

# Wayne County Board of Supervisors

Regular scheduled meeting of the Wayne County Board of Supervisors was held on the 19th day of April 2021, in the Conference Room of the Wayne County Courthouse, Corydon, Iowa, pursuant to notice duly given in compliance with Iowa Code Section 21.4. The Board noted due notice of meeting subject to said Code Section.

Present were David Dotts, Tom Swearingin, Don Seams: members of the Board, Brian Shelley, David Rhodes, Shelley Bickel, Jen Reed, Rhonda Bennett, Sue Ruble, Angie Horton and Michelle Dooley.

The Corydon Times Republican live streams Board of Supervisors regular session meetings on their facebook page.

**Unless otherwise noted, all motions were approved unanimously by all Board members present.**

Dotts called meeting to order at 9:00AM and took roll call.

Pledge of Allegiance

TSwearingin made motion to approve the April 19, 2021 agenda with an amendment; (15) County employee Health Insurance was added to agenda, seconded by Seams.

Seams made motion to approve April 5, 2021 minutes, seconded by TSwearingin.

TSwearingin made motion to approve April 16, 2021 Payroll, seconded by Seams.

Seams made motion to approve April 19, 2021 Claims, seconded by TSwearingin.

TSwearingin made motion to open the FY21 Wayne County Budget Amendment Public Hearing, seconded by Seams. No written or verbal statements/objections were submitted the Board for consideration to the FY21 Wayne County Budget Amendment.

Seams made motion to close the FY21 Wayne County Budget Amendment Public Hearing, seconded by TSwearingin.

Seams made motion to Approve the FY21 Wayne County Budget Amendment, seconded by TSwearingin as presented.

## **RESOLUTION 21-28**

(Amend Appropriations for FY21)

A Resolution authorizing amending the appropriations for expenditures for the various Wayne County Offices and Departments for the fiscal year ending June 30, 2021.

**Whereas:** The Wayne County Board of Supervisors approved the FY21 Wayne County Budget on March 9, 2020.

**Whereas:** Certain County Offices and Departments requested an amendment to the FY21 Budget Appropriations.

**Whereas:** The Wayne County Board of Supervisor published notice of FY21 budget amendment 10 to 20 days prior to holding public hearing.

**Whereas:** The Wayne County Board of Supervisors held a Public Hearing regarding the Amendment of FY21 Wayne County Budget on April 19, 2021.

**Whereas:** The Wayne County Board of Supervisors at a public meeting approved the Amendment of the FY21 Wayne County Budget which began on July 1, 2020.

**Therefore, Be It Resolved:** by the Wayne County Board of Supervisors that the appropriations for expenditures for fiscal year 2020-2021, (Section 331.434(6), Code of Iowa) be amended to the following amounts as were deemed necessary for each County Office and Department. The appropriations are as follows:

Department	Original Appropriations	Amended Appropriations	Budget Amendment \$
Board of Supervisors	510,462	510,462	
Auditor	250,148	250,148	
Treasurer	245,466	245,466	
Attorney	112,696	112,696	
Sheriff	2,346,681	<b>2,415,531</b>	<b>68,850</b>
Environmental Programs	38,500	38,500	
Recorder	175,085	175,085	
Watershed	2,500	2,500	
County Farm	20,000	20,000	
Civil Service	2,000	2,000	
Secondary Roads/Engineer	4,801,900	4,801,900	
Veterans Affairs	81,366	<b>92,866</b>	<b>11,500</b>
Conservation	237,545	237,545	
Public Health	569,251	<b>760,951</b>	<b>191,700</b>
Environmental Health	97,786	97,786	
Social Services	56,830	56,830	
Medical Examiner	11,250	<b>35,250</b>	<b>24,000</b>
District Court	10,000	10,000	
County Libraries	20,578	<b>22,103</b>	<b>1525</b>
Development	13,236	13,236	
General Service	215,780	215,780	
Data Process	246,000	246,000	
Chemical Dependency	12,000	12,000	
Mental Health	265,971	265,971	
Probation Office	18,500	18,500	
New Venture	256,769	256,769	
Operating Transfer- GB to SecRd	65,167	65,167	
Operating Transfer – RB to SecRd	719,533	719,533	
<b>Total</b>	<b>\$11,403,000</b>	<b>\$11,700,575</b>	<b>\$297,575</b>

Dated and approved this 19th day of April 2021 at Corydon, Wayne County, Iowa.

