

**BOARD OF SUPERVISOR'S Regular Meeting
Tuesday October 9, 2012 - 10:00a.m. Board of Supervisors' Room
Webster County Courthouse**

The Board of Supervisors will meet in Session on the above date with the following members present: Dencklau, Peterson, Condon and Fletcher. Absent: Singer.

Moved by Condon, seconded by Fletcher to approve minutes of the October 2, 2012 regular meeting. Motion carried unanimously.

Moved by Fletcher, seconded by Dencklau to approve wage increase for Joshua Pyle, Correctional Officer to \$14.16 per hour effective October 4, 2012, per labor contract. Motion carried unanimously.

Moved by Dencklau, seconded by Condon to approve promotion of Denise Osterberg to County Attorney Office Manager with a salary of \$42,976.50 effective September 28, 2012. Motion carried unanimously.

Moved by Condon, seconded by Fletcher to approve request from County Attorney to hire an office clerk. Motion carried unanimously.

Moved by Fletcher, seconded by Dencklau to receive and place on file Manure Management Plan Update for Eslick Finisher in Section 30, Dayton Township. (Copy on file in Auditor's office). Motion carried unanimously.

Moved by Dencklau, seconded by Condon to receive and place on file Sheriff's Report of Fees Collected by period ending September 30, 2012. (Copy on file in Auditor's office). Motion carried unanimously.

Public hearing was held on the adoption of the Webster County Hazard Mitigation Plan for the unincorporated area of Webster County, Iowa. No written or oral objections were heard; therefore the Chairman closed the public hearing.

Moved by Condon, seconded by Fletcher to adopt the following Resolution:

A RESOLUTION OF THE WEBSTER COUNTY BOARD OF SUPERVISORS ADOPTING A HAZARD MITIGATION PLAN FOR THE UNINCORPORATED AREA OF WEBSTER COUNTY, IOWA.

WHEREAS, the Webster County Board of Supervisors has authorized the development of a Hazard Mitigation Plan for the unincorporated area of Webster County; and,

WHEREAS, a Public Hearing has been held at the Webster County Courthouse for the purposes of obtaining citizen input on the Webster County Hazard Mitigation Plan;

NOW THEREFORE BE IT RESOLVED, that the Webster County Board of Supervisors; hereby adopts said Plan, incorporating citizen comment and recommendations.

PASSED AND APPROVED this 9th day of October, 2012.

s/Bob Singer

Bob Singer, Webster County Board of Supervisors

ATTEST

s/Carol Messerly

Carol Messerly, Webster County Auditor

Motion carried unanimously.

Moved by Fletcher, seconded by Dencklau to adopt the following Resolution:

Resolution Adopting a Citizen Participation Plan for the Webster County CDBG Program

PURPOSE: To comply with the participation requirements of Section 508 of the Housing and Community Development Act of 1987, local government applicants and recipients must do the following:

- 1) Conduct at least one public hearing on the activities proposed in the application and at least one public hearing on the status of funded activities.

The application hearing must include a review of: (a) how the need for the proposed activities was identified, (b) how the proposed activities will be funded and sources of funds, (c) the date application will be submitted, (d) requested amount of federal funds, (e) estimated portion of federal funds that will benefit persons of low and moderate income, (f) where the proposed activities will be conducted, (g) plans to minimize displacement of persons and businesses as a result of funded activities, (h) plans to assist persons actually displaced and (i) the nature of the proposed activities.

The hearing on the status of funded activities must include a review of: (a) a general description of accomplishments to date, (b) a summary of expenditures to date, (c) a general description of remaining work and (d) a general description of changes made to the project budget, performance targets, activity schedules, project scope, location, objectives or beneficiaries.

- 2) Publish hearing notices in a manner consistent with requirements of the Iowa Code, Section 362.3.
- 3) Ensure the public reasonable access to all local meetings, project records and information relating to the proposed and actual use of federal funds.
- 4) Conduct all related public meetings or hearings in public buildings or facilities that are accessible to persons with disabilities.
- 5) Provide citizens names and addresses of: (a) the person(s) authorized to receive and respond to citizen proposals, questions and complaints concerning proposed or funded activities, and (b) the person(s) available and able to provide technical assistance to groups representative low- and moderate-income persons in preparing and presenting their proposals for the request and use of federal funds.

