and employees. In lieu of terminating the county's authorization, the department in its discretion may withdraw approval to participate in the county's issuance program and terminate access to the department's issuance system for any county officer, agent, or employee that commits an act or omission that would warrant termination of the county's authorization.

D. **Notice for termination with cause**. The department will exercise good faith efforts to resolve performance issues and issues of noncompliance informally and without the need for termination of authorization for cause and formal notice. However, where the performance issues are serious or ongoing and have not been resolved informally or are not amenable to being resolved informally, the department will give the county formal written notice of intent to terminate authorization that details the performance or compliance deficiencies that have been found and the measures the county must take to remedy the deficiencies. The written notice shall give the county a reasonable period of time to remedy the deficiencies before termination of authorization becomes effective, which shall be at least thirty days. Anything in this paragraph notwithstanding, however, the department reserves the right to immediately terminate authorization where the deficiency poses an imminent threat to the integrity or security of the state's systems, hardware, software, networks,
or databases or will or may result in the unauthorized release, disclosure, or exposure of personal information contained in the department's records or databases.

E. **Duty upon termination.** Upon termination the county shall not conduct any activity within the county issuance program until the department reauthorizes the department to do so. However, the county shall retain and protect all program records and records and property of the department and shall grant the department, its employees, vendors, and contractors reasonable access to protect and recover said records and property.

F. **Reauthorization**. Upon correction of any deficiencies the county may apply in writing for reauthorization of the county's issuance program. The department will not grant reauthorization until the deficiencies have been corrected to the department's satisfaction. The department shall not unreasonably withhold reauthorization.

XIV. LEGAL ENTITY

No new legal or administrative entity is created by this agreement.

XV. ASSIGNABILITY

The rights and interests of the parties to this agreement are not assignable.

XVI. PRIOR AGREEMENTS

This agreement replaces and supersedes all prior agreements between the county and the department under chapter 321M.

IN WITNESS WHEREOF, the department and the county have caused this agreement to be executed in two counterparts, each of which shall be considered an original.

IOWA DEPARTMENT OF TRANSPORTATION
Director

DELAWARE COUTY, IOWA
/S/ Jeff Madlom, Chairperson
Delaware County Board of Supervisors
Attest: /S/ Carla K. Becker, County Auditor

All Ayes

Presentation – Delaware County Fact Book – Karen Cameron

Karen Cameron addressed the Board in regards to updating the Delaware County Fact Book. She will be in touch with Supervisor Helmrichs to update the information on county offices and is hoping the Board will agree to purchase an ad in the book again this year.

Public Hearing – First Reading of Proposed Ordinance No. 41 – Readoption of Delaware County's Code of Ordinances

This being the date and time set to hold a public hearing for the first reading of proposed Ordinance No. 41 – Readoption of Delaware County's Code of Ordinance, Chairperson Madlom opened the public hearing at 2:03 pm.

County Auditor Carla Becker explained that the Board is required to review, update and readopt its Code of Ordinances every 5 years. Notice of the public hearing was published in all three official county newspapers May 23rd and/or 24th. The Board members read the proposed ordinance aloud. There being no comments from the public, either written or oral, the public hearing was closed at 2:20 pm.

Motion made by Helmrichs, second by Buschmann and carried to approve the following resolution:

RESOLUTION No. 2017-42

BE IT RESOLVED that the first reading of the ordinance entitled:
"AN ORDINANCE READOPTING THE EXISTING COUNTY CODE OF ORDINANCES IN DELAWARE COUNTY, IOWA"
Is hereby approved and that said ordinance be further considered for its second, and possibly final, reading at a meeting to be held on the 12th of June, 2017 at 1:15 pm in the office of the Delaware County Board of Supervisors located within the Delaware County Courthouse, Manchester, Iowa. At such time and place, all persons interested shall be given the opportunity to be heard concerning said ordinance.
Approve this 5th day of June, 2017 by the Delaware County Board of Supervisors.
/S/ Jeff Madlom, Chairperson
/S/ Pete Buschmann
/S/ Shirley E. Helmrichs
Attest: /S/ Carla K. Becker, County Auditor
All Ayes

Motion made by Buschmann, second by Helmrichs and carried to approve the contract with Fahrner Asphalt Sealers LLC for the 2017 Centerline Marking Project to apply 3,961 gallons of yellow centerline paint on approximately 232 miles of county highway. The late start date of the project is August 14, 2017 with 20 working days allowed for completion. All Ayes

ENGINEER'S REPORT
220th Ave Bridge Project – Taylor Construction is continuing to work on the substructure.
Quaker Mill Dam and Stream Realignment – Top Grade has not yet set a schedule for the channel excavation.
C64 Paving Project – River City Paving is expecting to start paving this Wednesday. The road will be limited to one lane through the work zone.
Contract Rock – BARD is currently placing contract rock in the northwest and north central areas of the county. This project should be completed in 3 weeks or less.

NEXT MEETING –The next regular session will be held on Monday June 12, 2017 at 1:15 p.m.

PUBLIC COMMENTS – Dave Fink, Lake Delhi resident, stated that an additional lake gauge should be installed at the Bailey's Ford Bridge since it was recently widened. He feels that the current modeling does not take into effect the widening of this bridge several years ago. He would like to encourage the Board to work with residents and the Lake Trustees to make an emergency action plan that works for everyone.

Pat Colgan clarified that the 1' 4" rise at Hartwick Bridge had no effect beyond the Linden Acres area.

There being no further comments or business before the Board, Chairperson Buschmann called for a motion to adjourn.

Motion made by Helmrichs, second by Buschmann and carried to adjourn the meeting at 2:30 pm. All Ayes

These minutes have been read and approved for publication.

Jeff Madlom, Chairperson

Carla K. Becker, County Auditor

STATE OF IOWA)
) **Ss:**
DELAWARE COUNTY)

June 12, 2017
Manchester, Iowa
1:15 p.m.

The Delaware County Board of Supervisors met in regular session this date at 1:15 p.m. with all members present. Also present were Daneen Schindler, Pam Klein, Mike Corkery, Dawn Miller, Robert Kugel, Chandra Ravada, Anthony Bardgett, Carla Becker, and two members of the media. Chairperson Madlom called the meeting to order.

