BOARD OF SUPERVISORS MEETING

Meeting Notice

Tama County Board of Supervisors

Mon., Apr. 7, 2025

Meetings may also be available online for viewing and/or participating in by clicking the below link barring no power, internet, or equipment failure or other unforeseen circumstances. Meetings will still be held if there is no electronic availability.

Click here to join meeting

Agenda Schedule

** Agenda is not printed in any particular order, only time specific items will be addressed at certain times

8:30 AM Call to Order, Pledge of Allegiance Approve agenda Public comments-This time is set aside for public comments on County business topics. To be recognized raise your hand or stand. After recognition by the Chair, state your name and address. You may speak one time per issue. If the comment is for an item not on the agenda, please understand the Board of Supervisors will not act on your comments at this meeting due to the Open Meetings Law requirements but may do so at a future board meeting by placing it on the agenda. The Chair and Board members welcome comments from the public; however, all comments must be directed to the board and not others in attendance; keep your comments germane; it is not appropriate to use profane, obscene, or slanderous language. No personal attacks will be allowed. The Chair may limit each speaker to three minutes. Discussion/Approve 3/31/25 Public Hearing minutes & 3/31/25 regular minutes Engineer-road projects report Discussion/possible action on signing two utility permits Discussion/possible action on 10 hour days for roads department Discussion/possible action regarding power over the Ethernet for Aureon phone system Discussion/possible action to set 2nd and 3rd public hearing dates and times to repeal Ordinance VI.5(6.5) Wind Energy Conversion Assessment Ordinance Discussion/possible action on proposed Tama County Surplus Property Donation Policy Discussion/possible action on Sheriff's Quarterly Report Discussion/possible action of hiring freeze exemptions Discussion/approve claims Supervisor updates by districts Discussion/possible action to approve resolution regarding litigation with Salt Creek Wind and procedural matters regarding the Tama County Board of Adjustment Public comments Adjourn

Board of Supervisors Minutes March 31, 2025

The Tama County Board of Supervisors met at 8:00 a.m. March 31, 2025. Present: 1st District Supervisor, Curt Hilmer; 2nd District Supervisor, David Turner; 3rd District Supervisor, Heather Knebel; 4th District Supervisor, Mark Doland and 5th District Supervisor, Curt Kupka. Also, Tama County Auditor, Karen Rohrs, members of the public and Sheriff Schmidt.

The Pledge of Allegiance was recited.

Motion by Turner, seconded by Kupka to approve the agenda. Discussion: None. All voted aye. Motion carried.

Motion by Knebel, seconded by Turner to open the public hearing at 8:00 am. The board held a public hearing regarding the proposed property tax levies that can be levied for FY26 property taxes. There were no written public comments. There were public comments heard at the hearing from the public against raising levy rates. Comments were also heard regarding the financial state of the county and the property assessment letters that were sent out by the county assessor. Motion by Turner, seconded Kupka to close the public hearing at 9:00 am. The board's intention is to keep the levy rate asked close to the same as the current fiscal year. The proposed rates are 8.2823 for urban and 12.23283 for rural. These are both increases from last year due to increased costs and the voted and approved EMS levy. Doland stated that the board would like to decrease the rural levy from what was proposed and published to keep the rate the same as the current fiscal year. He proposes a rate of 8.2823 for urban and 12.02901 for rural. By decreasing the rural levy rate, the only increase to rates will be due to the voted and approved EMS levy.

Motion by Turner, seconded by Knebel to approve the proposed property tax levies for FY26 of 8.2823 for urban and 12.02901 for rural. All voted aye. Motion carried.

Chairman Doland adjourned the meeting at 9:01 am.

These minutes are intended to provide a summary of the discussions and decisions made during the Board of Supervisor meeting. For the most accurate and comprehensive record, please refer to the audio recording of the meeting that can be provided upon request at the auditor's office.

Board of Supervisors Minutes March 31, 2025

The Tama County Board of Supervisors met at 9:10 a.m. March 31, 2025 due to their public hearing meeting that was held at 8:00 am running past their regular start time of 8:30 am. Present: 2nd District Supervisor, David Turner; 3rd District Supervisor, Heather Knebel; 4th District Supervisor, Mark Doland and 5th District Supervisor, Curt Kupka. Also, Tama County Auditor, Karen Rohrs, members of the public and Sheriff Schmidt. Absent: 1st District Supervisor, Curt Hilmer.