- 6) Provide translators during or written translations after public hearings attended by non-English speaking residents upon their request whenever they represent a significant proportion of the persons benefited by the proposed or actual activities. Federally assisted recipients are required to make reasonable efforts to provide language assistance to ensure meaningful access for "Limited English Proficiency" (LEP) persons to the recipient's programs and activities.

Language assistance that a recipient might provide to LEP persons include:

- § Oral interpretation services
- § Bilingual staff
- § Telephone service lines interpreter
- § Written translation service
- § Translating information materials in identified language(s)

ADOPTED THIS 9TH DAY OF OCTOBER, 2012.

s/Bob Singer

Bob Singer, Webster County Board of Supervisors

ATTEST

s/Carol Messerly

Carol Messerly, Webster County Auditor

Motion carried unanimously.

Moved by Dencklau, seconded by Condon to adopt the following Resolution:

**RESOLUTION
CODE OF CONDUCT**

PURPOSE

The purpose of this Code of Conduct is to ensure the efficient, fair, and professional administration of federal grant funds in compliance with 24 CFR; Part 85 (85.36(b)(3)) and other applicable federal and state standards, regulations, and laws.

APPLICATION

This Code of Conduct applies to all officers, employees, or agents of Webster County engaged in the award or administration of contracts supported by federal grant funds.

REQUIREMENTS

No officer, employee, or agent of Webster County 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:

- a. The employee, officer, or agent;
- b. Any member of his/her immediate family;
- c. His/her partner; or
- d. 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.

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

REMEDIES

To the extent permitted by federal, state, or local laws or regulations, violation of these standards may cause penalties, sanctions, or other disciplinary actions to be taken against (Recipient's) officers, employees, or agents, or the contractors, potential contractors, subcontractors, or their agents.

Passed and adopted this 9th day of October, 2012.

s/Bob Singer

Bob Singer, Board of Supervisors

ATTEST

s/Carol Messerly

Carol Messerly, Auditor

Motion carried unanimously.

Moved by Condon, seconded by Fletcher to adopt the following Resolution:

Resolution
Resolution Establishing a Drug Free Workplace

WHEREAS, employees of Webster County are a valuable resource to the citizens they serve and to the County as an employer; and

WHEREAS, the use of illegal drugs or abuse of controlled substances or alcohol in the workplace is detrimental to the County's employees; and,

WHEREAS, employees have the right to work in a drug-free environment and to work with persons free from the effects of drugs and alcohol; and,

WHEREAS, drug and alcohol abuse in the workplace interferes with and reduces the operational efficiency of the County government and undermines the public's trust in its functions; and,

WHEREAS, Webster County is committed to maintaining a workplace free from the influences of drugs and alcohol.

BE IT THEREFORE RESOLVED THAT, Webster County is in support of continuing efforts to ensure a drug-free workplace for all employees of the County, and does hereby institute a policy regarding substance abuse; more specifically contained in Attachment A.

PASSED AND APPROVED THIS 9TH DAY OF OCTOBER, 2012.

s/Bob Singer
Bob Singer, Chair, Board of Supervisors

ATTEST
s/Carol Messerly
Carol Messerly, County Auditor

Attachment A
Drug-Free Workplace Policy

Webster County views the use of illegal drugs by employees, both on and off the job, as being a significant threat to the safety of fellow employees and the public and to the maintenance of a productive work environment. Furthermore, tolerance of the use of illegal drugs by its own employees adversely affects the ability of the County to fulfill its responsibilities as local government charged with the duties of enforcing drug laws and of dealing with many of the problems associated with illegal drugs, to serve as an active and credible force in deterring and, where possible, stopping the traffic and use of illegal drugs in the community. Therefore, the following rules governing the conduct of employees are being prescribed:

