

May 2, 2023

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 10:00 A.M. All members present. Chairman Shea presiding.

PLEDGE OF ALLEGIANCE

1. CONSENT AGENDA

After discussion was held by the Board, a motion was made by Miller, and second by Belt, to approve:

- A. April 25, 2023, Minutes as read.
- B. Public Health – Employment of Nora Evans as a Public Health Nurse II.
- C. Renewal of Class E Liquor License (LE) granting privileges of Class E Liquor License (LE) to Kum & Go LC d/b/a Kum & Go #23, Neola.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Motion by Wichman, second by Belt, to open Public Hearing on First Consideration of **Ordinance No. 2023-02**, an ordinance to amend Chapter 8 “Zoning Ordinance” of the Pottawattamie County, Iowa, Code; and setting date of Second Consideration.

Roll Call Vote: AYES: Shea, Belt, Wichman, Miller, Jorgensen. Motion Carried.

Sarah Simmons; 1403 Oak Park; appeared before the Board opposed to the distillery. She purchased the lot next door, and the distillery should not be in rural residential.

Paul Casson; 105 Sunset Drive; appeared before the Board opposed to distillery because of traffic.

Keith Simmons; 1403 Oak Park; appeared before the Board opposed to distillery. It should be a commercial business.

Doreen Blakely; 18389 Sunnysdale; appeared before the Board, owner of Matriarch Manor, LLC this is a small batch facility it is isolated by crop land and has bees to raise Honey.

Motion by Wichman, second by Belt, to close public hearing.

Roll Call Vote: AYES: Shea, Belt, Wichman, Miller, Jorgensen. Motion Carried.

Motion by Wichman, second by Miller, to postpone **Ordinance No. 2023-02**, an ordinance to amend Chapter 8 “Zoning Ordinance” of the Pottawattamie County, Iowa, Code for further Study of Ordinance.
UNANIMOUS VOTE.

Motion made by Wichman, second by Miller, to approve and sign Proclamation designating the month of May 2023 as Mental Health Awareness Month.

**POTTAWATTAMIE COUNTY BOARD OF SUPERVISORS
PROCLAMATION
MENTAL HEALTH AWARENESS MONTH – MAY 2023**

WHEREAS, Each year millions of Americans face the reality of living with a mental illness and Mental Health Awareness month is observed annually in May to increase understanding of mental health and its impact on individuals and communities.

WHEREAS, The Douglas County Health Department, Pottawattamie County Division of Public Health, Sarpy/Cass Health Department and The Wellbeing Partners formed the Regional Health Council (RHC) and adopted a regional approach to public health issues affecting our residents, as prioritized and identified by the Community Health Assessment data.

WHEREAS, The Southwest Iowa Mental Health and Disability Services Region collaborates with the Regional Health Council to fulfill their mission "to provide a responsive and welcoming system of support for overall mental wellness."

WHEREAS, The RHC developed the WhatMakeUs campaign to end mental health stigma, and along with community partners, together, pledge to increase awareness and understanding of mental health stigma.

WHEREAS, Over half of the people across Cass, Douglas, Sarpy, and Pottawattamie counties have experienced a mental health condition, and about 40% report they would hide this from friends and family.

WHEREAS, Reducing the stigma of mental health encourages people to ask for support and seek help when needed.

WHEREAS, We acknowledge the need for appropriate and accessible mental health resources and pledge to amplify existing resources in our area.

WHEREAS, With treatment, those with mental health conditions can recover and lead full and productive lives.

NOW THEREFORE, BE IT RESOLVED, that The Pottawattamie County Board of Supervisors, does hereby declare May 2023 as Mental Health Awareness Month and *encourages all citizens, community agencies, organizations, businesses, and schools within Pottawattamie County to increase awareness and understanding of mental health, the steps that our citizens can take to protect their mental health, and the need for appropriate, accessible services and support for all people with mental health conditions and their family members.*

Approved this 2nd day of May, 2023.

ROLL CALL VOTE

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
_____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Brian Shea, Chairman	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Scott Belt	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Tim Wichman	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Susan Miller	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Jeff Jorgensen	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

ATTEST: _____
Melvyn Houser, County Auditor

Roll Call Vote: **AYES: Shea, Belt, Wichman, Miller, Jorgensen. Motion Carried.**

Motion by Wichman, second by Belt, to approve and authorize Board Chairman to sign Entry Level Driver Training Grant agreement.
UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Jorgensen, to approve and authorize Board Chairman to sign Resolution No. 31-2023 entitled: Resolution Updating Procurement Policy Addendum.