Motion made by Buschmann, second by Helmrichs and carried to approve the agenda as posted. All Ayes

Motion made by Helmrichs, second by Buschmann and carried to approve the minutes from the last meeting. All Ayes

Motion made by Buschmann, second by Helmrichs and carried to acknowledge the following employees to attend their respective out-of-county meetings: Supervisor Buschmann to attend the BDF meeting in Oelwein on June 13th; and Supervisor Madlom to attend the RC&D meeting in Anamosa on June 15th. All Ayes

Motion made by Helmrichs, second by Buschmann and carried to approve the following claims for payment including the June 9th payroll in the amount of $187,625.91 warrant #16172 - #16287:

Ace Homeworks	Postage & Mailing	42.62	Iowa Dept of Justice	Legal Fees	1063.40
Advanced Systems Inc	Maint-Off Equip/Furniture	82.26	IA Secretary of State Notary	Stationery/Supplies	60.00
Ahlers & Cooney PC	Legal-Court Related	106.00	Institute IA Cert Assessors	Education & Training	1370.00
Alliant Energy	Service	2312.29	Ingrids Landscaping	Park Development	1963.00
Altorfer Inc	Safety Items	351.23	Integrated Teleheath	Emergency Treatment	220.00
Animal Health International	Minor Equip & Hand Tools	24.16	Interstate Batteries of Great	Shop Equipment	17.50
Jody Antrim JDC Works	Land	4530.50	IWI Motor Parts	Shop Equipment	521.25
AT&T Corporate Security	Telephone Services	5.19	JetCo Inc	Data Processing	1050.00
Ronald F Bailey	Repair/Maint-Const Equip	675.42	John Deere Financial	Repair/Maint-Misc Equip	942.38
Bard Materials (General)	Roads	16391.80	JP Scherrman Inc	Park Development	9600.00
Bard Materials (Rock)	Cover Aggregate	177480.53	Pamela Klein	Employee Mileage/Subs	70.50
Barron Motor Supply	Construction/Maint Equip	139.13	Lahr Repair Inc	Construction/Maint Equip	62.01
Carla K Becker	Reimbursement Fuel	27.50	Leader Publications	Board Proceedings	1009.74
Bi-County Disposal Inc	Sanitation Disposal	150.37	Leick Small Engine Repair	Repair/Maint-Const Equip	51.99
Black Hills Energy	Natural -LP Gas-Fuel Oil	229.03	Leonard Muller Funeral Home	Medical & Health Services	501.50
Bob Stephen Motors Inc	Repair/Maint- Vehicle	280.44	Jill Lewis	Buildings-Repair/Maint	150.00
Boubin Tire Co	Repair/Maint- Vehicle	209.80	Lechtenberg Janitorial	Custodial Supplies	78.00
BP	Fuels	685.06	Machines & Media Inc	Stationery/Supplies	38.00
Brehme Drug	Prescription Medicine	77.13	Manchester Press	Publications	1142.63
Budden Well & Plbg Service	Park Development	543.36	Manchester Signs LLC	Roads	60.00
Camp Powersports	Construction/Maint Equip	91.58	City of Manchester	Water Use & Sewer	327.35
Carls Feed & Farm Store Inc	Public Education Items	18.90	Marco Technologies LLC	Repair/Maint-Misc Equip	279.00
Carpenter Uniform Co	Uniform	289.70	Martin Equipment of Illinois	Minor Mv Parts & Access	207.49
Case Management & MH	Data Processing	489.50	Matheson Tri-Gas Inc	Repair/Maint-Misc Equip	18.60
Caterpillar Financial	Equipment Payment	5815.17	Mediacom LLC	Telephone Services	75.90
Central Iowa Water	Water Use & Sewer	43.51	Midwest Wheel	Construction/Maint Equip	2033.69
CenturyLink	Telephone Services	32.93	Mutual Wheel Company	Construction/Maint Equip	235.19
City Laundering Co	Buildings-Repair/Maint	600.69	Neuhaus Properties	Rent Payments	200.00
CMI Inc	Services	1396.00	Palmer Hardware	Stationery/Supplies	381.52
Comelec Internet Services	Data Processing Supplies	80.00	Pictometry International	Data Processing	105275.60
D&S Portables Inc	Sanitation Disposal	75.00	Point Blank Enterprises	Repair/Maint-Radio Equip	6.83
Del Co Public Health	Refunds/Reimburse	17537.92	Precise MRM LLC	Repair/Maint-Radio Equip	346.63
Delaware Co Sheriff	Transportation	502.88	Premier Parts Inc	Repair/Maint- Vehicle	168.70
Delaware Co Solid Waste	Sanitation Disposal	4091.10	Priority Dispatch Corp	Data Processing Supplies	28090.00
Delhi Lumber	Land	216.15	Radio Communications	Radio & Communications	396.09
DJ Repair	Repair/Maint- Vehicle	1909.40	Ray O'Herron Co Inc	Supplies	793.00
Don & Walt LLC	Park Development etc	1138.34	Regional Medical Center	Legal-Court Related	11.00
Dons Truck Sales Inc	Repair/Maint-Const Equip	944.06	Rite Price Office Supply	Supplies	328.38
Drive Line of Dubuque Inc	Construction/Maint Equip	809.53	Ritter Tool Sales Inc	Minor Equip & Hand Tools	181.50
Dyersville Commercial	Board Proceedings	1634.25	Runde Auto Group	Motor Vehicle	27000.00
Edgewood Auto & Tire LLC	Repair/Maint- Vehicle	195.00	S&D Supply Inc	Shop Equipment	74.90
Jody Elgin	Custodial Supplies	157.50	Shield Technology Corp	Data Processing	15757.50
Tina Elgin	Custodial	500.00	Silveredge Cooperative	Fuels	1290.30
Fastenal Company	Shop Equipment	40.08	Shelia Smith	Board of Review	601.16
Fawcetts Funeral Homes	Medical & Health Services	450.00	Solutions Inc	Data Processing	1040.00
Foster Pheasants	Public Education Items	60.00	State Hygienic Lab	Engineering Services	20.00
Gaffney Quarries Inc	Roads	1450.54	State Medical Examiner	Medical & Health Services	1523.00
Garlyn R Glanz	Postage & Mailing	7.20	Jeanne A Strand	Legal-Court Related	160.00
Good Neighbor Society	Prisoner meals	2403.00	Taylor Construction Inc	Bridges	48048.50
Teresa Greve	Board of Review	601.16	TekSupply	Minor Equip & Hand Tools	155.75
Gudenkauf Tiling/Excavating	Water/Sewer Structures	6050.00	Thomson Reuters	Books/Newspaper	585.47
Hausers Water Systems Inc	Stationery/Supplies	106.46	Three Rivers FS	Repair/Maint-Misc Equip	14680.11
Heather Andregg	Buildings-Repair/Maint	200.00	Michele L Tiemens	Rent Payments	225.00
Tim Heims	Board of Review	601.16	Truck Country of Iowa	Construction/Maint Equip	151.67
Helle Farm Equipment Inc	Construction/Maint Equip	10.25	US Postmaster	Postage & Mailing	1183.00
Heritage Printing	Printing Services	190.31	US PostMaster	TMS 5116255	10000.00
Hi-Viz Safety	Traffic & St Sign	1941.75	Van Diest Supply Company	Agric/Hort Services	2720.00
Hopkinton Municipal Utilities	Electrical Power	68.10	Wilson Woodshop & Sharp	Repair/Maint-Const Equip	26.00
Ronald Huber	Grounds & Maint Supplies	68.00	Windstream	Telephone Service	807.40

