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Book 2015 Page 924 Type 06 078 Pages 15

Date 7/16/2015 Time 3:02 PM

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AMENDED & SUBSTITUTED BY-LAWS OF OSCEOLA CO

PUBLIC SAFETY COMMISSION

Dated June 10, 2015 - effective July 1, 2015

Grantor: Osceola County, Iowa

Grantee: Osceola County Public Safety Commission

**Prepared by: Attorney James Brick, 6701 Westown Parkway, Ste 100, West Des Moines, Ia
50266 Telephone No. (515)274-1450**

**AMENDED AND SUBSTITUTED BY-LAWS OF THE
OSCEOLA COUNTY PUBLIC SAFETY COMMISSION**

**ARTICLE I
NAME OF COMMISSION**

The organization shall be known as the Osceola County Public Safety Commission. The purposes and powers of the Commission shall be those set out in the Amended and Substituted Intergovernmental Agreement creating the Osceola County Public Safety Commission (the "28E Agreement"), and any subsequent amendments thereto.

**ARTICLE II
COMMISSION MEMBERS**

Commission members are Osceola County; the City of Sibley, Iowa; the City of Harris, Iowa; the City of Ocheyedan, Iowa; the City of Melvin, Iowa, and the City of Ashton, Iowa.

**ARTICLE III
GOVERNING BOARD**

A. Governing body. The Governing Board of the Commission shall consist of those representatives designated by each of the member communities and the Sheriff of Osceola County who shall be a non-voting member of the Board as set out in Article VIII below. In addition, one elected official shall be appointed by the Board of Supervisors to represent the Sheriff's office and said representative shall have the same rights as the other member designated Representatives.

B. Member Representatives. Each member community shall have one representative on the Governing Board except for the City of Sibley who shall have two representatives. All appointments or terminations shall be reflected in the official minutes of the member community. The appointment or termination of any representative or alternate shall become effective only upon receipt by the Commission of written notice from the community making the appointment or termination. Receipt by the Commission of any document shall mean when the Commission Chair receives the document. All member representatives shall have one vote and shall serve until their appointment is terminated or a new appointment is made.

C. Expulsion for Cause. At any regular meeting, a majority of all members of the Commission may vote to have a hearing on the expulsion of a member for cause at the next regular meeting. The Public Agency proposed to be expelled from the Commission must be given twenty (20) day written notice specifying the reason(s) for expulsion, the date and time of the expulsion hearing, and stating that the member may appear at the hearing and show cause why said member should not be expelled.

Expulsion requires an affirmative vote by three-fourths of all votes eligible at the time of considering expulsion.

Notice of the reasons for considering expulsion shall be given in writing in such a manner to be self-explanatory and shall be in sufficient detail to permit the Public Agency being considered for expulsion to respond. All notices required to be served upon the member agency or city proposed to be expelled shall be served upon the member's representative or official designated by law to receive service of process.

When the Commission has affirmatively voted to expel a member for cause, the expulsion shall take effect on the following date:

1. If the expelled member has failed to pay its respective dues, the expulsion shall take effect immediately upon service of notice of the expulsion upon the member;

2. If the expelled member has paid its respective share of dues for the year, the expulsion shall not take effect until the conclusion of the fiscal year of the Commission.

Notice shall be served upon the governing body of the member or the City Council advising them of the expulsion decision and advising of the effective date when law enforcement services to the member will cease.

ARTICLE IV MEMBER REPRESENTATIVES

The primary representative of each member shall be an elected official selected by the member's city council or board of supervisors. In addition, a designated alternate shall be selected by each member to act in the absence of the designated elected official. The number of representatives each member has on the Commission as of the date these by-laws are adopted is as follows:

- a. One representative of Osceola County, Iowa who shall be a member of the Osceola County Board of Supervisors.
- b. Two representatives of the City of Sibley, Iowa;
- c. One representative of the City of Harris, Iowa;
- d. One representative of the City of Ocheyedan, Iowa;
- e. One representative of the City of Melvin, Iowa;
- f. One representative of the City of Ashton, Iowa;
- g. One representative appointed by the Board of Supervisors to represent the Osceola County Sherriff's Office.