The Pledge of Allegiance was recited.

Motion by Kupka, seconded by Turner to approve the agenda. Discussion: None. All voted aye. Motion carried.

Public Comments: Public comments were heard from Patty Suess, Lynn Cizek, Karen Murty, Tom Upah, and Kayla Kerkove. Public comment time closed at 9:23 am.

Motion by Turner, seconded by Knebel to approve the minutes of the March 24th regular meeting. Discussion: None. All voted aye. Motion carried.

The Board met with Ben Daleske, Tama County Engineer, to get a road projects report.

The Wieting Theatre submitted a request for use of the courthouse lawn for July 14-18 for 30 minutes each day to allow their theatre camp students to enjoy lunch. The students will be chaperoned, and the group will bring their own garbage can to clean up after themselves. A completed Courthouse Grounds Policy Application and proof of insurance have been submitted to the county auditor. A \$100 deposit will be given to the county auditor. Upon the completion of the event the grounds will be inspected and if deemed left in pre-event condition the \$100 deposit will be returned. Motion by Turner, seconded by Knebel to approve the use of the courthouse lawn for the Wieting Theatre camp and have the chairman of the board of supervisors sign the Courthouse Grounds Policy Application. Discussion: None. All voted aye. Motion carried.

Doland recommended appointing Turner and Knebel to represent the board of supervisors on hiring an IT Director. Motion by Knebel, seconded by Kupka to approve appointing Turner and Knebel to to select, interview, and hire an IT Director for the county. Discussion: It was also stated that members from the ISAC audit team would be involved in the interview process along with the county auditor and HR consultant. All voted aye. Motion carried.

At the February 3, 2025, meeting Knebel stated in 2010 Ordinance VI.5 (6.5) came into place. Ordinance VI.5 (6.5) sets an assessment schedule capping out at 30%. It can be repealed if it is not benefiting the county. Motion by Turner, seconded by Kupka to repeal Tama County Ordinance VI.5(6.5) Wind Energy Conversion Assessment Ordinance. Discussion: Knebel stated the assessed value right now for the Vienna turbines is \$1.1 million. The wind project was repowered, and they only pay that 30%. We are in a budget crisis, and we heard everyone say we need to lower taxes. Well, this is the way to help bring in more tax revenue. Doland stated public hearings would need to be held to repeal or change the ordinance. Turner withdrew his previous motion. Turner then

made a motion to set a public hearing to repeal Ordinance VI.5 (6.5) Wind Energy Conversion Assessment for April 21st at 9:30 am., seconded by Kupka. All voted aye. Motion carried.

Motion by Knebel, seconded by Kupka to approve the annual liquor license renewal for Windy Goat Acres, LLC. Discussion: This is for an 8-month license. All voted aye. Motion carried.

Doland stated he had been approached by public health and the maintenance director to adjust their departments budgets to include the 2% wage increase for the next fiscal year. Both departments had declined taking the increase to wages to help reduce expenditures for the next fiscal year but would now like to have their departments included. There would be no increase to what has been published in the paper for the next fiscal year proposed budget. Motion by Turner, seconded by Knebel to approve adjusting public health and the general services budgets to include the 2% wage increase. Discussion: None. All voted aye. Motion carried.

The engineer submitted a hiring freeze exemption request for mower operator positions. This would be for three mower operators for in the spring and fall. Motion by Kupka, seconded by Turner to approve hiring three mower operators. Discussion: None. All voted aye. Motion carried.

The public health department submitted a hiring freeze exemption request for the open CEO/Executive Director position. Doland stated public health has their own board and that the board of supervisors has no authority over how they fill their positions. Lori Johnson has been appointed as the Interim Director and Jolynn Harger as the Interim Assistant Director effective 4/17/25 until the CEO/Executive Director position can be filled. No action is needed by the board of supervisors.