1. **On the Job Conduct:** The use or personal possession (e.g. on the person or in a locker, desk, lunch box, vehicle, tic.) of illegal drugs while on the job, including rest breaks and meal periods, is absolutely prohibited and shall result in an employee's discipline, up to and including discharge. Law enforcement officials shall also be notified to investigate the matter for possible criminal prosecution. Employees, other than law enforcement officials, who discover apparently illegal drugs while on the job shall immediately notify their supervisor. The supervisor shall investigate the matter and shall promptly turn over the illegal drugs to the police. Law enforcement officials who discover apparently illegal drugs or have such drugs turned over to them shall handle and maintain the drugs as police evidence in accordance with regulations issued by proper authorities.
2. **Off the Job Conduct:** Any manufacturing, processing, distributing, or sale (including possession with the evident intent to sell) of illegal drugs, while on or off the job is absolutely prohibited and shall result in an employee's discipline up to and including discharge. A determination regarding whether to discharge an employee on the basis may be delayed until the conclusion of a criminal prosecution although a criminal conviction is not necessarily required and discharge may be immediate. The use or personal possession of illegal drugs while off the job may subject an employee to disciplinary action, which may include discharge. Off the job use or personal possession of illegal drugs shall also constitute grounds for management to order an employee to be evaluated for possible treatment.
3. **Treatment:** Where management has reasonable cause to believe that an employee may be using illegal drugs on or off the job, even though there may initially be insufficient evidence to sustain disciplinary action, an employee may be ordered to be evaluated for possible treatment. Where treatment is recommended, the employee shall enter and fully complete an acceptable, bonafide treatment program to retain his or her employment. The employee shall execute any necessary releases to authorize the County to receive periodic verification of the employee's full participation in the treatment program. Generally, only one treatment opportunity will be available during an employee's term of employment. Employees are strongly encouraged, if they are involved with illegal drugs, to seek treatment before it comes to management's attention. Employees with full-time benefits not only have health plan coverage to pay the cost of treatment but can utilize sick and vacation leave to avoid a loss of income during an in-patient admission. Where the County becomes aware of the drug-related problem only by the voluntary seeking of treatment help by the employee, law enforcement officials will not be notified and no disciplinary action will be taken though it may be deemed appropriate to restrict an individual's work assignment for a period of time.
4. **Testing:** Although the County currently has no comprehensive drug testing program in place at this time, it does require that any and all successful applicants for any and all positions must successfully complete a drug testing protocol.
5. **Reporting of Criminal Convictions:** Employees are required to report to the Personnel Office any criminal conviction for an offense related to illegal drug involvement within five (5) days of conviction. For purposes of this provision, a conviction shall include an order granting deferred judgment or sentence. The Personnel Director shall notify the appropriate federal agencies of such information as may be required by law within ten (10) days of its receipt.

Drug Free Workplace Policy
ACKNOWLEDGMENT

I _____ an employee of Webster County hereby certify that I have received a copy of the County's policy regarding the maintenance of a drug-free workplace. I realize that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited on this employer's premises or while conducting the County's business. A violation of this policy can subject me to discipline up to and including termination. I realize that as a condition of employment on such federal contract or grant, I must abide by the terms of this policy and will notify the employer of any criminal drug conviction for violation occurring in the workplace no later than five (5) days after such conviction. I further realize that federal law mandates that the employer communicate this conviction to the federal agency, and I waive any and all claims that may arise for conveying this information to the federal agency.

Signed: _____

Date: _____

Motion carried unanimously.

Moved by Fletcher, seconded Dencklau to adopt the following Equal Opportunity Policy Statement:

EQUAL OPPORTUNITY POLICY STATEMENT

DATE: 10 / 09 / 2012

It is the policy Webster County to provide equal opportunity to all employees, applicants and program beneficiaries; to provide equal opportunity for advancement of employees; to provide program and employment facilities which are accessible to the handicapped and to administer its programs in a manner that does not discriminate against any person because of race, creed, color, religion, sex, national origin, disability, age, familial status, political affiliation, citizenship or sexual orientation.