All Ayes

Motion made by Buschmann, second by Helmrichs and carried to approve the following "Applications for Underground Construction on Delaware County Right-of-Way" :

Alliant Energy to bore 4" conduit along the south side of Delaware/Jones line east 244 feet and then crossing to the north into Delaware County. Construction located approximately 244' east of 220th Ave, seven miles southwest of Hopkinton in Section 31 of Union Township; and

Alliant Energy to install new lines with 45' poles along the north side of North Street and south along Adams Street with 50' poles beginning at the intersection of North Street and Adams Street and extending west for .3 miles and south to Morton Street being within the Town of Ryan in Section 18 of Hazel Green Township; and

Alliant Energy to rebuild existing power lines with new 40' poles and new 1/0 ACSR conductor being located approximately 5.5 miles south of Dyersville in Sections 26, 27 33 and 35 of North Fork Township; and

Alliant Energy to rebuild existing power lines with new 40' poles and new 1/0 ACSR conductor being located approximately 5.5 miles south of Dyersville in Sections 26, 27 33 and 35 of North Fork Township; and

Alliant Energy to install cable near the Town of Ryan in Section 18 of Hazel Green Township beginning at a point 277' west of HWY 13 on the north side of North Street and extending east for 780' along North Street and 300th Street then crossing the road to an existing pole. Also starting at a point 500' west of Howard Street on the north side of North Street and then extending west 722' then crossing the road; and
East Central Iowa Rural Electric Cooperative to install a 7200 volt AC electric line consisting of cable to be plowed in along the shoulder of 110th Street in Section 6 of Richland Township. All Ayes

There were no manure management plan updates submitted for acknowledgement at today's meeting.

Motion made by Helmrichs, second by Buschmann and carried acknowledge receipt of the Clerk of Court's report and remittance showing that for the month of May, 2017 a total of $1,180.89 was collected for various fees and deposited into the general funds. All Ayes

Motion made by Buschmann, second by Helmrichs and carried to acknowledge receipt of the Treasurer's Monthly investment report showing that a total of $16,421,585.71 has been collected on behalf of all taxing entities and invested in various banks across the county. All Ayes

Motion made by Helmrichs, second by Buschmann and carried to approve the request presented by Dawn Miller, Kingdom Builders, to utilize the courthouse grounds to conduct the reading of the complete bible as part of the "Iowa 99 County Bible Reading Marathon". Once again, the Governor has signed a proclamation encouraging all Iowans to join in this historic event. The reading will be conducted June 25, 2017 through July 4, 2017 between the approved hours of 6:00 am until 10:30 pm. Ms. Miller stated the group will utilize the area near the gazebo as they did last year. She also stated that they will make sure the grounds are picked up each night. All Ayes

PRESENTATION – Iowa Transportation Improvement Project – Chandra Ravada, ECIA

Chandra Ravada with ECIA addressed the Board regarding the Transportation Improvement Program and its associated budget. RPA 8 includes the counties of Delaware, Dubuque (excluding the City of Dubuque), Clinton and Jackson. Annually, they review the counties' 5 year construction plans for potential federal aid projects. His goal is to meet with all the counties in this region to make sure they know what documents exist regarding the federal aid projects and annual budget. The region has approximately $2.5 million available annually for these federal aid projects. The counties making up RPA8 have voted for 10% of the funds to be given to the smaller communities. The remainder of the dollars are allocated by population. Delaware County's allocation was $267,700 this fiscal year. A running balance is kept for the region as well as for each individual county. If projects come in under bid estimate and there are extra funds left over, the excess is redistributed amongst the member counties.

New legislation may allow the Iowa DOT to swap all federal monies with state monies. This would give counties more flexibility for using the money.

The Board thanked Mr. Ravada for his time.

Public Hearing – Second, and Possibly Final, Reading of Proposed Ordinance No. 41 – Readoption of Delaware County's Code of Ordinances
This being the date and time set to hold a public hearing for the second, and possibly final, reading of proposed Ordinance No. 41 – Readoption of Delaware County's Code of Ordinances, Chairperson Madlom opened the public hearing at 1:42 pm.

The Board members read the proposed ordinance aloud. There being no comments from the public, either written or oral, the public hearing was closed at 2:01 pm.

Motion made by Buschmann, second by Helmrichs and carried to approve the following resolution:

RESOLUTION No. 2017-043

WHEREAS, the second reading of Proposed Ordinance #41, "AN ORDINANCE READOPTING THE CODE OF ORDINANCES IN DELAWARE COUNTY, IOWA" was held today, Monday, June 12, 2017 at 1:15 pm, and
WHEREAS, there were no comments received, either written or oral, for or against the passage of said ordinance.
NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors approves the second reading, and waives the third reading, of the ordinance entitled:
"AN ORDINANCE READOPTING THE CODE OF ORDINANCES IN DELAWARE COUNTY, IOWA"
Said ordinance is approved as read and hereby adopted on this 12th day of June, 2017.
We furthermore direct the Delaware County Auditor to publish said ordinance, in its entirety, in all three official newspapers of the county.
Approved this 12th day of June, 2017 by the Delaware County Board of Supervisors.

/S/ Jeff Madlom, Chairperson
/S/ Pete Buschmann
/S/ Shirley E. Helmrichs
Attest: /S/ Carla K. Becker, County Auditor

The full text of the proposed ordinance is as follows:

DELAWARE COUNTY ORDINANCE #41

Title: An ordinance readopting the existing county code of Delaware County, Iowa:

SECTION 1. PURPOSE. Code of Iowa Section 331.302(10) 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 and 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 the Delaware County Code of Ordinances:

1. No. 2 "An Ordinance Establishing the Area Service System B Road Classification in Delaware County, Iowa" readopted in its entirety.
2. No. 3 "An Ordinance to Establish the Policy and Level of Service in Respect to Clearance of Snow or Ice and Maintenance of This County's Secondary Roads During the Winter Months" readopted in its entirety.
3. No. 7 "Waste Disposal, Solid Waste Management and Disposal, Separation of Yard Waste from all Other Garbage and Refuse" readopted in its entirety.
4. No. 11 "An Ordinance to Impose a Local Option Sales and Services Tax in Delaware County" (Edgewood) readopted in its entirety.
5. No. 12 "An Ordinance for the Establishment and Maintenance of a Uniform Rural Address System for Delaware County" readopted in its entirety.
6. No. 15 "An Ordinance Relating to Property Tax Exemptions" is amended by removing "upon the recommendation of the Iowa Department of Economic Development" from Section 1. (a) (2).
7. No. 16 "An Ordinance Relating to Gifts that May Be Accepted or Received by County Officials, Employees, Candidates, or their Immediate Family Members" readopted in its entirety.
8. No. 17 "An Ordinance Establishing the Area Service "C" Road Classification in Delaware County, Iowa" readopted in its entirety.

