

RESOLUTION NO 12,258

A RESOLUTION URGING THE SIOUX RIVERS REGIONAL MHDS GOVERNANCE BOARD TO AMEND RECENT CHANGES TO THE 28E AGREEMENT FORMING THE REGION TO COMPORT WITH IOWA LAW

WHEREAS, Sioux Rivers Regional Mental Health & Disability Services Governance Board ("Sioux Rivers") promulgated changes to the 28E agreement between Woodbury, Plymouth, and Sioux counties, including section 7.1 which adds "and said Governing Board shall determine the amount of mental health dollars levied by individual counties on behalf of the Region, up to the state levy cap, on an annual basis"; and

WHEREAS, the member counties each approved this change, with a divided vote in Woodbury County May 19, 2015; and

WHEREAS, the power to levy a tax is not inherent and must be explicitly granted by the legislature; and

WHEREAS the Iowa legislature has not granted regional mental health entities the power to certify or levy a tax. Rather, Iowa Code § 331.424A grants that power to the individual counties ("For each fiscal year, the county shall certify a levy for payment of services." Iowa Code § 331.424A(6)); and

WHEREAS Chapter 24 of the Code of Iowa requires governmental entities that either certify or levy a tax to hold a public hearing and to comply with certain procedural and public notice requirements when setting and adopting a budget;

WHEREAS the Sioux Rivers region does not hold a public hearing on its budget or otherwise comply with Chapter 24. The recent changes to the 28E agreement would leave Woodbury County taxpayers without a forum to be heard concerning the amount of the mental health levy or the mental health budget process; and

WHEREAS, Woodbury County Supervisor and Sioux Rivers Board member Matthew Ung brought these concerns to the regular, public meeting of Sioux Rivers on May 26, 2015, and Sioux Rivers admitted possible illegality but refused to immediately address the illegality; and

WHEREAS, Woodbury County believes that failure to amend the 28E Agreement to comport with Iowa law could jeopardize the ability to levy and collect funds for mental health services;

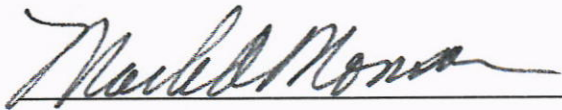
NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF WOODBURY COUNTY, IOWA that the undersigned members of the Board object to setting this precedent that could

later allow counties to set levies in other counties without support from a single elected official of the other county; and

BE IT FURTHER RESOLVED that the Woodbury County Board of Supervisors request that the 28E Agreement be amended to comport with Iowa law.

BE IT SO RESOLVED this 18th day of August, 2015.

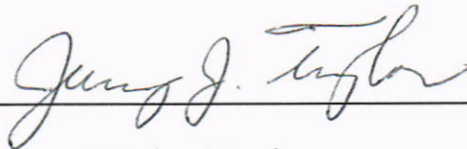
WOODBURY COUNTY BOARD OF SUPERVISORS



Mark A. Monson, Chairman

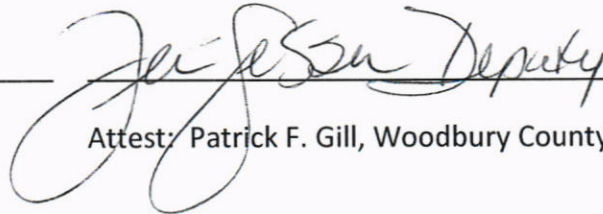
Jaclyn D. Smith, Member

Larry D. Clausen, Member



Jeremy J. Taylor, Member

Matthew A. Ung, Member



Attest: Patrick F. Gill, Woodbury County Auditor