The *Chair of the Board of Supervisors* has ultimate responsibility for the overall administration of the affirmative action/equal opportunity program. The total integration of equal opportunity into all parts of personnel and program management is the responsibility of the *Chair of the Board of Supervisors*. The *Chair* will review all policies and procedures as they affect equal opportunity and affirmative action and ensure compliance with relevant federal and state statutes.

The right of appeal and recourse is guaranteed by Webster County. Any person who feels that he or she has been denied employment, participation, representation, or services in any program administered by Webster County because of race, creed, color, religion, sex, national origin, age, disability, political affiliation, sexual orientation, or citizenship has the right to file an equal opportunity complaint. Information and assistance relative to equal opportunity complaints shall be provided by the County Auditor, who can be contacted at (515) 573-7175.

This Equal Opportunity Policy of Webster County shall be posted in conspicuous places within the facility, distributed to all employees, contractors and to the persons of all advisory and policy-making groups.

Bob Singer, *Chair*
Webster County Board of Supervisors

Motion carried unanimously.

Moved by Dencklau, seconded by Condon to adopt the following Resolution:

RESOLUTION EXCESSIVE FORCE

WHEREAS, Webster County has received federal funding through the Community Development Block Grant (CDBG) program; and,

WHEREAS, Section 519 of the Department of Veteran Affairs and U.S. Department of Housing and Urban Development, and Independent Agencies Appropriations Act of 1990 requires that all CDBG recipients adopt and enforce a policy to prohibit the use of excessive force by law enforcement agencies within the recipient's jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

WHEREAS, all recipients of CDBG funds are further required to follow a policy of enforcing applicable state and local laws against physically barring entrances or exits to a facility that is the subject of a nonviolent protest demonstration; and

WHEREAS, Webster County endorses a policy prohibiting the use of excessive force and will inform all law enforcement agencies within its jurisdiction of this policy,

NOW, THEREFORE, BE IT RESOLVED, Webster County hereby prohibits any law enforcement agency operating within its jurisdiction from using excessive force against any individuals engaged in nonviolent civil rights demonstrations. In addition, Webster County agrees to enforce any applicable state or local laws against physically barring entrances or exits from a facility or location that is the subject of a non-violent protest demonstration. Webster County further pledges enforcement of this policy within its jurisdiction and encourages any individual or group who feels that the Webster County has not complied with this policy to file a complaint.

Information and assistance relative to excessive force complaints shall be provided by the County Auditor's Office, (515) 573-7175.

Passed and adopted this 9th day of October, 2012

s/Bob Singer
Bob Singer, Chair, Board of Supervisors

ATTEST

s/Carol Messerly
Carol Messerly, Auditor

Motion carried unanimously.

Moved by Condon, seconded by Fletcher to adopt the following Affirmative Fair Housing Policy:

AFFIRMATIVE FAIR HOUSING POLICY

This notice is published pursuant to the requirements of Executive Order 11063 on equal opportunity in housing and nondiscrimination in the sale or rental of housing built with federal assistance, and with Title VIII of the Civil Rights Act of 1968, as amended, which prohibits discrimination in the provision of housing because of race, color, creed, religion, sex, national origin, disability or familial status.

Webster County advises the public that it will administer its assisted programs and activities relating to housing and community development in a manner to affirmatively further fair housing in the sale or rental of housing, the financing of housing and the provision of brokerage services.

Webster County shall assist individuals who believe they have been subject to discrimination in housing through the resources of the Iowa Civil Rights Commission or the U.S. Department of Housing and Urban Development.

Webster County has designated the following (person or office) as the contact to coordinate efforts to comply with this policy. Inquiries should be directed to:

NAME: Carol Messerly

OFFICE: County Auditor

ADDRESS: 701 Central Avenue

CITY/STATE/ZIP CODE: Fort Dodge, IA 50501

PHONE NUMBER: (515) 574-7175

HOURS: Monday through Friday 8:00 a.m. to 4:30 p.m.

Motion carried unanimously.