Dotts read the following:

**INFORMAL RESOLUTION 21FC:0009**

**Kim Swearingin/Wayne County Board of Supervisors**

On February 14, 2021, Kim Swearingin, the Wayne County Treasurer, filed formal complaint 21 FC:0009, alleging that the Wayne County Board of Supervisors (Board) violated Iowa Code chapter 21.

In support of her complaint, Ms. Swearingin alleged that on February 8, 2021, one member of the three members of the Board visited her office to discuss the budget. When she asked to have the budget discussion in a public forum, the board member left. Later that day, two members of the Board visited her office, again to discuss the budget. This time a

discussion ensued concerning her budget request for an additional \$40,000 to pay for overtime and an additional staff person,

Later that day, Ms. Swearingin received an email from the county auditor with the \$40,000 budget increase removed. This revised budget was signed by the two board members who visited her office.

The county attorney responded to the complaint on February 26, 2021. In his response, he stated that the Board is required to meet with every county officer or department head pursuant to Iowa Code section 331.433. He added that because no action was taken to delete the requested budget increase during the meeting with Ms. Swearingin, there was no meeting as defined by the Iowa Code.

The county attorney also stated that during this meeting Ms. Swearingin was advised that the additional \$40,000 would not be approved because the two board members considered it for the political purpose of grooming a successor.

Iowa Code section 21.2(2) defines a meeting for the purposes of open meetings:

2. "Meeting" means a gathering in person or by electronic means, formal or informal, of a majority of the members of a governmental body where there is deliberation or action upon any matter within the scope of the governmental body's policy-making duties. Meetings shall not include a gathering of members of a governmental body for purely ministerial or social purposes when there is no discussion of policy or no intent to avoid the purposes of this chapter.

Iowa Code section 331.433 refers to county budget estimates:

331.433 Estimates submitted by departments. 1. On or before January 15 of each year, each elective or appointive officer or board, except tax certifying boards as defined in section 24.2, subsection 2, having charge of a county office or department, shall prepare and submit to the auditor or other official designated by the board an estimate, itemized in the detail required by the board and consistent with existing county accounts, showing all of the following: a. The proposed expenditures of the office or department for the next fiscal year. b. An estimate of the revenues, except property taxes, to be collected for the county by the office during the next fiscal year. 2. On or before January 20 of each year, the auditor or other designated official shall compile the various office and department estimates and submit them to the board. In the

preparation of the county budget the board may consult with any officer or department concerning the estimates and requests and may adjust the requests for any county office or department.

Iowa Code section 33 1.433 allows a board of supervisors to consult with officers or department heads to discuss budget estimates. It does not exempt such action from complying with the requirements of Iowa Code chapter 21. Therefore, any time members of a governmental body gather with a county official or department head to deliberate or take action on a policy-making duty, that gathering is subject to the requirements of open meetings laws.

From the information provided by both parties, it appears that the February 8, 2021, gathering of the two board members with Ms. Swearingin concerning her budget request resulted in deliberation even if a final vote did not occur.

The meeting should have been held pursuant to Iowa Code chapter 21 but it was not properly noticed and open to the public.

The Iowa Public Information Board (IPIB) accepted the formal complaint on March 18, 2021, as to the violation of Iowa Code chapter 21 and specifically 21.3, violation of the requirements for meetings of governmental bodies.

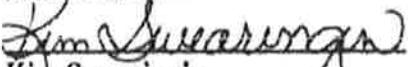

Pursuant to Iowa Code 23.9, the parties negotiated and reached an informal resolution. The parties agree to the following terms:

1. The Board will acknowledge during an open meeting that the requirements for holding an open meeting on February 8, 2021 was not met when two members of the Board deliberated on matters within their policy-making duty, and this acknowledgement be recorded in the minutes of said meeting.
2. The Board shall conduct training during an open meeting for all Board members and county officials, on Iowa Code chapters 21 and 22 (Sunshine Laws). The Board may utilize the power point training available on the IPIB website. The Board shall work with the county attorney to provide the training to the Board and officials.
3. The Board shall approve this resolution during an open meeting and include the full text in the minutes of said meeting. Said minutes shall be provided to the IPIB.