Motion by Turner, seconded by Knebel to approve the claims for payment as presented in the amount of \$398,494.67. Discussion: It was stated the amount of claims was higher this week due to the engineer hauling contract rock. All voted aye. Motion carried.

Public Comments: Public comments were heard from Sheriff Schmidt, Supervisor Doland, Supervisor Turner, Dirk Dahms, Karen Murty, Laura Wilson, Danielle Bartling, and Lynn Cizek. Public comment time closed at 10:32 am.

Chairman Doland adjourned the meeting at 10:33 am.

These minutes are intended to provide a summary of the discussions and decisions made during the Board of Supervisor meeting. For the most accurate and comprehensive record, please refer to the audio recording of the meeting that can be provided upon request at the auditor's office.

Tama County Board of Supervisors - Weekly Engineer's Office Report

April 7th, 2025

We've been rocking hauling on 275th West of Hwy 63 and on Q & R Avenue West of Clutier and also spot rocking in a few areas.

We have finished a culvert on N Ave just North of E29. Also working on a culvert on 280th St. just West of Hwy 21.

This week we will start to tear down the old shop.

Next Era Energy has sent me their Final Haul Route for the Road Use Agreement for this past Thursday April 3rd. They have provided the compensation for the administration of this Agreement, and Guaranty Estimate.

TAMA COUNTY UTILITY PERMIT APPLICATION

This is a Utility Permit Application for telecommunications, electric, gas, water and sewer utilities. The applicant agrees to comply with the following permit requirements. Compliance shall be determined by the sole discretion of the County Engineer as deemed necessary to promote public health, safety and the general welfare. These requirements shall apply unless waived in writing by the County Engineer prior to installation.

Applicant Name: Poweshiek Water Association
Street Address: PO Box 504 125 Industrial Drive
City, State & Zip Code: Brooklyn, IA 52211
Telephone Number: 641-522-7416 Ext 102 641-891-6226
Contact Person: Travis Henkle

- 1. <u>Location Plan</u>. An applicant shall file a completed location plan as an attachment to this Utility Permit Application. The location plan shall set forth the location of the proposed line on the secondary road system and include a description of the proposed installation.
- 2. <u>Written or Verbal Notice</u>. At least two working days prior to the proposed installation, an applicant shall file with the County Engineer a notice stating the time, date, location and nature of the proposed installation.
- 3. <u>Inspection</u>. The County Engineer shall provide a full-time inspector during all permitted work done by a third party contractor. The inspector shall have the right, during reasonable hours and after showing proper identification, to enter any installation site in the discharge of the inspector's official duties, and to make any inspection or test that is reasonably necessary to protect the public health, safety and welfare. The cost of providing this inspection service shall be paid by the permit holder upon submission by Tama County of a bill for such services. All requirements listed in <u>4</u>. Requirements shall be met (less written exemptions) regardless of whom actually performs the work.
- 4. Requirements. The installation inspector shall assure that the following requirements have been met:
 - A) Construction signing shall comply with the Manual on Uniform Traffic Control Devices.
 - B) Depth The minimum depth of cover shall be as follows:

 Telecommunications...36" Electric......48"

 Gas......48" Water......60" Sewer......60"

 If the utility is installed in the road ditch and if the ditch has silted in above the original flowline, add the depth of silting to the "minimum depth" to obtain the required depth in a particular location.
 - C) The applicant shall use reference markers in the right of way ("R.O.W.") boundary to locate line and changes in alignment as required by the County Engineer. A permanent warning tape shall be placed one (1) foot above all underground utility lines.
 - D) All tile line locations shall be marked with references located in the R.O.W. line.
 - E) No underground utility lines shall cross over a crossroad drainage structure.
 - F) Residents along the utility route shall have uninterrupted access to the public roads. An all-weather access shall be maintained for residents adjacent to the project.
 - G) A joint assessment of the road surfacing shall be made by the applicant and the County Engineer both before and after construction. After construction, granular surfacing shall be added to the road by the applicant to restore the road to its original condition. After surfacing has been applied, the road surface shall be reviewed by the County Engineer (after the road has been saturated), to determine if additional surfacing on the roadway by the applicant is necessary.