ARTICLE V MEETINGS

A. Regular Meetings. Regular meetings shall be held monthly at a date and time designated by the Commission in the meeting room of the Osceola County Sheriff's Office. Meetings will comply with the open meeting law of the State of Iowa. Written minutes will be kept for each meeting in sufficient detail to inform the public of actions taken by the Commission during the meeting.

B. Special Meetings. Special meetings of the Commission may be called, for any purpose or purposes, at the written request of a majority of votes of Commission members or by the Chair. Notice of special meetings shall be given not less than twenty-four (24) hours prior to the special meeting.

C. Annual Budget Meetings. An annual budget meeting shall be held on or before January 10th each year at the Osceola County Public Safety Center to prepare an estimated budget to submit to the members.

D. Notice of Meetings. Written notice stating the place, day, and hour of the meeting and, in case of a special meeting, the purpose or purposes for which the meeting is called, shall be delivered not less than twenty-four (24) hours nor more than thirty (30) days before the date of the meeting, either personally; by email, or by regular mail to each member of record entitled to vote at the meeting. If emailed, such notice shall be deemed to be delivered when sent. If by regular mail, it shall be deemed to be delivered twenty-four (24) hours after mailing. It shall be the responsibility of each member and alternate to furnish to the Commission a current email address and residence address. Lack of notice shall not affect the legality of any meeting otherwise properly called and noticed. All notices of meetings along with the proposed agenda shall be posted at the site designated by the Commission at least twenty-four (24) hours prior to the meeting.

E. Agenda. The Chair may place any item on the agenda. Member Communities may also place any item on the agenda provided notice of such item is given to the Chair prior to the time the agenda is posted. The agenda may be amended at any time subject to the provisions of Iowa's Open Meeting Law.

F. Quorum. The attendance of five (5) representatives at any meeting of the Commission shall constitute a quorum of the Commission. A member may attend in person or by phone with permission of

the Chair. A quorum of the Commission shall be required to convene a meeting of the Commission and for the conduct of business.

G. Conduct of Meeting. The Chair shall preside over all Commission meetings and shall determine whether a quorum exists. The Chair shall cause the names of all representatives present to be entered into the meeting minutes, and shall call the meeting to order if a quorum exists. All meetings shall be conducted in compliance with Chapter 21 of the Iowa Code and *Roberts Rules of Order* unless amended by these by-laws. The Chair shall act as arbiter of any dispute on any point of order. The Chair may, at its sole discretion, allow some or all of the Commission members to participate by telephone at any regular or special Commission meeting. In the ordinary conduct of the Commission's business, the majority vote of those representatives present (in-person or by phone) shall decide all matters brought to a vote. The Chair shall decide if a vote is by voice vote or roll call.

ARTICLE VI OFFICERS AND DUTIES

The officers of the Commission shall be the Chair, the Vice-Chair, the Secretary, and the Treasurer. Annual meetings for election of officers shall be held at the beginning of the first regular meeting of each calendar year.

A. Chair. The Chair must be a voting member of the Commission. The Chair shall preside over all meetings of the Commission and shall insure at the beginning of each meeting that the minutes of the last meeting are read and approved, to be in proper form and in sufficient detail to be self-explanatory. The Chair shall also perform the following duties:

1. The Chair shall sign any documents, contracts, or correspondence, which the Commission has authorized to be executed. If the Chair is unable to sign, the documents, contracts, or correspondence may be signed by any officer of the Commission designated by the Chair or the Commission; and
2. The Chair shall prepare an agenda for each meeting and shall cause the agenda to be forwarded by mail or email to each member of the Commission at least twenty-four (24) hours in advance of the meeting. The agenda shall contain all old business scheduled for discussion and any new business, which has been brought to the attention of the Chair since the last regular meeting.
3. The Chair shall designate a member of the Commission to act as temporary Chair at all Commission meetings where neither the Chair or Vice-Chair are present.