9. No. 20 "Delaware County Regulations for Non-Public Water wells" by amending the first paragraph as follows: "Pursuant to the authority granted the Delaware County Supervisors under Chapter 331, County Home Rule, of the Code of Iowa and by the powers delegated by Section 331.302 (4A) of this Chapter, the Delaware County Board of Supervisors will enforce the rules of Section 567 (Environmental Protection), Chapter 49, NON-PUBLIC WATER WELLS, and Chapter 39, REQUIREMENTS FOR PROPERLY PLUGGING ABANDONED WELLS of the Iowa Administrative Code. The provisions of Chapters 49 and 39 of the Iowa Administrative Code 567 are adopted by reference and made a part of this ordinance."
   By amending Section 1(a) to require a "permit fee ($125.00)."
   By amending Section 4(C) as follows: "The citation may be served by personal service as provided in Iowa Rule of Civil Procedure 1.305, or by certified mail address to the respondent at the respondent's last known mailing address, return receipt requested, or by publication in the manner provided in Iowa Rule of Civil Procedure 1.310 and subject to the conditions of Iowa Rule of Civil Procedure 1.311."
   By re-numbering Sections 10, 11, 12 and 13 as Sections 5, 6, 7, and 8.
   By adding Section 9: "REPEAL: Ordinance No. 11a is hereby repealed in its entirety."
10. No. 24 "An Ordinance Relating to a Prohibition Against Loitering or Prowling" readopted in its entirety.
11. No. 26 "An Ordinance Relating to the Regulation of Sexually Oriented Businesses" readopted in its entirety.
12. No. 27 "An Ordinance Prescribing the General Assistance Program in Delaware County, Iowa" by amending Section 2 as follows:
    A. **"Assistance" means food, rent, clothing, transportation, fuel, utilities, medical attention, and burial assistance. Food does not include pop, alcohol, can deposits, tobacco, candy, or pet food but does include laundry soap,** household cleaners, and non-food items used for personal hygiene.
    B. "Awaiting approval and receipt" means that a poor person has applied for assistance under any state or federal law, has pursued that application with due diligence, and has not had such application denied. This does not include an appeal of a denial of benefits.
    C. "Burial expenses" include basic services of funeral director and staff, transfer of remains to funeral home, least expensive casket, least expensive vault or grave liner, and hearse. Opening and closing of grave may be considered if all other possible resources are exhausted.
    D. "Director" means the person who has been appointed General Assistance Director as provided by Iowa Code Section 252.26 or his/her designee.
    E. "Emergency basis" can include the following: a person's utilities have been or are going to be disconnected, a person is being evicted from his/her home, medication or food is needed, an applicant has been the victim of a natural disaster, and/or a person needs an application for a county burial.
    F. "Household living unit" mean all persons who live in a residence with common toilet, kitchen, dining, or bedroom facilities or shared rental payment or lease.
    G. "Income" shall include any earned and unearned income. Relief is to be provided to persons whose income is below the schedules set up for the Family Investment Program (FIP).
    H. "Legally Settled" means applicant has had a permanent residence in Delaware County for ninety (90) days.
    I. "Liquid assets" means cash or any other items of net worth of the household living unit that can be converted to cash within seven (7) days.
    J. "Needy person" is a person (or household living unit of that person) who is domiciled in Delaware County, Iowa and who, because of circumstances not attributable to that person, needs immediate assistance.
    K. "Poor person" is a person (or household living unit of that person) who is domiciled in Delaware County, Iowa, and in accordance with Chapter 252.1 "...[has] no property, exempt or otherwise, and [is] unable, because of physical or mental disabilities, to earn a living by labor..."
    L. "Resources" or "net worth" includes income or moneys for any source, moneys due, checking and savings accounts, other deposits, stocks, bonds, real estate, credit union accounts, cash value of life insurance, jewelry, and other items of salable value. Excluded from consideration are the following: a person's homestead, personal possessions, household goods, tools, and equipment used for self support, one licensed motor vehicle with a maximum equity value of $7500.00, burial lots, and funeral trust funds. The total value of these resources shall not exceed two thousand dollars ($2000.00).
    M. "Transient" means a needy person who has been in the county for less than five (5) days and will be referred to other local agencies providing transient assistance.

    By amending Section 3 to delete "A."

    By amending Section 5.2 to read as follows: "Rent -- Rent will only be payable for the current month and available to prevent an eviction. Rent shall not be paid to responsible relatives such as parents, children, grandparents, or grandchildren. A landlord statement may be required."

    By amending Section 5.4 to read as follows: "Provisions-- food and non-food items such as soap products, paper products, household cleaning supplies, personal hygiene items, non-prescription drugs, etc. not to exceed twenty-five dollars ($25) without prior authorization from the Director. Food vouchers are available on an emergency basis if other sources of assistance, such as the Delaware County Food Pantry, are not available."

    By amending Section 5.5 to read as follows: "Transportation in an emergency situation if deemed necessary by the chairperson of the Board of Supervisors."

    By amending Section 5.6 to read as follows: "Burial expense -- assistance is limited to a maximum of two thousand five hundred dollars ($2,500.00). If the decedent has a burial contract and/or any resources, those amounts will be deducted from the two thousand five hundred dollars ($2,500.00) maximum amount allowed. Burial assistance must be applied for within thirty (30) days of the date of death. The Director may waive the income guidelines with the Board's approval. Total cost cannot exceed $4,000.00."