- H) All damaged areas within the R.O.W. shall be repaired and restored to at least its former condition by the applicant or the cost of any repair work caused to be performed by the County will be assessed against the applicant.
- I) Areas disturbed during construction which present an erosion problem shall be solved by the applicant in a manner approved by the County Engineer.
- J) All trenches, excavations, and utilities that are knifed shall be properly tamped.
- K) All utilities shall be located between the bottom of the backslope and the bottom of the foreslope, unless otherwise approved in writing by the County Engineer prior to installation.
- L) Road crossings shall be bored. The minimum depth below the road surface shall match the minimum depth of cover for the respective utility. All entrances with culverts shall either be bored or, the utility shall be placed at least 24" below the bottom elevation of the culvert.
- 5. <u>Non-Conforming Work</u>. The County Engineer may halt the installation at any time if the applicant's work does not meet the requirements set forth in this Utility Permit.
- 6. <u>Emergency Work</u>. In emergency situations, work may be initiated by an applicant without first obtaining a Utility Permit. However, a Utility Permit must be obtained within fourteen (14) days of initiation of the work. All emergency work shall be done in conformity with the provisions of this ordinance and shall be inspected for full compliance.
- 7. <u>County Infraction</u>. Violation of this permit is a county infraction under Iowa Code section 331.307, punishable by a civil penalty of \$100 for each violation or if the infraction is a repeat offense a civil penalty not to exceed two hundred dollars for each repeat offense. Each day that a violation occurs or is permitted to exist by the applicant constitutes a separate offense.
- 8. <u>Hold Harmless</u>. The utility company shall save this County harmless of any damages resulting from the applicant's operations. A copy of a certificate of insurance naming this county as an additional named insured for the permit work shall be filed in the County Engineer's office prior to installation. The minimum limits of liability under the insurance policy shall be \$1,000,000.
- 9. Permit Required. No applicant shall install any lines unless such applicant has obtained a Utility Permit fro the county Engineer and has agreed in writing that said installation will comply with all ordinances and requirements of the County for such work. Applicants agree to hold the County free from liability for all damage to applicant's property which occurs proximately as a result of the applicant's failure to comply with said ordinances or requirements.
- 10. Relocation. The applicant shall, at any time subsequent to installation of utility lines, at the applicant's own expense, relocate or remove such lines as may become necessary to conform to new grades, alignment or widening of R.O.W. resulting from maintenance or construction operations for highway improvements.

DATE 4-3-25 Poweshiek NAME OF C	Water Association BY Seewy Short General COMPANY
RECOMMENDED FOR APPROVAL	;
DATE	TAMA COUNTY ENGINEER
APPROVAL:	
DATE	CHAIRPERSON, TAMA COUNTY BOARD OF SUPERVISORS

Adopted by Resolution 9-22-92A

Poweshiek Water Association



PO Box 504 125 Industrial Drive Brooklyn, IA 52211 641-522-7416 X102 E-mail: travis@poweshiekwater.com