Moved by Fletcher, seconded by Dencklau to adopt the following Resolution:

**Resolution Designating a Labor Standards Compliance Officer
for Webster County**

WHEREAS, Webster County has received CDBG funds from the Iowa Department of Economic Development; and,

WHEREAS, Webster County must administer the CDBG program in accordance to pertinent federal labor standards; and

WHEREAS, one requirement of such standards is the designation of a Labor Standards Compliance Officer.

NOW, THEREFORE, BE IT ADOPTED THAT Webster County hereby designates the MIDAS Council of Governments as its Labor Standards Compliance Officer for the purposes of the CDBG program.

ADOPTED THIS 9TH DAY OF OCTOBER, 2012

s/Bob Singer
Bob Singer, Chairman, Board of Supervisors

ATTEST

s/Carol Messerly
Carol Messerly, County Auditor

Motion carried unanimously.

Moved by Dencklau, seconded by Condon to adopt the following Resolution:

**RESOLUTION
PROCUREMENT POLICY**

PURPOSE

The purpose of this Procurement Policy is to ensure that sound business judgment is utilized in all procurement transactions and that supplies, equipment, construction, and services are obtained efficiently and economically and in compliance with applicable federal law and executive orders and to ensure that all procurement transactions will be conducted in a manner that provides full and open competition.

APPLICATION

This policy applies to the procurement of all supplies, equipment, construction, and services of and for Webster County related to the implementation and administration of the CDBG award. All procurement will be done in accordance with 24 CFR; Part 85.36.

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. Small purchase procedures are relatively simple and informal procurement methods that are sound and appropriate for the procurement of services, supplies, or other property, costing in aggregate not more than \$100,000. If small purchase procedures are used for a procurement under a grant, price or rate quotations shall be obtained from an adequate number of qualified sources.
- B. In sealed bids (formal advertising), sealed bids are publicly solicited and a firm-fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all of the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bids method is the preferred method for procuring construction.
 1. In order for formal advertising to be feasible, appropriate conditions must be present, including, at a minimum, the following:
 - (a) A complete, adequate and realistic specification or purchase description is available.

- (b) Two or more responsible bidders are willing and able to compete effectively for the Webster County business; and
 - (c) The procurement lends itself to a firm-fixed-price contract, and the selection of the successful bidder can be made principally on the basis of price.
2. When sealed bids are used for a procurement under a grant, the following requirements apply:
- (a) A sufficient time prior to the date set for opening of bids, bids shall be solicited (publicly advertised) from an adequate number of known suppliers.
 - (b) The invitation for bids, including specifications and pertinent attachments, shall clearly define the items or services needed in order for the bidders to properly respond to the invitation for bids.
 - (c) All bids shall be opened publicly at the time and place stated in the invitation for bids.
 - (d) A firm-fixed-price contract award shall be made by written notice to that responsible bidder whose bid, conforming to the invitation for bids, is lowest. Where specified in the bidding documents, factors such as discounts, transportation costs, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts may only be used to determine low bid when prior experience of Webster County indicates that such discounts are generally taken.
 - (e) Any or all bids may be rejected if there are sound documented business reasons in the best interest of the program.
- C. Procurement by competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed-price or cost-reimbursable type contract is awarded, as appropriate. Competitive proposals is generally used when conditions are not appropriate for the use of sealed bids. If the competitive proposals method is used for a procurement under a grant, the following requirements apply:
1. Requests for Proposals shall be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals shall be honored to the maximum extent practical.
 2. Requests for Proposals shall be solicited from an adequate number of qualified sources.
 3. Webster County shall have a method for conducting evaluations of the proposals received and for selecting awardees.
 4. Awards will be made to the responsible offeror whose proposal will be most advantageous to the procuring party, with price (other than architectural/engineering) and other factors considered. Unsuccessful offerors will be promptly notified in writing.
 5. Webster may use competitive proposal procedures for qualification-based procurement of architectural/engineering (A/E) professional services whereby competitor's qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in the procurement of A/E professional services. It can not be used to procure other types of services (e.g., administration professional services) even though A/E firms are a potential source to perform the proposed effort.
- D. Noncompetitive proposals is procurement through solicitation of a proposal from only one source, or after solicitation from a number of sources, competition is determined inadequate. Noncompetitive proposals may be used only when the award of a contract is infeasible under small purchase procedures, sealed bids (formal advertising), or competitive proposals. Circumstances under which a contract may be awarded by noncompetitive proposals are limited to the following:
1. The item is available from only a single source;
 2. After solicitation of a number of sources, competition is determined inadequate;
 3. A public exigency or emergency exists when the urgency for the requirement will not permit a delay incident to competitive solicitation; and
 4. The awarding agency (IDED) authorizes noncompetitive proposals. (Sole source procurement for supplies, equipment, construction, and services valued at \$25,000 or more must have prior approval of the Iowa Department of Economic Development).
- E. Webster County will provide, to the greatest extent possible, that contracts be awarded to qualified small and minority firms, women business enterprises, and labor surplus area firms whenever they are potential sources.
- F. Any other method of procurement must have prior approval of the Iowa Department of Economic Development.