    By amending 5.8 to read as follows: "Medical services, prescriptions, and dental services; the reasonable value of the services actually needed on an emergency basis.
    a) Delaware County will not assist any applicant who is covered by any health insurance coverage unless approved by the Delaware County Board of Supervisors.
    b) Dental services: applicants shall be limited to one tooth extraction or up to two fillings, or alleviation of pain on an emergency basis. An applicant must be determined to be eligible for county assistance first before the county will set up an appointment for the applicant with a dentist. If services are necessary on a non-emergency basis, the work can be completed at the University of Iowa in Oral Surgery through the completion of State papers. This does not include the School of Dentistry. If dental services have already been provided, county assistance is not available.
    c) Prescriptions: assistance is only available for medically necessary medications in a generic form unless a generic form does not exist or it is otherwise specified by the prescribing physician.
        A. "Medically necessary medications" does not include any form of nicotine, contraceptive, diet medication, or any form of alcohol sensitivity medication.
        B. Mental health medications should be requested from the MHDS region.
        C. All requests for medications must be accompanied by a copy of the doctor's prescription.
    d) Glasses, including examinations, lens and frame repair when such are prescribed by optometrists or physicians will be funded by the Delaware County Correll Fund."

    By amending the last sentence of Section 7.C to read as follows: "The needy person may be required to provide reasonable proof that he or she is actively seeking employment for future applications."

By amending Section 7.E to read as follows: "Any needy person who quits a job without good cause within thirty (30) days prior to the date of application shall be denied assistance."

By amending Section 7.I to read as follows: "General Assistance shall be denied at any time if the applicant or recipient refuses to rely on his or her resources, there is a transfer of property with intent to qualify for General Assistance, or the applicant or recipient refuses to answer any questions or falsifies an application."

By amending Section 7.O to delete "of General Assistance" from the last sentence.

By amending Section 8 to add: "Pursuant to Iowa Code Section 252.25, all applications, investigation reports, and case records of persons applying for county general assistance under Chapter 252 are considered privileged communications and confidential. These records may only be used and inspected by persons authorized by law in connection with their official duties relating to financial audits and administration or as authorized by a district court order. The applicant may execute a signed release to authorize the examination of his/her applications, reports, and records."

By amending the last sentence of Section 9.A to read as follows: "If denied, the written decision shall state the reason(s) for the denial and the statutes or ordinances and manual sections which applied."

By correcting a scrivener's error in the first sentence in Section 10.A as follows: "Assistant's."

By amending the last sentence of Section 10.C as follows: "The applicant and the applicant's attorney, upon written authorization, shall be granted access by the Director or Assistant to applicant's assistance case file if a request is made."

By amending Section 11.B to read as follows: "The Delaware County Board of Supervisors may decide to uphold the decision of the General Assistance Director or Assistant, or under the provisions of the Iowa Code Section 252.37, the Delaware County Board of Supervisors may 'order the director to provide assistance, or who may direct specific assistance.'"

By amending Section 11.C to read as follows: "The Delaware County Board of Supervisors shall make a decision on the appeal within (5) working days. The Delaware County Board of Supervisors' decision shall be only on the basis of the evidence submitted before the Delaware County Board of Supervisors. The applicant shall be informed within four (4) working days thereafter by the Delaware County Board of Supervisors' mailing of its written decision to the applicant by ordinary mail. The decision shall state the reasons for the action, together with any statutes or ordinances and manual sections applied. The Delaware County Board of Supervisors' decision shall also state that an appeal may be taken from the Delaware County Board of Supervisors' determination, as provided below, and the method by which such appeal may be taken."

By amending Section 12 to remove "that" from the first sentence.

By amending the last sentence of Section 13 as follows: "Benefits provided to a recipient may be a further claim against the homestead of a recipient and a claim in probate, as provided by Sections 252.13 and 252.14 of the Code of Iowa."

13. No. 29 "Local Option Sales and Services Tax" readopted in its entirety.
14. No. 31 "Local Option Sales and Services Tax" (Dyersville) readopted in its entirety.
15. No. 32 "An Ordinance Regulating the Placement of Wind Energy Conversion Systems (WECS) on Property Located in the Unincorporated Areas of Delaware County, Iowa" by amending Section 3(A)(15) to add "At a minimum, the plan shall provide for decommissioning costs to be placed in an escrow account beginning in year 15."
    By amending Section 3 to add subparagraph C: "A permit issued under this ordinance shall expire automatically if
        1. Within five (5) years of issuance, substantial action has not been taken to accomplish the purpose of the permit, or
        2. After substantial action has been taken, work is subsequently discontinued for a period of one (1) year, or
        3. The use has been established and subsequently discontinued for a period of one (1) year.

    "Substantial action" shall include commencement of construction, erection, alteration, demolition, or similar work required for the development authorized by the permit.
    By amending Section 3 to add subparagraph D: "A permit subject to automatic expiration under subsection C may be extended for a period of up to one (1) year if the Board of Supervisors concludes that:
        1. The permit has not expired, or
        2. The permit recipient has proceeded in good faith and with due diligence, or
        3. Conditions have not changed so substantially as to warrant a new application.

    Successive extensions may be granted for periods of up to one (1) year."
    By amending the first paragraph of Section 6 as follows: "C-WECS shall be considered a discontinued use or not in use after one (1) year without energy production, unless a plan is developed and submitted to the Board of Supervisors outlining the steps and schedule for placing the C-WECS in service. If a C-WECS is considered a discontinued use or unused, the Board of Supervisors may issue a Notice of Non-Use or Discontinuation of Use to the owner of the C-WECS. The owner shall have the right to respond to the Notice of Non-Use or Discontinuation of Use within thirty (30) days from the notice receipt date. The Board may withdraw the notice 1) if the owner provides information that demonstrates the C-WECS is in use or 2) if the Board accepts the owner's plan outlining the steps and schedule for placing the C-WECS in service."
    By amending the second paragraph of Section 6 to add "or non-use" to the end of the first sentence.
16. No. 33 "Assessment of Wind Energy Conversion Property" readopted in its entirety.
17. No. 34 "Floodplain Management Ordinance" readopted in its entirety.
18. No. 35 "An Ordinance Establishing Voting Precincts and Supervisor Districts Pursuant to the 2010 Population Census" readopted in its entirety.
19. No. 37 "Social Host" readopted in its entirety.
20. No. 38 "An Ordinance to Establish a Policy for the Construction and Reconstruction of Roadways and Bridges on the Delaware County Secondary Road System" readopted in its entirety.
21. No. 39 "Regulating the Operation of All-Terrain Vehicles & Off-Road Utility Vehicles in Delaware County, Iowa" readopted in its entirety.
22. No. 40 "Delaware County Private Sewage Disposal Systems" 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. 11a "An Ordinance Adopting Rules for the Construction and Abandonment of Private Water Wells in Delaware County."
   No. 19 "Delaware County On-Site Wastewater Treatment and Disposal Systems."
2. No. 36 "A Ordinance Readopting the Existing County Code of Delaware County, Iowa."

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 adopted by the Board of Supervisors this 12th day of June, 2017.