B. Vice-Chair. The Vice-Chair shall be a voting member of the Commission. In the absence of the Chair or in the event of his/her inability or refusal to act, the Vice-Chair shall perform the duties of the Chair, and when so acting, shall have all the powers of the Chair.

C. Secretary. The Secretary need not be a member of the Commission. The Secretary shall keep the minutes of all Commission meetings in one or more books provided for that purpose. Written minutes of each meeting shall be kept in sufficient detail to be in compliance with Chapter 21 of the Iowa Code as amended. A record shall be kept of all Commission resolutions, transactions, findings and determinations. The Secretary shall maintain the minutes and perform the following additional duties:

1. See that all notices are duly given and all documents are published in accordance with the provisions of these by-laws or as required by law;
2. Be custodian of the Commission's records and maintain the list of official representatives and alternates selected annually from each municipality and certified to the Commission in accordance with the 28E Agreement;
3. Keep a register of the post office address and email address for each member that has been furnished to the Secretary by such member; and
4. In general, perform all duties incident to the office of Secretary and such other duties as from time to time may be assigned by the Chair or Commission.

The Secretary may designate one or more persons to assist him/her in performing any of the above duties.

D. Treasurer. The Treasurer need not be a member of the Commission. The Treasurer shall have charge and custody of and be responsible for all funds and securities of the Commission. The Treasurer may work in conjunction with the Osceola County Auditor in performing all duties and obligations required of the Treasurer. The Treasurer shall be bonded in the sum of at least \$100,000.00, and the premium of said bond shall be paid by the Commission. The Treasurer shall also:

1. Receive and give receipts for moneys due and payable to the Commission from any source whatsoever, and deposit all such moneys in the name of the Commission to such banks, trust companies or other depositories as shall be selected in accordance with these by-laws;
2. Maintain at all times a current list of all real and personal property purchased or owned by the Commission. This list shall be in sufficient detail to identify the property and distinguish it from any property owned by any other party in possession. The list should contain serial numbers of weapons, equipment, and vehicles and identify its purchase date if possible; and
3. In general, perform all duties incident to the office of the Treasurer and such other duties as from time to time may be assigned by the Chair or the Commission.

E. Election and Term of Office. The officers of the Commission shall be elected annually by the Commission at the first regular annual meeting of the Commission. If the election of officers shall not be held at such meeting, such election shall be held as soon thereafter as may be convenient. Offices may be filled at any meeting of the Commission. Each officer shall hold office until a successor has been duly elected and has qualified. Officer vacancies shall be filled by the Chair for the unexpired term.

F. Removal. Any officer elected or appointed by the Commission may be removed at any time by a majority vote of the Commission subject to the provisions of Article VII (B) of the 28E Agreement.

G. Withdrawal. A Commission member may withdraw at any time pursuant to the provisions of the 28E Agreement.

ARTICLE VII COMMITTEES

The Commission may establish permanent and standing committees. The Chair shall nominate all members of committees established by the Commission and the nominees shall be approved by the Commission. Said nominees will provide such services as are authorized by the Commission. Meetings of the committees shall be held at such time and place as the committees may from time to time decide. In addition to committees established by the Commission, the Chair may appoint such ad hoc committees as the Chair deems necessary and members of the committee need not be Commission members. Notice of all committee meetings shall be given to all Commission members and officers.

ARTICLE VIII NON VOTING MEMBER

The Osceola County Sheriff is a non-voting member of the Commission. A non-voting member shall have the right to participate in all Commission meetings but shall not have voting rights. The Sheriff shall have the right to appoint an alternate to attend meetings in his/her absence. Other non-voting members may be appointed by the Commission with a three-fourths vote of the Commission members. A non-voting member shall act in an advisory capacity to assist the Commission in fulfilling the purposes of the Commission but shall not have voting rights.