April 3, 2025

Tama County Engineers Office Attn: Ben Daleske 1002 E. 5th St. Tama, Iowa 52339

Dear Mr. Daleske,

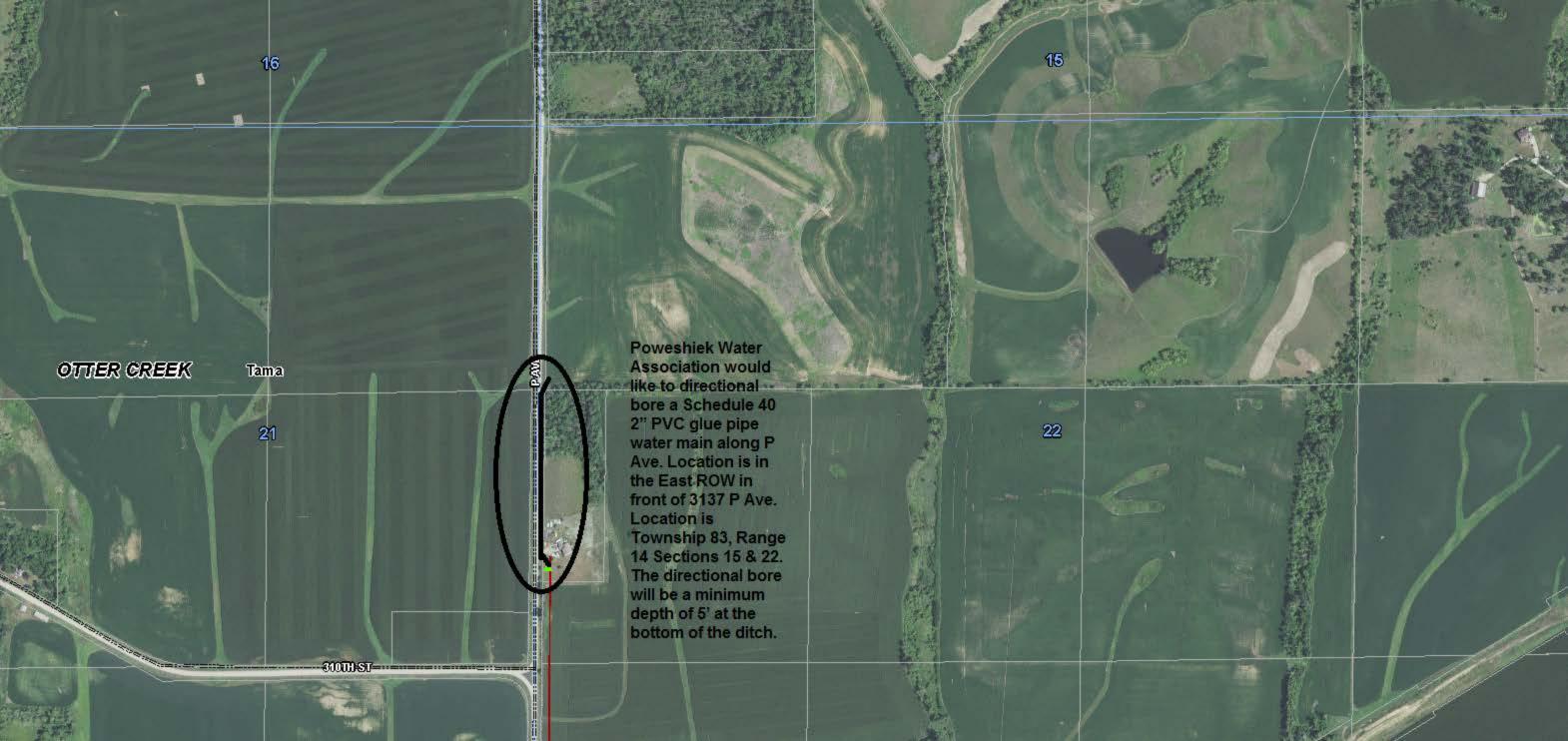
Poweshiek Water Association would like to directional bore a Schedule 40 2" PVC glue pipe water main along P Ave. Location is in the East ROW in front of 3137 P Ave. Location is Township 83, Range 14 Sections 15 & 22. The directional bore will be a minimum depth of 5' at the bottom of the ditch. I sent an aerial view of the route we would like to take. If you have any questions or concerns feel free to call me at 641-891-6226. Thank you for your consideration.

Best Wishes,

Train Selle

Travis Henkle

Line Extension Coordinator



TAMA COUNTY UTILITY PERMIT APPLICATION

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DATE 3-28-25 Poweshiek W NAME OF CO	MPANY BY Selection BY MPANY
RECOMMENDED FOR APPROVAL:	
DATE	
APPROVAL:	TAMA COUNTY ENGINEER
DATE	
Adopted by Resolution 9-22-92A	CHAIRPERSON, TAMA COUNTY BOARD OF SUPERVISORS

Poweshiek Water Association



PO Box 504 125 Industrial Drive Brooklyn, IA 52211 641-522-7416 X102 E-mail: travis@poweshiekwater.com



March 28, 2025

Tama County Engineers Office 1002 East 5th St. Tama, IA 52339

RE: Water Service at 3753 Q Ave.