All Ayes

Motion made by Helmrichs, second by Buschmann and carried to approve waiving the fees, interest and penalties associated with the back taxes on the following parcels:

Parcel	Fees to be waived	Net Tax Due
540-00-01-004-40	$27.00	$246.00
540-00-01-003-10	$18.00	$8.00
540-00-01-003-20	$18.00	$10.00
540-00-01-003-80	$18.00	$10.00
Totals	$81.00	$274.00

Said motion subject to the net tax due of $274.00 being paid in full on or before June 30, 2017. All Ayes

Motion made by Buschmann, second by Helmrichs and carried to approve the following appointments:

Delaware County Conservation Board – (5 year Term)
Mike Schmitz

Veterans' Affairs Commission – (3 year term)
Jennifer Sellner

Eastern Iowa Tourism Council – (1 Year term)
Caryssa Philgreen
Jeannie Domeyer – Alternate
Bev Rahe – Alternate

All Ayes

Motion made by Helmrichs, second by Buschmann and carried to approve the Class C Liquor License Renewal Application for Big House LLC located at 3001 160th Street in Petersburg. This is a 12 month license effective June 24, 2017 with outdoor service area and Sunday sales privileges. All Ayes

Motion made by Buschmann, second by Helmrichs and carried to approve the following Resolution:

RESOLUTION No. 2017-044
DONATION OF OBSOLETE EQUIPMENT

WHEREAS, Delaware County utilizes several computer monitors and towers for conducting day-to-day operations; and
WHEREAS, Delaware County has set the usable life of its computer monitors and towers at 4-6 years at which time they become obsolete for county administrative use; and
WHEREAS, annually, the county replaces ten to twelve computer towers (and their associated monitors) within various departments to spread the cost across multiple fiscal years; and
WHEREAS, the computer replacement program was conducted in April 2017 with ten computer towers and six computer monitors being replaced and moved to the "obsolete" category; and
WHEREAS, the Delaware County 911 Coordinator would like to utilize two of these "obsolete" towers and four of the monitors; and
WHEREAS, the Delaware County 911 Service Board is considered a governmental agency; and
WHEREAS, donating these computer towers and monitors to the Delaware County 911 Services Board will not only benefit these organizations but also save the county landfill costs for disposal of said equipment.
NOW, THEREFORE, BE IT RESOLVED, that the Delaware County Board of Supervisors agrees to donate the following computer towers and monitors to the Delaware County 911 Service Board for use in conducting 911 communications across the county:

Lenovo 15056847UMJYCRAN	Computer Tower
Lenovo 150958B2UMJ18EX2T	Computer Tower
Samsung Z1QNHCLBC02513	Monitor
Lenovo V159664	Monitor
Lenovo V1x9997	Monitor
Lenovo V1x9989	Monitor

A transmittal form will be signed by the County Auditor and the 911 Coordinator designating the specific computer towers and monitors received by the Delaware County 911 Services Board.
Approved this 12th day of June.
/S/ Jeff Madlom, Chairperson
Delaware County Board of Supervisors
Attest: /S/ Carla K. Becker, County Auditor
All Ayes

ENGINEER'S REPORT
220th Ave Bridge Project – Taylor Construction is continuing to work on the substructure.
Quaker Mill Dam and Stream Realignment – Top Grade has not yet set a schedule for the channel excavation.
C64 Paving Project – River City Paving starting paving operations last week. They will not pave on Monday due to the WMT Tractorcade but will resume on Tuesday in hopes of finishing the road this week.
Contract Rock – BARD is currently placing contract rock in the southwest quarter of the county. Water is being applied to 240th Street adjacent to Logan's Quarry due to the excessive dust being kicked up by the rock trucks.

NEXT MEETING –The next regular session will be held on Monday June 19, 2017 at 1:15 p.m.

PUBLIC COMMENTS – None

There being no further business before the Board, Chairperson Madlom called for a motion to adjourn.

Motion made by Helmrichs, second by Buschmann and carried to adjourn the meeting at 2:17 pm. All Ayes

These minutes have been read and approved for publication.

Jeff Madlom, Chairperson

Carla K. Becker, County Auditor

STATE OF IOWA
DUBUQUE COUNTY SS:

CERTIFICATE OF PUBLICATION

I, Kim Ronnebaum, of Woodward Communications, Inc., an Iowa corporation, publisher of the Manchester Press, a newspaper of general circulation published in the City of Manchester, County of Delaware and State of Iowa; hereby certify that the attached notice was published in said newspaper on the following dates 6-21, 20 17, and for which the charge is $ 235.76.

Subscribed to before me, a Notary Public in and for Delaware County, Iowa, this 20th day of June 20 17.

NOTARIAL SEAL IOWA
KIMBERLY RONNEBAUM
Commission Number 784454
My Commission Expires 12-4-20

Kimberly Ronnebaum

Notary Public in and for
Delaware County, Iowa

LEGAL NOTICE
DELAWARE COUNTY BOARD OF SUPERVISORS
COUNTY ORDINANCE No. 41
READOPTION OF EXISTING COUNTY CODE OF DELAWARE COUNTY, IOWA

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF DELAWARE COUNTY:

Title: An ordinance readopting the existing county code of Delaware County, Iowa:

SECTION 1. PURPOSE. Code of Iowa Section 331.302(10) 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 and 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 the Delaware County Code of Ordinances:

1. No. 2 "An Ordinance Establishing the Area Service System B Road Classification in Delaware County, Iowa" readopted in its entirety.
2. No. 3 "An Ordinance to Establish the Policy and Level of Service in Respect to Clearance of Snow or Ice and Maintenance of This County's Secondary Roads During the Winter Months" readopted in its entirety.
3. No. 7 "Waste Disposal, Solid Waste Management and Disposal, Separation of Yard Waste from all Other Garbage and Refuse" readopted in its entirety.
4. No. 11 "An Ordinance to Impose a Local Option Sales and Services Tax in Delaware County" (Edgewood) readopted in its entirety.
5. No. 12 "An Ordinance for the Establishment and Maintenance of a Uniform Rural Address System for Delaware County" readopted in its entirety.
6. No. 15 "An Ordinance Relating to Property Tax Exemptions" is amended by removing "upon the recommendation of the Iowa Department of Economic Development" from Section 1. (a) (2).
7. No. 16 "An Ordinance Relating to Gifts that May Be Accepted or Received by County Officials, Employees, Candidates, or their Immediate Family Members" readopted in its entirety.
8. No. 17 "An Ordinance Establishing the Area Service "C" Road Classification in Delaware County, Iowa" readopted in its entirety.
9. No. 20 "Delaware County Regulations for Non-Public Water wells" by amending the first paragraph as follows: "Pursuant to the authority granted the Delaware County Supervisors under Chapter 331, County Home Rule, of the Code of Iowa and by the powers delegated by Section 331.302 (4A) of this Chapter, the Delaware County Board of Supervisors will enforce the rules of Section 567 (Environmental Protection), Chapter 49, NON-PUBLIC WATER WELLS, and Chapter 39, REQUIREMENTS FOR PROPERLY PLUGGING ABANDONED WELLS of the Iowa Administrative Code. The provisions of Chapters 49 and 39 of the Iowa Administrative Code 567 are adopted by reference and made a part of this ordinance."