**ARTICLE IX
LEGAL ADVISOR, EMPLOYEES AND CONSULTANTS**

The Commission shall have the right to retain legal counsel and any other professional consultants it deems necessary and proper and shall have the right to employ permanent, part-time, and/or temporary employees as needed. If the Commission contracts with the Osceola County Sheriff's office to provide law enforcement services, the Sheriff shall have the right to consult with and retain the Osceola County Attorney in all legal matters relating to the delivery of said contract services. In addition, if the County Attorney is willing, the Commission may consult and retain him/her on all legal matters relating to the rights or obligations of the Commission.

**ARTICLE X
AMENDMENTS**

These by-laws may be amended from time to time by the Commission with a three-fourths vote of the members of said Commission present at a regular meeting in accordance with the 28E Agreement. Any proposed amendments to the by-laws shall not be made until said proposed amendment shall have been forwarded to each municipality at least thirty (30) days prior to the date that action is proposed to be taken upon said Amendment. The proposed amendment(s) may be forwarded electronically or by regular mail.

**ARTICLE XI
RULES OF PROCEDURE**

A. Conduct of Meetings. Parliamentary rules as set forth in *Roberts Rules of Order* shall apply to all proceedings of the Commission. The public shall have a right to attend all Commission meetings except those meetings or portions of meeting that are closed pursuant to Iowa Law.

B. Conflict. Whenever a member or officer has a financial or personal interest in any matter coming before the Commission, the affected person shall: a) fully disclose the nature of the interest; and b) withdraw from discussion, lobbying, and voting on the matter.

C. Voting Rights. Each member and alternate shall have the voting rights set out in Article VII of the 28E Agreement.

**ARTICLE XII
INDEMNIFICATION**

The Commission shall, to the extent legally permissible, indemnify each person who may serve or who has served at any time as an officer, director, or employee of the Commission against all expenses and liabilities, including, without limitation, counsel fees, judgments, fines, excise taxes, penalties and settlement payments, reasonably incurred by or imposed upon such person in connection with any threatened, pending or completed action, suit or proceeding in which he or she may become involved by reason of his or her service in such capacity; provided that no indemnification shall be provided for any such person with respect to any matter as to which he or she shall have been finally adjudicated in any proceeding not to have acted in good faith in the reasonable belief that such action was in the best interests of the Commission; and further provided that any compromise or settlement payment shall be approved by a majority vote of a quorum of Members who are not at that time parties to the proceeding.

The indemnification provided hereunder shall inure to the benefit of the heirs, executors and

administrators of persons entitled to indemnification hereunder. The right of indemnification under this Article shall be in addition to and not exclusive of all other rights to which any person may be entitled. No amendment or repeal of the provisions of this Article which adversely affects the right of an indemnified person under this Article shall apply to such person with respect to those acts or omissions which occurred at any time prior to such amendment or repeal, unless such amendment or repeal was voted by or was made with the written consent of such indemnified person.

This Article constitutes a contract between the Commission and the indemnified officers, directors, and employees. No amendment or repeal of the provisions of this Article which adversely affects the right of an indemnified officer, director, or employee under this Article shall apply to such officer, director, or employee with respect to those acts or omissions which occurred at any time prior to such amendment or repeal.

**ARTICLE XIII
SEVERABILITY**

If any provisions of these Articles or the application thereof to any person or circumstance are held to be invalid, such invalidity shall not affect other provisions or applications of these Articles, which can be given effect without the invalid provisions or application, and to this end the provisions of these Articles are declared to be severable.

**ARTICLE XIV
EFFECTIVE DATE**

These Amended and Substituted By-Laws shall become effective upon approval by not less than six (6) affirmative votes cast by Members of the Commission.

These by-laws have been read and approved by the following Commission Members this 10th day of June, 2015.

The following members vote Aye and confirm their vote by signing below.

