

# Osceola County Taxpayers Association

5663 180<sup>th</sup> Street  
Sibley, IA 51249  
Ph 712-754-4099

April 16, 2007

Open Letter to Osceola County Board of Supervisors  
c/o Barb Echter, County Auditor  
Osceola County Courthouse  
Sibley, IA 51249

**Re:** Information and recommendations regarding county attorney position. To be read during next public meeting

Dear Supervisors;

The Osceola County Taxpayers Association would like to follow up our March 13, 2007, meeting with your board with some additional information and two recommendations.

We pointed out last month that if county attorney Bob Hansen worked the average rate of the eleven county attorneys we surveyed he should be able to complete his official duties in a little under 2 ½ days per week. We also pointed out he has committed 20 hours a week to O'Brien County, thus confirming our survey results. Mr. Hansen was present during our presentation and according to your minutes, has remained silent since our presentation. We interpret his lack of defense of his work schedule as further confirmation.

While Mr. Hansen's self-serving yet personally profitable dealings may not break the letter of Iowa Code 331.752 (1) which states, "A full-time county attorney shall refrain from the private practice of law", in OCTA's view he certainly breaks the spirit of it when, as you said in your minutes of January 3, 2006, "...the public elects the county attorney as full time in Osceola County and Hansen should be available to his constituents and county officials during regular business hours." At minimum, he has broken trust with most people of Osceola County.

In response, Iowa Code 331.752 says, in part,

*2. The board may provide, by resolution, that the county attorney shall be a full-time county officer. The resolution shall include an effective date which shall not be less than sixty days from the date of adoption. However, if the county attorney or county attorney-elect objects to the full-time status, the effective date of the change to a full-time status shall be delayed until January 1 of the year following the next general election at which a county attorney is elected.*

And it also states in paragraph 3 of the same statute –

*3. The board may change the status of a full-time county attorney to a part-time county attorney by following the same procedures as provided in subsection 2. If the incumbent county attorney objects to the change in status, the change shall be delayed until January 1 following the next election of a county attorney.*

After noting your lawful authority the Osceola County Taxpayers Association now calls upon the Osceola County Board of Supervisors to pass a resolution changing the status of the county attorney to Part-time from Full-time. If Mr. Hansen does not object then we'd recommend you make it effective July 1, 2007. If he does, then it will become effective January 1, 2011. By taking this action it will put him on notice that his legal ability to take advantage of local taxpayers has a limited life here in Osceola County.

We have one more recommendation. We would like to know where all of his free time, at Osceola county taxpayer's expense, came from in the first place.

According to your own minutes dated September 15, 1995, former Osceola County attorney Harold Dawson stated in the resignation letter he submitted to your board that "...the demands of the County

Attorney's office had increased dramatically and felt it was difficult to serve as County attorney and also be involved in private practice." It was reported in the Sept. 20, 1995, *Ocheyedan Press-Melvin News* that Dawson told the Supervisors during the same meeting, "I don't want to be a full-time prosecutor." Dawson cited a caseload that has "increased dramatically over the last several years," according to the paper. In your minutes it was recorded that, "With the criminal case load increasing, Dawson felt the County should look towards the possibility of having a full-time county attorney."

How can we, the taxpayers, reconcile these minutes and this media report of Dawson's comments about the case load and Osceola County needing a full-time county attorney 11 ½ years ago with the knowledge that Robert Hansen is providing 20 hours a week to O'Brien County today and knowing that eleven other Iowa county attorneys, on average, could handle Osceola County's official duties *yet today* in a little under 2 ½ days per week? One of the county attorneys surveyed could handle it in one day a week yet today.

Criminal statutes and Federal, state and local rules applicable to Osceola County have increased significantly in the last 11 ½ years. So how many days a week could it have really been taking back then? One and one-half days a week seems reasonable to OCTA.

We now also recommend the Supervisors make an inquiry of Harold Dawson, current partner in the DeKoter, Thole and Dawson law firm. The Supervisors in September of 1995 had no way to verify if Dawson's representations were truthful or not. Our recent survey and his replacement's free time spent in O'Brien County provide evidence today that he was either far less efficient than Hansen or else they were not truthful. If, in fact, he was exaggerating his schedule and followed it up with a recommendation that the taxpayers pay for a full-time position, then his possible deception has been very costly to the taxpayers.

Consider. According to the County Auditor, from January 1, 1996, thru July 1, 2007, we will pay County attorney Bob Hansen \$654,853 in salaries alone. Enclosed is a schedule of Hansen's pay since he has been employed by Osceola County. If he enjoys 51.9% free time (1 - 0.481) in his weekly schedule from Osceola County today (as the survey indicates) and with a reasonable assumption that he was working 35% of the time his first year and enjoying 65% free time in 1996, we have calculated the cost to taxpayers for this free time on a sliding scale. It is found on this same schedule and it **totals \$378,606**.

Osceola County taxpayers need an answer. Why did Mr. Dawson tell your predecessors that our county needed a full-time county attorney? The Sept. 20, 1995, *Ocheyedan Press-Melvin News* article also quoted Dawson saying, "No member of the Osceola County Bar Association has expressed an interest in the position." Why didn't they? Some member always did in the past. Did this play a role in Dawson's possible deception? You might want to inquire of the Association as well.

Whatever the reason, Dawson's representations and recommendation for a full-time county attorney was believed, the Supervisors acted on it and as a result hired Mr. Hansen. It has cost us at least \$378,606 more than we needed to spend if the position had remained a 'part time' one. We trust you see the need for this inquiry. We recommend the board hire legal counsel from outside Iowa Judicial District #3 to conduct this inquiry. Why 'outside' counsel? Daniel DeKoter, Mr. Dawson's partner, recently wrote a representative of OCTA who was investigating these matters on our behalf stating, "The legal community is very small in this area, and word gets around quickly." We heartily agree and again recommend you employ counsel outside of Iowa Judicial District #3 to make this inquiry of former county attorney Dawson.

Sincerely,

Kevin Wolfswinkel, President

## Osceola County Attorney Bob Hansen Payroll History & Free Time Cost Calculation

Fiscal Year	Annual Salary	Percent Working	Percent Free Time	Percent Free Time x Annual Salary
Jan-June 96 <sup>(1)</sup>	\$ 24,000	34.9%	65.1%	\$ 15,615
FY96/97	\$ 49,440	36.1%	63.9%	\$ 31,573
FY97/98	\$ 51,744	37.3%	62.7%	\$ 32,423
FY98/99	\$ 52,744	38.5%	61.5%	\$ 32,417
FY99/00	\$ 54,326	39.7%	60.3%	\$ 32,737
FY00/01	\$ 55,956	40.9%	59.1%	\$ 33,048
FY01/02	\$ 58,026	42.1%	57.9%	\$ 33,574
FY02/03	\$ 58,026	43.3%	56.7%	\$ 32,878
FY03/04	\$ 60,347	44.5%	55.5%	\$ 33,469
FY04/05	\$ 60,347	45.7%	54.3%	\$ 32,745
FY05/06	\$ 63,364	46.9%	53.1%	\$ 33,622
FY06/07	\$ 66,533	48.1%	51.9%	<u>\$ 34,505</u>

Total                \$ 654,853      Taxpayers Loss -->    **\$ 378,606**

(1) One half of \$48,000 annualized salary

**Source of Annual Salaries:** Osceola County Auditor