RESOLUTION NO. 31-2023

County of Pottawattamie - PROCUREMENT POLICY Addendum

PURPOSE

This procurement policy is an addendum to the County of Pottawattamie Procurement Policy adopted on March 16, 2009. The purpose of this procurement policy addendum is to ensure that sound business judgement is utilized in all procurement transactions and that supplies, equipment, construction and services are obtained efficiently and economically and in compliance with applicable federal and state law and executive orders and to ensure that all procurement transactions will be conducted in a manner that provides full and open competition. These procedures will ensure that all solicitations incorporate clear and accurate descriptions of the technical requirements for the goods or services being procured. Chapter 26 and Section 331.341 of the Iowa Code will be followed on all applicable purchases. All other appropriate sections of the Iowa Code shall also apply.

APPLICATION

This procurement policy addendum only applies to the procurement of all supplies, equipment, and construction and services of and for the County of Pottawattamie that include any federal program funding. The Procurement Policy adopted on March 16, 2009 is still effective but applies exclusively to non-federal funding. In regards to any such federal programs, all procurement will be done in accordance with 2 CFR; Part 200. Chapter 26 and Section 331.341 of the Iowa Code will be followed on all applicable purchases. All other appropriate sections of the Iowa Code shall also apply. For the purposes of this procurement policy addendum, when federal requirements conflict with local or state requirements, the federal requirement, or most restrictive requirement will be followed.

2CFR Part 200 may be found here: www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200?toc=1

POLICY

METHODS OF PROCUREMENT

Procurement under grants shall be made by one of the following methods, as described herein: (a) small purchase procedures; (b) sealed bids (formal advertising); (c) competitive proposals; (d) noncompetitive proposals.

A. Micro-Purchase Procedures 200.320(f)

- i. The acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold - \$10,000 (200.67).
- ii. To the extent practicable, must distribute micro-purchases equitably among qualified suppliers.
- iii. May be awarded without soliciting competitive quotations if the non-Federal entity considers the price to be reasonable.

B. Small Purchase Procedures 200.320(b)

- i. Are those relatively simple and informal procurement methods for securing services, supplies, or other property that does not cost more than the simplified acquisition threshold - \$250,000 (200.88).
- ii. Price or rate quotations are to be obtained from an "adequate number" of qualified sources.

C. Sealed Bidding (formal advertising) 200.320(c)

- i. Lowest priced, responsive, responsible, bidder WINS.
- ii. The preferred method for construction when sealed bidding is "feasible", which is when certain conditions are present.
- iii. Bids must be solicited from an "adequate number of known suppliers", providing them sufficient response time before date for the opening of bids.
- iv. Bids will be opened at the time and place prescribed in the invitation for bids.
- v. Must publicly advertise the invitation for bids.
- vi. Bids must be opened publicly.
- vii. Other procedural requirements at 200.320(c)(2).

D. Competitive Proposals 200.320(d)

- vi. Used when conditions are not appropriate for the use of sealed bids.
- vii. The appropriate method when more than one source is expected to submit an offer and either a fixed-price or cost-reimbursement type contract is awarded.
- viii. Awards will be made to the responsible firm whose proposal is most advantageous to the program, with *price* and other factors considered.
- ix. Requests for proposals *must be publicized* and identify all evaluation factors and their relative importance.
- x. Proposals must be solicited from an adequate number of qualified sources.
- xi. Must have written method for conducting technical evaluations of the proposals received and for selection of the contract.

E. Noncompetitive Proposals 200.320(f)

- a. Procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:
 - i. **One Source:** the item is available only from a single source.

- ii. **Exigency/Emergency:** an exigency or emergency will not permit a delay resulting from competitive solicitation.
- iii. **Awarding Agency Approval:** the Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity.
- iv. **Inadequate Competition:** after the solicitation of a number of sources, competition is determined inadequate

CONTRACTING WITH SMALL AND MINORITY BUSINESSES, WOMEN'S BUSINESS ENTERPRISES, AND LABOR SURPLUS AREA FIRMS (200.321)

- A. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
- B. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
- C. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
- D. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
- E. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
- F. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (a) through (e).

CONTRACT PRICING (200.323)

- A. The cost plus a percentage of cost and percentage of construction cost method of contracting shall not be used.
- B. The County of Pottawattamie shall perform some form of cost/price analysis for every procurement action, including contract modifications, amendments, or change orders. The County of Pottawattamie shall make an independent estimate prior to receiving a bid or proposal.
- C. The County of Pottawattamie shall negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. In determining a fair and reasonable profit, the County of Pottawattamie must consider the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance and the industry profit rates in the surrounding geographical area.