Mr. Engineer,

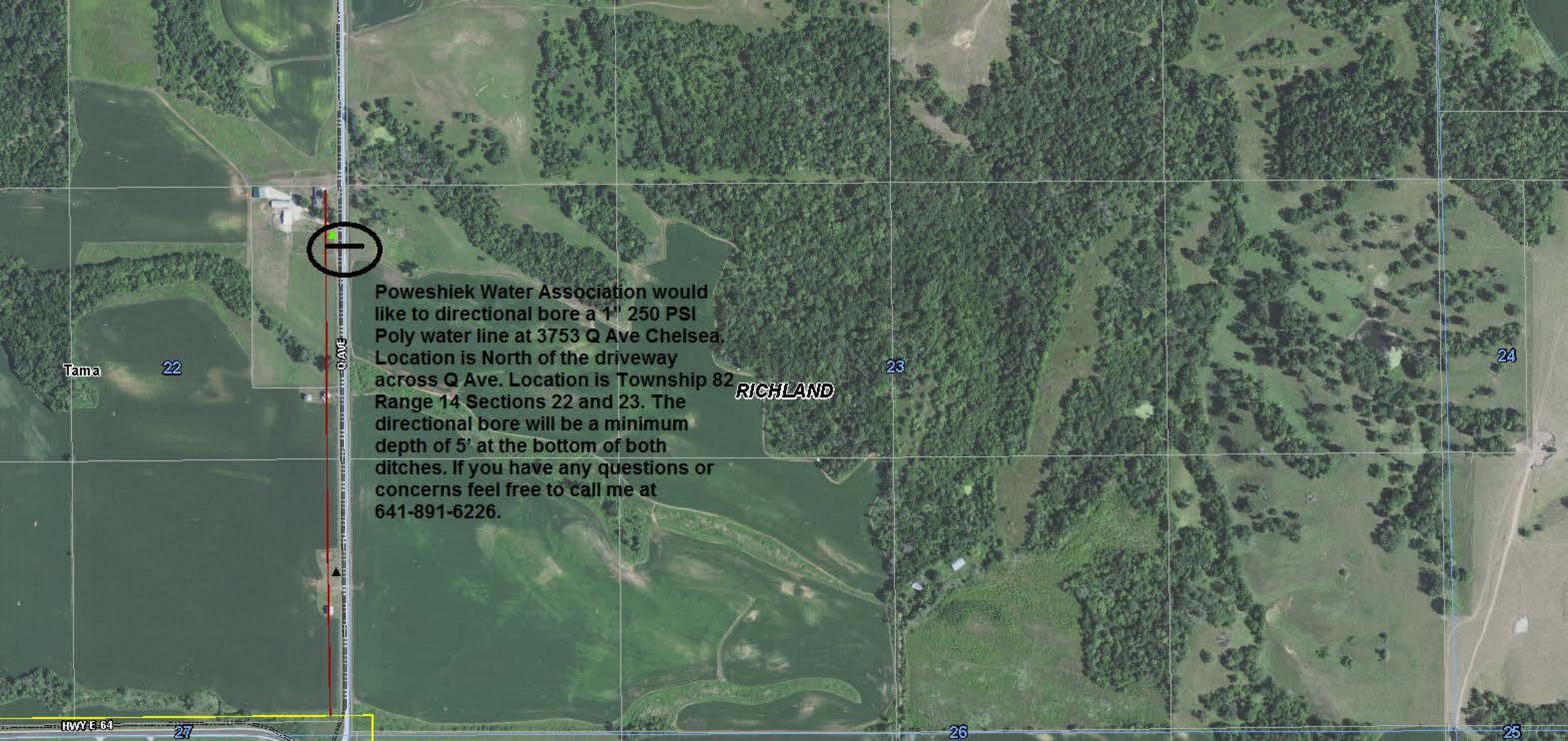
Poweshiek Water Association would like to directional bore a 1" 250 PSI Poly water line at 3753 Q Ave Chelsea. Location is North of the driveway across Q Ave. Location is Township 82 Range 14 Sections 22 and 23. The directional bore will be a minimum depth of 5' at the bottom of both ditches. I sent an aerial view of the route we would like to take. If you have any questions or concerns feel free to call me at 641-891-6226. Thank you for your consideration.