The terms of this informal resolution will be completed within 60 days of acceptance by all parties. Upon showing proof of compliance, the IPIB shall dismiss this complaint as successfully resolved.

THIS INFORMAL RESOLUTION HAS BEEN REVIEWED AND APPROVED BY THE

FOLLOWING:

	<u>3-25-21</u>
Kim Swearingin	<u>4-19-21</u>
	

Dave Dotts, Chair

Date of Meeting

IPIB \_\_\_\_\_

Chair

Date

Dotts made the motion to approve the Informal Resolution 21FC:0009, seconded by Seams.

Brian Shelley, Corydon Senior Meal Site Board member discussed the current condition of the Corydon Meal Site building and cost of operating. The Corydon Meal Site Board is looking into other location options to serve as Senior meal site. One location is with the Corydon Legion. Brian Shelley requested formal commit of support for the annual rent expenses of \$4,200 when the Corydon meal site funds are depleted in approximately 2 years. Wayne County Public Health Department is possibly looking into taking possession of the current meal site building for office space but Shelley Bickel, Public Health Director stated more discussions need to be held between the Public Health Board and the Board of Supervisors. Bickel also stated the next Public Health Board meeting is scheduled for May 17<sup>th</sup>. TSwearingin made motion for Wayne County to make a commit of \$4,200 to Wayne County Senior Meal site in 2 years when their funding is depleted, seconded by Seams.

Dotts completed the 3<sup>rd</sup> and final reading of the amendment to Ordinance #204

Wayne County On-Site Wastewater Treatment and Disposal System regarding

Contractor Requirements Section V): Contractors installing or repairing a private wastewater sewage system must have \$15,000 bond with the county, a current license and be registered with the Iowa Workforce. The purpose of this section is to promote and encourage quality public health and sanitation and good engineering practices with Wayne County. Wayne County recognizes the need for properly permitted private sewage disposal systems that are approved and certified by trained professionals. Wayne County Board of Health and Wayne County Supervisors will establish and enforce compliance with this ordinance and Chapter 567-69 of the Iowa Administrative Code.

The Board of Health has already approved the amendment.

TSwearingin made the motion to approve the amendment to ordinance #204 effective July 1st, 2021, seconded by Seams.

Bill Byrns, EMA\911 Director was not present.

Randy Zerr, County Engineer was not present.

Joella Perry, Veteran's Affair Director discussed FEMA funding is now available for reimbursing funeral expenses and loss of wages related to COVID-19. There are technical difficulties with the on-line application system so please call the 1-800 hot line number. Perry discussed the flag project for grave markers that her and her commissioners are working on. They have

received \$1,000 grant from Redeem that will be used for flags. Each flag is approximately \$30. They have completed the project in the cemeteries in the southern townships and now is beginning to work in the western townships of the county. The total cost of this project is between \$4,000 -\$5,000. Perry informed the Board of Supervisors about their intentions of using assistance funding in her budget toward the flag project. This will not occur until later in June to make sure all Veteran's receive the assistance they need. Perry commented that 10-15 Transit system is working great for Veteran's. Perry attended State training recently and will be complete Federal training on-line in June. Perry invited each Supervisor to attend the commissioner training in the fall. Dotts has attended the training in the past. Currently, Wayne County Veteran's and their families are receiving approximately \$135,000 of financial benefits per month and that does not include health benefits. Perry discussed the Courthouse sign project currently being worked on. The goal is to communicate important information to the public such as where they are located when entering the building, what services are offered by each office, where to go in case of a tornado or fire, where AED Defibrillator and fire extinguishers are located. Perry will follow-up with Chris Furlin regarding the sign samples for the project.

Wayne County was approved by the Iowa Public Employer Pool (IPEP) members to terminate the 28E Agreement with the group during a phone and Zoom meeting held on April 7<sup>th</sup>. Wayne County is transitioning from IPEP to Group Benefit Partners effective July 1, 2021. Employee Health Insurance is currently with United Health Care/EBS but is moving back to Wellmark/Auxiant. Ryan Berven is the Broker with Group Benefit Partners and he has set the following premiums for the county.

**FY21-22 Plan 1 (Wellmark premium, TPA fee, HRA funding)**

\$1,078.46 Single (Wayne County will be responsible for 100%)

\$2,394.93 Family (Employees will be responsible for \$860.96 and the County will be responsible for the balance.)