City of Sibley Jerry Johnson

City of Sibley James Henningsen

City of The City of Harris A. A. Spat

The City of Ocheyedan Arden Redding

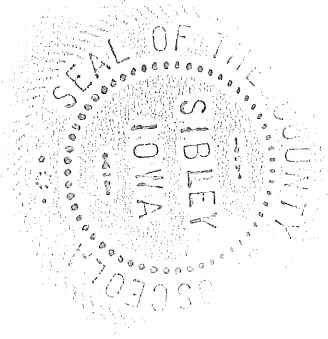
The City of Melvin Barbey Heitertter

The City of Ashton Chuck McVie

The County of Osceola Se Key De Boer

Osceola County Sheriff Representative

[Handwritten Signature]



Brenda M. Hickey
ATTEST - SECRETARY

Osceola County Resolution # 34-14 / 15

RESOLUTION APPROVING THE AMENDED BY-LAWS OF THE OSCEOLA COUNTY PUBLIC SAFETY COMMISSION

The purpose of this Resolution is to approve the attached Amended By-laws of the Osceola Public Safety Commission

WHEREAS, the Board of Supervisors of Osceola County has reviewed the proposed Amended By-Laws of the Osceola County Public Safety Commission attached to this Resolution; and

WHEREAS, the Board has determined it is in the best interest of the County and its citizens to approve said Amended By-Laws.

NOW THEREFORE BE IT RESOLVED, that the Osceola County Board of Supervisors does hereby approve the Amended By-Laws of the Osceola County Public Safety Commission attached to this Resolution.

Moved by Phil Bootsma

Seconded by Mike Schutte

The following member(s) voted yes:

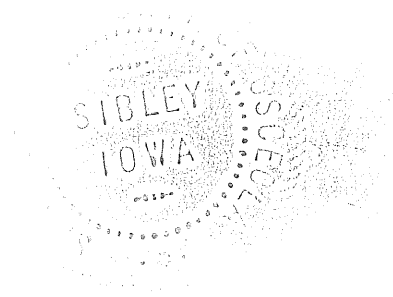
Bootsma, Schutte, DeBonn, Vande Hoef, Sandersfeld

The following member(s) voted no: None

Passed this 25th day of April 2015 by the Osceola County Board of Supervisors

Signed and approved by the Board Chair on the 25th day of April, 2015.

Mari Scalet
Board Chair



CITY OF ASHTON

Resolution #2015-04

RESOLUTION APPROVING THE AMENDED BY-LAWS OF THE OSCEOLA COUNTY PUBLIC SAFETY COMMISSION

The purpose of this Resolution is to approve the attached Amended By-laws of the Osceola Public Safety Commission

WHEREAS, the City Council has reviewed the proposed Amended By-Laws of the Osceola County Public Safety Commission attached to this Resolution; and

WHEREAS, the Council has determined it is in the best interest of the City and its citizens to approve said Amended By-Laws.

NOW THEREFORE BE IT RESOLVED, that the City Council does hereby approve the Amended By-Laws of the Osceola County Public Safety Commission attached to this Resolution.

Moved by Daniel Grote

Seconded by William Honkomp

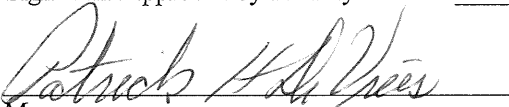
The following member(s) voted yes:

Grote, Ommen, Trei, Honkomp and Hatting

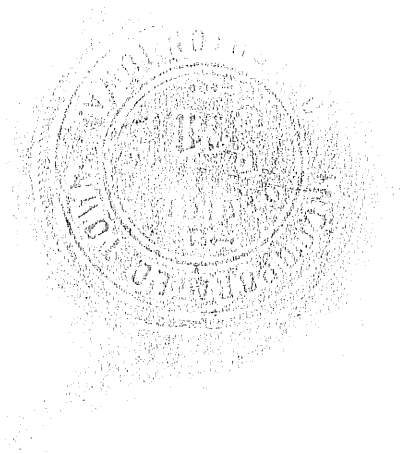
The following member(s) voted no: None

Passed this 11 day of May 2015 by the City Council of Ashton

Signed and approved by the Mayor on the 11th day of May, 2015.