CONTRACT PRICING

- A. The cost plus a percentage of cost and percentage of construction cost method of contracting shall not be used.
- B. Webster County shall perform some form of cost/price analysis for every procurement action, including modifications, amendments or change orders.

PROCUREMENT RECORDS

Webster County 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.

Passed and adopted this 9th day of October, 2012

s/Bob Singer
Bob Singer, Chairman, Board of Supervisors

ATTEST

s/Carol Messerly
Carol Messerly, County Auditor

Motion carried unanimously.

Moved by Condon, seconded by Fletcher to adopt the following Resolution:

**RESOLUTION
RESIDENTIAL ANTIDISPLACEMENT AND RELOCATION ASSISTANCE PLAN**

WHEREAS, Webster County has received federal funding through the Community Development Block Grant (CDBG) program; and,

WHEREAS, Webster County must administer the CDBG program in accordance to pertinent federal labor standards; and

WHEREAS, one requirement of such standards is the adoption of a Residential Antidisplacement and Relocation Assistance Plan (RARAP) in accordance with the Housing and Community Development Act of 1974, as amended; and HUD regulations at 24 CFR 42.325 and is applicable to our CDBG¹, UDAG and/or HOME-assisted projects.

NOW, THEREFORE, BE IT ADOPTED THAT Webster County hereby the following Residential Antidisplacement and Relocation Assistance Plan for their CDBG project:

Minimize Displacement

Consistent with the goals and objectives of activities assisted under the Act, Webster County will take the following steps to minimize the direct and indirect displacement of persons from their homes:

- § Coordinate code enforcement with rehabilitation and housing assistance programs.
- § Evaluate housing codes and rehabilitation standards in reinvestment areas to prevent undue financial burden on established owners and tenants.
- § Stage rehabilitation of apartment units to allow tenants to remain in the building/complex during and after the rehabilitation, working with empty units first.
- § Arrange for facilities to house persons who must be relocated temporarily during rehabilitation.
- § Adopt policies to identify and mitigate displacement resulting from intensive public investment in neighborhoods.
- § Adopt policies which provide reasonable protections for tenants faced with conversion to a condominium or cooperative.
- § Adopt tax assessment policies, such as deferred tax payment plans, to reduce impact of increasing property tax assessments on lower income owner-occupants or tenants in revitalizing areas.
- § Establish counseling centers to provide homeowners and tenants with information on assistance available to help them remain in their neighborhood in the face of revitalization pressures.
- § Where feasible, give priority to rehabilitation of housing, as opposed to demolition, to avoid displacement.
- § If feasible, demolish or convert only dwelling units that are not occupied or vacant occupiable dwelling units (especially those units which are "lower-income dwelling units" (as defined in 24 CFR 42.305).
- § Target only those properties deemed essential to the need or success of the project.

¹ CDBG programs include: Entitlement Community Development Block Grant (CDBG) Program, State CDBG Program, CDBG Small Cities Program, Section 108 Loan Guarantee Program, CDBG Special Purpose Grants Program, and the Neighborhood Stabilization Program (NSP).