Best Wishes,

Travis Henkle

Line Extension Coordinator

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Tama County Surplus Property Donation Policy

I. Purpose

The purpose of this policy is to create a fair, transparent, and legally compliant process for Tama County to donate surplus property, such as vehicles, to government agencies or nonprofit organizations that can use them to benefit the community. This ensures that donations align with Iowa law, particularly in supporting public safety and essential services.

II. Legal Authority

Tama County follows **Iowa Code Section 100B.41**, which allows fire departments, emergency medical services (EMS) providers, and law enforcement agencies to donate used equipment or vehicles to other organizations providing fire response, emergency medical services, or law enforcement. As long as the donation is made in good faith, the county is protected from civil liability related to the performance, condition, or failure of the donated property.

Additionally, **Iowa Code Section 111.2(4)** outlines the process for donating surplus property through formal agreements with nonprofit organizations or governmental agencies. Tama County will adhere to this process when donating surplus property to ensure all legal requirements are met.

III. Who Can Receive Donations

1. Eligible Recipients:

- Government Agencies: Local governments, municipalities, and public services like fire departments, law enforcement, and EMS providers.
- Nonprofit Organizations: Nonprofits focused on public safety, health, or welfare, such as EMS or fire-related organizations.

2. Ineligible Recipients:

- Private individuals or for-profit businesses are not eligible for donations.
- Organizations that do not meet the criteria of government agencies or nonprofit status.

IV. How to Request a Donation

To make the process fair, Tama County has a standardized application process for organizations interested in receiving surplus property:

- 1. Submit an Application: Interested organizations must submit an application that includes:
 - Contact information and a brief description of the organization.
 - The How the property will be used to serve the community.
 - The public benefits the donation will provide (such as improved response times for EMS or enhanced safety measures).
 - A plan for maintaining and insuring the property.
- 2. **Proposal**: The organization should also provide a proposal that includes:
 - The intended use of the vehicle or equipment (e.g., fire response, EMS, law enforcement).
 - Why the property is needed (such as expanding coverage areas or replacing outdated equipment).
 - The expected impact on the community and the organization's ability to effectively use the donated property.
- 3. **Maintenance and Financial Plan**: Organizations must outline their ability to handle the maintenance and operational costs of the property, including insurance and repairs.

V. How Requests Are Reviewed

The Board of Supervisors will review each donation request carefully, taking into account the following factors:

- 1. **Public Benefit**: Does the donation improve public safety, health, or welfare? Priority will be given to requests that strengthen vital services like EMS, law enforcement, and fire response.
- 2. **Urgency and Need**: Does the organization demonstrate an urgent need for the property? Agencies expanding coverage areas or replacing outdated equipment may be prioritized.
- 3. Capacity to Use and Maintain: Does the organization have the resources to properly maintain and utilize the property, including trained staff and adequate funding for upkeep?
- 4. **Alignment with County Priorities**: Does the donation support Tama County's public safety goals? Requests that align with county priorities, such as improving services in underserved areas, will be given extra consideration.
- 5. **Fairness and Transparency**: Tama County strives to ensure the donation process is open and fair. All eligible organizations will have an equal opportunity to apply.

VI. The Approval Process

- 1. **Application Submission**: Once applications are submitted, the Board of Supervisors will review them during a regular board meeting.
- 2. **Public Notice**: Before the Board reviews the applications, Tama County and/or the Tama County Sheriff's Office will make it known to the relevant agencies that surplus vehicles are available for donation. This will be done through public announcements via the county's website, local media, and direct communication with applicable agencies, ensuring the opportunity is accessible to all eligible entities.
- 3. **Board Review**: The Board will carefully assess each request, considering the criteria mentioned above. They may ask for additional information if needed.
- 4. **Decision**: After reviewing the applications, the Board will vote to approve or deny each donation. If approved, a formal resolution will be passed that details the recipient, the donated property, and any conditions tied to the donation.
- 5. **Public Reporting**: After the donation is made, a summary of the donation, including recipient details, the property donated, and how it benefits the community will be made available to the public. This could be done through the county website or local media.