Mayor

ATTEST: Nancy A. Travnach



CITY OF Harris

Resolution # 05.15.02

RESOLUTION APPROVING THE AMENDED BY-LAWS OF THE OSCEOLA COUNTY PUBLIC SAFETY COMMISSION

The purpose of this Resolution is to approve the attached Amended By-laws of the Osceola Public Safety Commission

WHEREAS, the City Council has reviewed the proposed Amended By-Laws of the Osceola County Public Safety Commission attached to this Resolution; and

WHEREAS, the Council has determined it is in the best interest of the City and its citizens to approve said Amended By-Laws.

NOW THEREFORE BE IT RESOLVED, that the City Council does hereby approve the Amended By-Laws of the Osceola County Public Safety Commission attached to this Resolution.

Moved by Jerousek

Seconded by Sweet

The following member(s) voted yes: Jerousek, Kramer, Sweet, Meier, Muffah

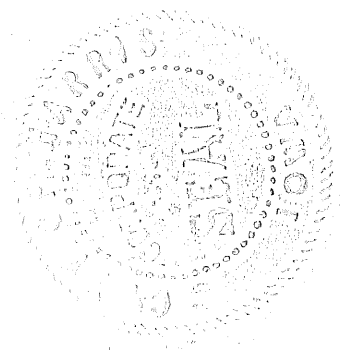
The following member(s) voted no: None

Passed this 12th day of May 2015 by the City Council of Harris

Signed and approved by the Mayor on the 12th day of May, 2015.

[Signature]
Mayor

ATTEST: Christa Wiersma



CITY OF Ocheyedan

Resolution # 824

RESOLUTION APPROVING THE AMENDED BY-LAWS OF THE OSCEOLA COUNTY PUBLIC SAFETY COMMISSION

The purpose of this Resolution is to approve the attached Amended By-laws of the Osceola Public Safety Commission

WHEREAS, the City Council has reviewed the proposed Amended By-Laws of the Osceola County Public Safety Commission attached to this Resolution; and

WHEREAS, the Council has determined it is in the best interest of the City and its citizens to approve said Amended By-Laws.

NOW THEREFORE BE IT RESOLVED, that the City Council does hereby approve the Amended By-Laws of the Osceola County Public Safety Commission attached to this Resolution.

Moved by Kevin Hertz

Seconded by Scott Wiersma

The following member(s) voted yes:

Hertz, Kruger, Wiersma, Schuck

The following member(s) voted no: _____

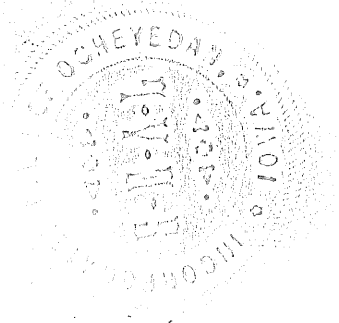
Councilperson McElroy was absent

Passed this 11th day of May, 2015 by the City Council of Ocheyedan

Signed and approved by the Mayor on the 11th day of May, 2015.

Arlene Pedley
Mayor

ATTEST: Christi Wiersma



Councilperson HENNINGSSEN introduced the following Resolution entitled "RESOLUTION APPROVING THE AMENDED BY-LAWS OF THE OSCEOLA COUNTY PUBLIC SAFETY COMMISSION" and moved that the same be adopted.

Councilperson GROOTE seconded the motion to adopt. The roll was called and the vote was:

AYES: BUCHHOLTZ, HENNINGSSEN, GROOTE,

PEDLEY

NAYS: NONE

WHEREUPON, the Mayor declared the following Resolution duly adopted.