Relocation Assistance to Displaced Persons

Webster County will provide relocation assistance for lower-income tenants who, in connection with an activity assisted under the [CDBG and/or HOME] Program[s], move permanently or move personal property from real property as a direct result of the demolition of any dwelling unit or the conversion of a lower-income dwelling unit in accordance with the requirements of 24 CFR 42.350. A displaced person who is not a lower-income tenant, will be provided relocation assistance in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR Part 24.

One-for-One Replacement of Lower-Income Dwelling Units

Webster County will replace all occupied and vacant occupiable lower-income dwelling units demolished or converted to a use other than lower-income housing in connection with a project assisted with funds provided under the [CDBG and/or HOME] Program[s] in accordance with 24 CFR 42.375.

Before entering into a contract committing Webster County to provide funds for a project that will directly result in demolition or conversion of lower-income dwelling units, Webster County will make public by publication in a newspaper of general circulation and submit to HUD [the State, under the State CDBG and/or HOME Program(s)] the following information in writing:

- 1) A description of the proposed assisted project;
- 2) The address, number of bedrooms, and location on a map of lower-income dwelling units that will be demolished or converted to a use other than as lower-income dwelling units as a result of an assisted project;
- 3) A time schedule for the commencement and completion of the demolition or conversion;
- 4) To the extent known, the address, number of lower-income dwelling units by size (number of bedrooms) and location on a map of the replacement lower-income housing that has been or will be provided. NOTE: See also 24 CFR 42.375(d).
- 5) 5. The source of funding and a time schedule for the provision of the replacement dwelling units;
- 6) The basis for concluding that each replacement dwelling unit will remain a lower-income dwelling unit for at least 10 years from the date of initial occupancy; and
- 7) Information demonstrating that any proposed replacement of lower-income dwelling units with smaller dwelling units (e.g., a 2-bedroom unit with two 1-bedroom units), or any proposed replacement of efficiency or single-room occupancy (SRO) units with units of a different size, is appropriate and consistent with the housing needs and priorities identified in the HUD-approved Consolidated Plan and 24 CFR 42.375(b).

To the extent that the specific location of the replacement dwelling units and other data in items 4 through 7 are not available at the time of the general submission, Webster County will identify the general location of such dwelling units on a map and complete the disclosure and submission requirements as soon as the specific data is available.

Replacement not Required Based on Unit Availability

Under 24 CFR 42.375(d), Webster County may submit a request to HUD (or to the State, if funded by the State) for a determination that the one-for-one replacement requirement does not apply based on objective data that there is an adequate supply of vacant lower-income dwelling units in standard condition available on a non-discriminatory basis within the area.

Contacts

MIDAS Council of Governments (515) 576-7183 ext 214 is responsible for tracking the replacement of lower income dwelling units and ensuring that they are provided within the required period.

Webster County (515) 573-7175 is responsible for providing relocation payments and other relocation assistance to any lower-income person displaced by the demolition of any dwelling unit or the conversion of lower-income dwelling units to another use.

Passed and adopted this 9th day of October, 2012.

s/Bob Singer

Bob Singer, Chairman, Board of Supervisors

ATTEST

s/Carol Messerly

Carol Messerly, County Auditor

Motion carried unanimously.

Moved by Fletcher, seconded by Dencklau to set 10:00a.m. on October 23, 2012 as the time and date of public hearing of adoption of Webster County Ordinance 049, an Ordinance readopting the existing County Code and repealing certain portions therein. Motion carried unanimously.

Moved by Dencklau, seconded by Condon to approve and authorize Chair to sign utility permit from Central Iowa Power Cooperative to rebuild overhead electric transmission line along south side of 350th Street from Hayes Avenue east approximately 4.5 miles. (Copy on file in Engineer's office). Motion carried unanimously.

Moved by Condon, seconded by Fletcher to allow claims. Motion carried unanimously.

Moved by Fletcher, seconded by Dencklau to adjourn the meeting. Motion carried unanimously.