VII. Conditions for Donation

- 1. **Proper Use**: The recipient must use the property for the purposes described in their application. Any changes in use will require approval from the Board.
- 2. Maintenance and Liability: The recipient is responsible for maintaining the property in good condition and covering related costs, including insurance and repairs. Under Iowa Code 100B.41, the county is immune from civil liability related to the property once it is donated in good faith.
- 3. No Resale or Transfer: The recipient cannot sell, lease, or transfer the donated property to another entity without prior approval from the Tama County Board of Supervisors.
- 4. **Return of Property**: If the recipient fails to use or maintain the property as agreed, the Board reserves the right to reclaim the property.
- 5. Surplus Property Disposal Agreement: If Tama County enters into a surplus property donation agreement, we will comply with the requirements in **Iowa Code Section 111.2(4)**. These agreements will include:
 - Parties Involved: The agreement will be between Tama County and the recipient organization (also known as the surplus property program agent).
 - Purpose: The donation and disposal of surplus property will be the primary focus.

- **Project Details**: The agreement will clearly define the process and responsibilities of both parties.
- Compensation and Fees: Any fees related to transportation or added value of the property will be specified.
- Geographical/Commodity Conditions: The agreement may specify conditions or restrictions on the property.
- Title Transfer: The agreement will explain how the title to the property is transferred to the recipient.
- Agreement Duration: The agreement will specify its duration, not exceeding six years, with annual reviews.
- Liability and Indemnification: Terms for liability and indemnification will be outlined in case of damages or issues arising from the use of the property.
- **Default and Termination**: Conditions for default and termination will be specified in the agreement.
- Contract Administration: The agreement will specify how it will be monitored and administered.
- Execution: The agreement will be signed by both Tama County and the recipient organization.

VIII. Recordkeeping and Policy Review

- 1. **Documentation**: All applications, approvals, and donations will be carefully documented and kept on file with the Tama County Auditor's Office for transparency and accountability.
- 2. **Policy Review**: The Board of Supervisors will periodically review this policy to ensure it remains effective, fair, and legally compliant. Revisions will be made as needed based on feedback, changing needs, or new legal requirements.

This policy ensures that Tama County can donate surplus property that complies with Iowa law, and maintains fairness and transparency. By adhering to Iowa Code Sections 100B.41 and 111.2(4), we ensure that donations are made with the public's best interest in mind while protecting the county from liability.

Through this policy, Tama County will ensure that all relevant agencies are made aware of available surplus property, providing them equal opportunity to apply for and benefit from the donation. We are committed to supporting community services like EMS, fire departments, and law enforcement, and doing so in a way that is fair, transparent, and legally sound.

Jan 1, 2025 to March 31, 2025

SHERIFF

CONTRACT LAW ENFORCEMENT	62,330,52 0001-1-05-1010-250100
WEAPON PERMITS	1500.00 0001-1-05-1000-441000
ACCIDENT/INCIDENT REPORTS	95.00 0001-1-05-1010-504000
SHERIFF'S FEES	5963.71 0001-1-05-1000-440000
SHERIFF'S MILEAGE	2722.21 0001-1-05-1000-440500
MISC STATE GRANTS & REIM	8251.07 0001-2-05-1000-274000
RESTITUTION	<u> 35.00</u> 0001-1-05-1000-443000
DARE DONATIONS	0030-1-05-1060-810000
SALES OF EQUIP/VEHICLES	0001-4-05-1000-920000
MISC FEFUNDS/DONATIONS	691.82 0001-1-05-1060-848000
TOBACCO COMPLAINCE	0035-2-05-1010-234700
TOWING REIMBURSMENTS	0001-1-05-1020-440600
SHIELD - MOBILE	0036-1-05-1060-446000
WEAPONS TRAINING FEES	844.66 0030-1-05-1060-449100
SECURITY SERVICES FUND	0029-1-05-1050-444000
SHERIFF FORFEITURE FUND	0032-2-05-1000-232400
OUTSTANDING CHECKS	0001-4-99-0051-820000
SHERIFF FORFEITURE FUND-FEDERAL	0032-2-05-1000-232700