PROCUREMENT RECORDS

The County of Pottawattamie shall maintain records sufficient to detail the significant history of a procurement, including the rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price. (200.324)

- (a) The County of Pottawattamie must make available, upon request of the Federal awarding agency or pass-through entity, technical specifications on proposed procurements where the Federal awarding agency or pass-through entity believes such review is needed to ensure that the item or service specified is the one being proposed for acquisition.
- (b) The County of Pottawattamie must make available upon request, for the Federal awarding agency or pass-through entity preprocurement review, procurement documents, such as requests for proposals or invitations for bids, or independent cost estimates, when:
 - (1) The County of Pottawattamie's procurement procedures or operation fails to comply with the procurement standards in this Part;
 - (2) The procurement is expected to exceed the Simplified Acquisition Threshold and is to be awarded without competition or only one bid or offer is received in response to a solicitation;
 - (3) The procurement, which is expected to exceed the Simplified

- (4) Acquisition Threshold, specifies a "brand name" product;
 - (5) The proposed contract is more than the Simplified Acquisition Threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or
 - (6) A proposed contract modification changes the scope of a contract or increases the contract amount by more than the Simplified Acquisition Threshold.
- (c) The County of Pottawattamie is exempt from the pre-procurement review in paragraph
- (b) of this section if the Federal awarding agency or pass-through entity determines that its procurement systems comply with the standards of this Part.
 - (1) The County of Pottawattamie may request that its procurement system be reviewed by the Federal awarding agency or pass-through entity to determine whether its system meets these standards in order for its system to be certified. Generally, these reviews must occur where there is continuous high-dollar funding, and third party contracts are awarded on a regular basis;
 - (2) The County of Pottawattamie may self-certify its procurement system. Such self- certification must not limit the Federal awarding agency's right to survey the system. Under a self-certification procedure, the Federal awarding agency may rely on written assurances from the County of Pottawattamie that it is complying with these standards. The County of Pottawattamie must cite specific policies, procedures, regulations, or standards as being in compliance with these requirements and have its system available for review.

AWARDED CONTRACTS

- A. The County of Pottawattamie will not award a contract to a party listed as debarred, suspended, or otherwise excluded in the System for Award Management (SAM). www.sam.gov (200.213)
- B. Contracts awarded shall contain the applicable contract provisions described in 2 CFR 200.326 and Appendix II to Part 200.
- C. The County of Pottawattamie will maintain written standards of conduct covering conflicts of interest and must provide for disciplinary action to be applied for violations of such standards as defined in 2 CFR 200.318 (c) (1).

No officer, employee, or agent of the County of Pottawattamie shall participate in the selection, award, or administration of a contract supported by federal grant funds, if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

The employee, officer, or agent; Any member of his/her immediate family; His/her partner; or An organization which employs, or is about to employ any of the above has a financial or other interest in the firm selected for award.

The County of Pottawattamie officers, employees, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or subcontractors.

To the extent permitted by federal, state, or local law or regulations, violation of these standards may cause penalties, sanctions, or other disciplinary actions to be taken against the County of Pottawattamie's officers, employees, or agents.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
_____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Brian Shea, Chairman				
_____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Scott Belt				
_____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Tim Wichman				

	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Susan Miller				
	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Jeff Jorgensen				

ATTEST: _____
 Melvyn Houser, County Auditor

Recommended: _____
 Pottawattamie County Engineer

Roll Call Vote: **AYES: Shea, Belt, Wichman, Miller, Jorgensen. Motion Carried.**

Motion by Belt, second by Miller, to set date and time for open bids for the Pottawattamie County Secondary Roads project L-2023(RCB)-73-78 on May 16th at 10:00 A.M.
 UNANIMOUS VOTE. Motion carried.

3. OTHER BUSINESS

Motion by Miller, second by Belt, to approve the hiring of a previous dispatcher (Kena Woods) at a Step 3 on the 301 Pay Scale for the Communications Center.
 UNANIMOUS VOTE. Motion carried.

Motion by Wichman, second by Jorgensen, to approve and authorize Board Chairman to sign Memorandum of Understanding Between Pottawattamie County and the American Federation of State, County and Municipal Employees (AFSCME) Local 2364-911 Agreement for the employees of the Pottawattamie County Communications Center, 12 Hour Shifts effective July 1, 2023, through June 30, 2024.
 UNANIMOUS VOTE. Motion carried.

4. COMMITTEE APPOINTMENTS

Board discussed Committee meetings from the past week.
 Discussion only. No action taken.

5. RECEIVED/FILED

- A. Salary Action(s):
 - 1) SWI Juvenile Detention – Employment of Jaegar Erickson and Madison Ehrens as Part-Time Youth Corrections Worker.
 - 2) Conservation – Employment of Emilee McKray as a Park Ranger Intern for Botna Bend.
 - 3) Conservation – Employment of Jenna Miller as an Environmental Education Intern for Hitchcock.
 - 4) Secondary Roads – Updated nonunion step and grade table for FY24.
- B. Report(s):
 - 1) Sheriff’s Report of Fees Disbursed and Collected for March 2023.

6. PUBLIC COMMENTS

No Public Comments.

7. ADJOURN

Motion by Belt, second by Jorgensen, to adjourn meeting.

UNANIMOUS VOTE. Motion carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 11:00 A. M.

 Brian Shea, Chairman

ATTEST: _____
 Melvyn Houser, County Auditor

APPROVED: May 9, 2023
 PUBLISH: X