

**MINUTES OF SIOUX COUNTY BOARD OF
SUPERVISORS**

MEETING HELD ON SEPTEMBER 8, 2000

The Board of Supervisors of Sioux County, Iowa, met pursuant to adjournment at 9:30 o'clock a.m. with Chairman Loren Bouma presiding. Members present were William Vander Maten, Vernon Beernink, Loren Bouma, Bernard L. Smith and Stanley L. De Haan.

Minutes of September 5, 2000 were read and on motion and vote stand approved as read.

Committee reports were given this date.

Shane Walter, County Central Point of Coordination Administrator, met with the Board this date to report that the Northwest Iowa Contracting Consortium is in the process of establishing policies and procedures for the organization.

Motion by Smith and supported by Beernink to approve and authorize the Chairman to sign correspondence addressed to Mr. Dan Harber, representative for the Iowa Department of Economic Development, requesting permission for Sioux County to hire DeWild, Grant, Reckert, and Associates Company, through the sole source procurement method as project engineer for contract #00-WS-030 involving Southern Sioux County Rural Water System. Carried, unanimous in favor.

Russ Mitchell, staff writer for the Northwest Iowa Review, met with the Board this date to submit and review correspondence requesting them to oppose any closed session with Mark Schouten, County Attorney, pertaining to his response to allegations

made by Melissa O'Rourke's regarding her employment termination as Assistant County Attorney.

Doug Julius, County Engineer, met with the Board this date to discuss a proposal to equip Sioux County's five utility tractors with rear mounted sprayer units to assist with spraying noxious weeds and brush. The main intent would be to spray problem spots as they appear throughout the growing season and brush in the fall. The estimated cost per unit for a DEMCO brand is estimated to be somewhere between \$1,100.00 and \$1,300.00. The consensus of the Board was to instruct Doug Julius, County Engineer, to proceed with preparing specifications to distribute to authorized DEMCO Brand dealers in Sioux County.

Doug Julius, County Engineer, also requested approval and a Chairman's signature on three certifications as to completion of work and final acceptance by the Board of Supervisors for Kooiker, Inc., Le Mars.

Motion by Vander Maten and supported by De Haan to approve and authorize the Chairman to sign certifications as to completion of work and final acceptance by the Board of Supervisors for Kooiker, Inc., Le Mars, for the following projects and amounts:

| <u>PROJECT</u> | <u>AMOUNT</u> |
|--------------------------|---------------|
| L-2-99--73-84-CULV | \$78,790.70 |
| L-1-2000--73-84-CULV EXT | 38,469.62 |
| L-2-2000--73-84-CULV | 39,383.11 |

Carried, unanimous in favor.

On this date at 10:30 o'clock a.m. Chairman Loren Bouma read the following statement:

"After Melissa O'Rourke was terminated by the Sioux County Attorney's office, Melissa requested and was granted her right to be heard by the Sioux County Board of Supervisors. Mark Schouten, County Attorney, has requested that he be allowed to be

heard by the Sioux County Board of Supervisors and we are granting that request this morning. As was stated at Melissa O'Rourke's hearing this is not a trial, this is Mark Schouten's opportunity to speak and to have witnesses speak in his behalf if he so desires."

Mark Schouten, County Attorney, met with the Board and provided and reviewed a 39 page narrative including various exhibits as a written outline that showed a chronology leading up to his decision to terminate Melissa O'Rourke as Assistant County Attorney on August 16, 2000.

Mark Aljets, attorney for the Nyemaster et al law firm from Des Moines, was present to represent Mark Schouten, County Attorney. James Hanks, attorney for the Ahlers et al law firm, was present to represent the County Board of Supervisors.

The following persons were also in attendance for the aforementioned employment termination matter presentation by Mark Schouten, County Attorney:

Joseph Skoda, Rock Valley
Melissa O'Rourke, Rock Valley
Heather Kuipers, Sioux Center News
Ross Groen, Sioux Center News
Raymond Miller, Sioux Center
Russ Mitchell, Northwest Iowa Review
Dan Ross, Northwest Iowa Review
Mark Sybesma, Hull
John Slegers, KDCR
Bob Hulstein, Capital-Democrat
Doug Calsbeek, Capital-Democrat
Randy Cauthron, Index Reporter
Deb Fischer, Trial Court Technician II
Dyla Bolkema, Trial Court Clerk II
Harley Kleinwolterink, Superintendent of Buildings & Grounds
Darwin Koele, Orange City
Carrie Schouten, Orange City
Jan Vander Zwaag, Deputy County Auditor
Kristen Durst, KSOU
Myron Toering, Sioux Center Attorney

After Mark Schouten, County Attorney, concluded his presentation Melissa O'Rourke distributed a three page letter addressed to the Board stating that she was given no real notice of the September 8, 2000 Board meeting. She reiterated some of the allegations that she presented to the Board at their meeting held on August 22, 2000.

Motion by Beernink and supported by De Haan to go into executive session according to Section 21.5(1c), Iowa Code as Amended, to discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of Sioux County in that litigation. Roll Call on Vote: Vander Maten, Yes; Beernink, Yes; Bouma, Yes; Smith, Yes; and De Haan, Yes. Carried, unanimous in favor.

The following persons were present for the first segment of the executive session:

Loren Bouma, Chairman of Board of Supervisors
William Vander Maten, County Supervisor
Vernon Beernink, County Supervisor
Bernard L. Smith, County Supervisor
Stanley L. De Haan, County Supervisor
Dennis Lange, County Auditor
Mark Schouten, County Attorney
Mark Aljets, attorney for the Nyemaster et al law firm
James Hanks, attorney for the Ahlers et al law firm

The following persons were present for the second segment of the executive session:

Loren Bouma, Chairman of Board of Supervisors
William Vander Maten, County Supervisor
Vernon Beernink, County Supervisor
Bernard L. Smith, County Supervisor
Stanley L. De Haan, County Supervisor
Dennis Lange, County Auditor
James Hanks, attorney for the Ahlers et al law firm

Motion by Beernink and supported by De Haan to go out of executive session according to Section 21.5(1c), Iowa Code as Amended. Roll Call on Vote: Vander

Maten, Yes; Beernink, Yes; Bouma, Yes; Smith, Yes; and De Haan, Yes. Carried, unanimous in favor.

After the executive session, James Hanks, attorney for the Ahlers et al law firm, reported to the news media present that no decision has been made in the Melissa O'Rourke employment termination matter.

The Board approved claims as presented by the County Auditor from all departments this date.

The Chairman adjourned the meeting until Friday, September 15, 2000.

Loren Bouma, Chairman
Sioux County Board of Supervisors

ATTEST: Dennis Lange
Sioux County Auditor