   By amending Section 1(a) to require a "permit fee ($125.00)."

   By amending Section 4(C) as follows: "The citation may be served by personal service as provided in Iowa Rule of Civil Procedure 1.305, or by certified mail address to the respondent at the respondent's last known mailing address, return receipt requested, or by publication in the manner provided in Iowa Rule of Civil Procedure 1.310 and subject to the conditions of Iowa Rule of Civil Procedure 1.311."

   By re-numbering Sections 10, 11, 12 and 13 as Sections 5, 6, 7, and 8.

   By adding Section 9: "REPEAL: Ordinance No. 11a is hereby repealed in its entirety."
10. No. 24 "An Ordinance Relating to a Prohibition Against Loitering or Prowling" readopted in its entirety.
11. No. 26 "An Ordinance Relating to the Regulation of Sexually Oriented Businesses" readopted in its entirety.
12. No. 27 "An Ordinance Prescribing the General Assistance Program in Delaware County, Iowa" by amending Section 2 as follows:
    - A. "Assistance" means food, rent, clothing, transportation, fuel, utilities, medical attention, and burial assistance. Food does not include pop, alcohol, can deposits, tobacco, candy, or pet food but does include laundry soap, household cleaners, and non-food items used for personal hygiene.
    - B. "Awaiting approval and receipt" means that a poor person has applied for assistance under any state or federal law, has pursued that application with due diligence, and has not had such application denied. This does not include an appeal of a denial of benefits.
    - C. "Burial expenses" include basic services of funeral director and staff, transfer of remains to funeral home, least expensive casket, least expensive vault or grave liner, and hearse. Opening and closing of grave may be considered if all other possible resources are exhausted.
    - D. "Director" means the person who has been appointed General Assistance Director as provided by Iowa Code Section 252.26 or his/her designee.
    - E. "Emergency basis" can include the following: a person's utilities have been or are going to be disconnected, a person is being evicted from his/her home, medication or food is needed, an applicant has been the victim of a natural disaster, and/or a person needs an application for a county burial.
    - F. "Household living unit" mean all persons who live in a residence with common toilet, kitchen, dining, or bedroom facilities or shared rental payment or lease.
    - G. "Income" shall include any earned and unearned income. Relief is to be provided to persons whose income is below the schedules set up for the Family Investment Program (FIP).
    - H. "Legally Settled" means applicant has had a permanent residence in Delaware County for ninety (90) days.
    - I. "Liquid assets" means cash or any other items of net worth of the household living unit that can be converted to cash within seven (7) days.
    - J. "Needy person" is a person (or household living unit of that person) who is domiciled in Delaware County, Iowa and who, because of circumstances not attributable to that person, needs immediate assistance.
    - K. "Poor person" is a person (or household living unit of that person) who is domiciled in Delaware County, Iowa, and in accordance with Chapter 252.1 "...[has] no property, exempt or otherwise, and [is] unable, because of physical or mental disabilities, to earn a living by labor..."
    - L. "Resources" or "net worth" includes income or moneys for any source, moneys due, checking and savings accounts, other deposits, stocks, bonds, real estate. credit union accounts, cash value of life insurance, jewelry, and other items of salable value. Excluded from consideration are the following: a person's homestead, personal possessions, household goods, tools, and equipment used for self-support, one licensed motor vehicle with a maximum equity value of $7500.00, burial lots, and funeral trust funds. The total value of these resources shall not exceed two thousand dollars ($2000.00).
    - M. "Transient" means a needy person who has been in the county for less than five (5) days and will be referred to other local agencies providing transient assistance.

   By amending Section 3 to delete "A."

   By amending Section 5.2 to read as follows: "Rent -- Rent will only be payable for the current month and available to prevent an eviction. Rent shall not be paid to responsible relatives such as parents, children, grandparents, or grandchildren. A landlord statement may be required."

   By amending Section 5.4 to read as follows: "Provisions-- food and non-food items such as soap products, paper products, household cleaning supplies, personal hygiene items, non-prescription drugs, etc. not to exceed twenty-five dollars ($25) without prior authorization from the Director. Food vouchers are available on an emergency basis if other sources of assistance, such as the Delaware County Food Pantry, are not available."

   By amending Section 5.5 to read as follows: "Transportation in an emergency situation if deemed necessary by the chairperson of the Board of Supervisors."

   By amending Section 5.6 to read as follows: "Burial expense -- assistance is limited to a maximum of two thousand five hundred dollars ($2,500.00). If the decedent has a burial contract and/or any resources, those amounts will be deducted from the two thousand five hundred dollars ($2,500.00) maximum amount allowed. Burial assistance must be applied for within thirty (30) days of the date of death. The Director may waive the income guidelines with the Board's approval. Total cost cannot exceed $4,000.00."

   By amending 5.8 to read as follows: "Medical services, prescriptions, and dental services; the reasonable value of the services actually needed on an emergency basis.

   a) Delaware County will not assist any applicant who is covered by any health insurance coverage unless approved by the Delaware County Board of Supervisors.
   b) Dental services: applicants shall be limited to one tooth extraction or up to two fillings, or alleviation of pain on an emergency basis. An applicant must be determined to be eligible for county assistance first before the county will set up an appointment for the applicant with a dentist. If services are necessary on a non-emergency basis, the work can be completed at the University of Iowa in Oral Surgery through the completion of State papers. This does not include the School of Dentistry. If dental services have already been provided, county assistance is not available.
   c) Prescriptions: assistance is only available for medically necessary medications in a generic form unless a generic form does not exist or it is otherwise specified by the prescribing physician.
      - A. "Medically necessary medications" does not include any form of nicotine, contraceptive, diet medication, or any form of alcohol sensitivity medication.
      - B. Mental health medications should be requested from the MHDS region

By amending [illegible] to read as follows: "Medical services, prescriptions, and dental services, the reasonable value of the services actually needed on an emergency basis.

a) Delaware County will not assist any applicant who is covered by any health insurance coverage unless approved by the Delaware County Board of Supervisors.

b) Dental services: applicants shall be limited to one tooth extraction or up to two fillings, or alleviation of pain on an emergency basis. An applicant must be determined to be eligible for county assistance first before the county will set up an appointment for the applicant with a dentist. If services are necessary on a non-emergency basis, the work can be completed at the University of Iowa in Oral Surgery through the completion of State papers. This does not include the School of Dentistry. If dental services have already been provided, county assistance is not available.

c) Prescriptions: assistance is only available for medically necessary medications in a generic form unless a generic form does not exist or it is otherwise specified by the prescribing physician.