RESOLUTION NO 1321-15


RESOLUTION APPROVING THE AMENDED BY-LAWS OF THE OSCEOLA COUNTY PUBLIC SAFETY COMMISSION

WHEREAS, the City Council has reviewed the proposed Amended By-Laws of the Osceola County Public Safety Commission attached to this Resolution.

WHEREAS, the Council has determined it is in the best interest of the City and its citizens to approve said Amended By-Laws.


NOW THEREFORE BE IT RESOLVED, that the City Council does hereby approve the Amended By-Laws of the Osceola County Public Safety Commission attached to this Resolution.

PASSED AND APPROVED this 27th day of April 2015.



Mayor

ATTEST:



City Clerk



CITY OF Melvin

Resolution # 6-2015

RESOLUTION APPROVING THE AMENDED BY-LAWS OF THE OSCEOLA COUNTY PUBLIC SAFETY COMMISSION

The purpose of this Resolution is to approve the attached Amended By-laws of the Osceola Public Safety Commission

WHEREAS, the City Council has reviewed the proposed Amended By-Laws of the Osceola County Public Safety Commission attached to this Resolution; and

WHEREAS, the Council has determined it is in the best interest of the City and its citizens to approve said Amended By-Laws.

NOW THEREFORE BE IT RESOLVED, that the City Council does hereby approve the Amended By-Laws of the Osceola County Public Safety Commission attached to this Resolution.

Moved by Mike Alesch

Seconded by Amy Baker

The following member(s) voted yes: Mike Alesch, Amy Baker & Tim Drenkow

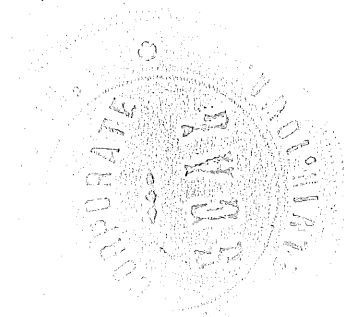
The following member(s) voted no: Galen Bootsma

Passed this 4 day of May 2015 by the City Council of Melvin

Signed and approved by the Mayor on the 4 day of May, 2015.

Becky Hittler
Mayor

ATTEST: Sandra Heitler



Osceola County Public Safety Commission
Resolution # 15-0610-2

RESOLUTION TO EXECUTE AND FILE THE AMENDED AND SUBSTITUTED BY-LAWS

The purpose of this Resolution is to execute and file the attached Amended and Substituted By-laws of the Osceola Public Safety Commission as approved by its members.

WHEREAS, the Board of the Osceola County Public Safety Commission has drafted the proposed Amended and Substituted By-laws of the Osceola County Public Safety Commission attached to this Resolution; and

WHEREAS, the Board has determined it is in the best interest of the County and its citizens to approve the Amended and Substituted By-laws; and

WHEREAS, the Board has distributed copies of the Amended and Substituted By-laws to all of its members; and

WHEREAS, the members have unanimously approved the Amended and Substituted By-laws.

NOW THEREFORE BE IT RESOLVED, that the Board does hereby approve the Amended And Substituted Osceola County Public Safety Commission By-laws attached to this Resolution and directs its Chair to execute said By-laws on behalf of the Commission.

IT IS FURTHER RESOLVED that once the document has been fully executed by all members of the Commission, it shall be filed with the office of the Iowa Secretary of State and the Osceola County Recorder's office.

Moved by Patrick DeVries

Seconded by Jan Henningsen

The following member(s) voted yes: Jayson Vande Hoet, LeRoy DeBoer, Greg Spaehe,
Becky Heitritter, Patrick DeVries, Jan Henningsen, Jerry Johnson, Arlyn Pedley

The following member(s) voted no:

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Passed this 10th day of June, 2015 by the Osceola County Public Safety Commission

Signed and approved by the Chair on the 10th day of June, 2015.

Arlyn Pedley
Board Chair