A. "Medically necessary medications" does not include any form of nicotine, contraceptive, diet medication, or any form of alcohol sensitivity medication.

B. Mental health medications should be requested from the MHDS region.

C. All requests for medications must be accompanied by a copy of the doctor's prescription.

d) Glasses, including examinations, lens and frame repair when such are prescribed by optometrists or physicians will be funded by the Delaware County Correll Fund."

By amending the last sentence of Section 7.C to read as follows: "The needy person may be required to provide reasonable proof that he or she is actively seeking employment for future applications."

By amending Section 7.E to read as follows: "Any needy person who quits a job without good cause within thirty (30) days prior to the date of application shall be denied assistance."

By amending Section 7.I to read as follows: "General Assistance shall be denied at any time if the applicant or recipient refuses to rely on his or her resources, there is a transfer of property with intent to qualify for General Assistance, or the applicant or recipient refuses to answer any questions or falsifies an application."

By amending Section 7.O to delete "of General Assistance" from the last sentence.

By amending Section 8 to add: "Pursuant to Iowa Code Section 252.25, all applications, investigation reports, and case records of persons applying for county general assistance under Chapter 252 are considered privileged communications and confidential. These records may only be used and inspected by persons authorized by law in connection with their official duties relating to financial audits and administration or as authorized by a district court order. The applicant may execute a signed release to authorize the examination of his/her applications, reports, and records."

By amending the last sentence of Section 9.A to read as follows: "If denied, the written decision shall state the reason(s) for the denial and the statutes or ordinances and manual sections which applied."

By correcting a scrivener's error in the first sentence in Section 10.A as follows: "Assistant's."

By amending the last sentence of Section 10.C as follows: "The applicant and the applicant's attorney, upon written authorization, shall be granted access by the Director or Assistant to applicant's assistance case file if a request is made."

By amending Section 11.B to read as follows: "The Delaware County Board of Supervisors may decide to uphold the decision of the General Assistance Director or Assistant, or under the provisions of the Iowa Code Section 252.37, the Delaware County Board of Supervisors may order the director to provide assistance, or who may direct specific assistance.'"

By amending Section 11.C to read as follows: "The Delaware County Board of Supervisors shall make a decision on the appeal within (5) working days. The Delaware County Board of Supervisors' decision shall be only on the basis of the evidence submitted before the Delaware County Board of Supervisors. The applicant shall be informed within four (4) working days thereafter by the Delaware County Board of Supervisors' mailing of its written decision to the applicant by ordinary mail. The decision shall state the reasons for the action, together with any statutes or ordinances and manual sections applied. The Delaware County Board of Supervisors' decision shall also state that an appeal may be taken from the Delaware County Board of Supervisors' determination, as provided below, and the method by which such appeal may be taken."

By amending Section 12 to remove "that" from the first sentence.

By amending the last sentence of Section 13 as follows: "Benefits provided to a recipient may be a further claim against the homestead of a recipient and a claim in probate, as provided by Sections 252.13 and 252.14 of the Code of Iowa."

13. No. 29 "Local Option Sales and Services Tax" readopted in its entirety.
14. No. 31 "Local Option Sales and Services Tax" (Dyersville) readopted in its entirety.
15. No. 32 "An Ordinance Regulating the Placement of Wind Energy Conversion Systems (WECS) on Property Located in the Unincorporated Areas of Delaware County, Iowa" by amending Section 3(A)(15) to add "At a minimum, the plan shall provide for decommissioning costs to be placed in an escrow account beginning in year 15."

By amending Section 3 to add subparagraph C: "A permit issued under this ordinance shall expire automatically if

1. Within five (5) years of issuance, substantial action has not been taken to accomplish the purpose of the permit, or
2. After substantial action has been taken, work is subsequently discontinued for a period of one (1) year, or
3. The use has been established and subsequently discontinued for a period of one (1) year.

"Substantial action" shall include commencement of construction, erection, alteration, demolition, or similar work required for the development authorized by the permit.

By amending Section 3 to add subparagraph D: "A permit subject to automatic expiration under subsection C may be extended for a period of up to one (1) year if the Board of Supervisors concludes that:

1. The permit has not expired, or
2. The permit recipient has proceeded in good faith and with due diligence, or
3. Conditions have not changed so substantially as to warrant a new application.

Successive extensions may be granted for periods of up to one (1) year."

By amending the first paragraph of Section 6 as follows: "C-WECS shall be considered a discontinued use or not in use after one (1) year without energy production, unless a plan is developed and submitted to the Board of Supervisors outlining the steps and schedule for placing the C-WECS in service. If a C-WECS is considered a discontinued use or unused, the Board of Supervisors may issue a Notice of Non-Use or Discontinuation of Use to the owner of the C-WECS. The owner shall have the right to respond to the Notice of Non-Use or Discontinuation of Use within thirty (30) days from the notice receipt date. The Board may withdraw the notice 1) if the owner provides information that demonstrates the C-WECS is in use or 2) if the Board accepts the owner's plan outlining the steps and schedule for placing the C-WECS in service."

By amending the second paragraph of Section 6 to add "or non-use" to the end of the first sentence.

16. No. 33 "Assessment of Wind Energy Conversion Property" readopted in its entirety.
17. No. 34 "Floodplain Management Ordinance" readopted in its entirety.
18. No. 35 "An Ordinance Establishing Voting Precincts and Supervisor Districts Pursuant to the 2010 Population Census" readopted in its entirety.
19. No. 37 "Social Host" readopted in its entirety.
20. No. 38 "An Ordinance to Establish a Policy for the Construction and Reconstruction of Roadways and Bridges on the Delaware County Secondary Road System" readopted in its entirety.
21. No. 39 "Regulating the Operation of All-Terrain Vehicles & Off-Road Utility Vehicles in Delaware County, Iowa" readopted in its entirety.
22. No. 40 "Delaware County Private Sewage Disposal Systems" 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. 11a "An Ordinance Adopting Rules for the Construction and Abandonment of Private Water Wells in Delaware County."
2. No. 19 "Delaware County On-Site Wastewater Treatment and Disposal Systems."
3. No. 36 "A Ordinance Readopting the Existing County Code of Delaware County, Iowa."

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 adopted by the Board of Supervisors this 12th day of June, 2017.

DELAWARE COUNTY BOARD OF SUPERVISORS