**FY21-22 Plan 2 (Wellmark premium, TPA fee, HRA funding)**

\$928.46 Single (Wayne County will be responsible for 100% plus \$150 contribution to the employee's HSA Account per month)

\$2,227.17 Family (Employees will be responsible for \$968.88 per month and the County will be responsible for the balance and there will be no \$150 contribution to the employee's HSA Account per month.)

These premiums allow Wayne County to increase contributions to Partial Self Fund by 5%. Also, with these new premiums it is requested that Wayne County would pay the single policy plus 35% of the additional cost for the dependent coverage since those dollars are staying with the County but set aside for a specific purpose.

Seams made the motion to approve the FY21-22 Premiums and to approve changing the 20% to 35% that the county will pay in addition to the single premium toward the family premium, seconded by TSwearingin.

Dooley will work with Jack Reed to get the Wayne County Handbook amended with the % change and communicated.

Seams spoke about the lawn care. The biggest issue is the 10 holes throughout the courtyard where trees have been removed. Seams would like the holes that need filled to be included in the spraying bid for this year. Aaron Hoelting, Building/Grounds Maintenance was unavailable to attend meeting. The courtyard is owned by the City of Corydon but the county is responsible for the maintaining it. Randy Zerr, County Engineer is working on the 28E agreement with the City. No action taken.

Seams spoke regarding the exterior condition of the Courthouse relating to the bricks, tuckpointing and painting. Seams will follow-up with local contractors in the county who perform this type of work.

Wayne County has a contract with Stafford's. Last year the balloon payment was due, but Stafford's were unable to fulfil their obligation, so the Supervisors approved the Stafford's to continue with monthly payments. TSwearingin made motion to allow Stafford's to continue with the contract if monthly payments are being made, seconded by Seams. This property is located at the county farm.

Shelley Bickel, Public Health Director recommends the supervisors to keep the mask policy for the public when in the courthouse and to continue to follow the CDC recommendations. She shared statistics for Wayne County, The State of Iowa and the Nation regarding vaccinations. There was discussion about changing the courthouse employee mask policy but after the discussion no change will occur. The mask policy will be reviewed again in June. Dooley stated that she requested this agenda item not for the mask policy but rather regarding the county's financial responsibility to the

employees moving forward relating to employees being exposed, quarantined or sick from COVID-19. The Board again is requesting the guidance from Jack regarding the legalities of the policy. Bickel stated approximately 6,500 vaccinations have been given of which approximately 3,500 are Wayne County residents. The challenge is to get the younger generation to get the vaccination. Bickel explained that vaccinations clinics will cease after May 5<sup>th</sup> but vaccinations will still be available in the county at their location, Hy-Vee and the Hospital. Dooley will follow-up with Jack Reed again regarding the county's financial responsibility passed down from state or federal mandates. Dotts expressed that employees do have sick leave and vacation leave if they are required to be off due to the Covid and TSwearingin stated again he wants to know the legalities.

No work session items discussed. Bennett expressed that it is illegal to use the term "Work Session".

Supervisor Meetings: TSwearingin had no meetings to report on.

Dotts attended Chariton Valley Transportation Advisory Committee (TAC) meeting and a Wayne County Development meeting.

All supervisors attended the April Department Head/Elected Official meeting.

Seams had another meeting but it was cancelled.

Public comments: Rhonda Bennett stated her concern that the Supervisors are not handling public comments consistently for everyone in attendance. Bennett reminded the Supervisors of her numerous warnings relating to open meeting laws and that 2 supervisors meeting together constitutes a quorum. Sue Ruble stated her opinion of the Supervisors performance regarding open meeting laws as well. Ruble believes the Treasurer is being treated unfairly. Ruble does however agree with an open-door policy for the public. Ruble expressed her opinion that Wayne County residents have a right to know how each Supervisor votes on agenda items specifically Dotts. Dotts expressed that he votes "Aye" on all matters unless he openly votes "Nay." Ruble stated that she only gave information during Board meetings unless her opinion was asked for by a Supervisor while she was Auditor. Dotts emphatically stated "We never had to ask you for your opinion because you considered yourself a full part of the meeting." Ruble stated that one county office in the courthouse does not have a barrier shield and that all the offices should have a shield to be uniform and to ensure public safety. Ruble addressed the topic of "Conflict of Interest" within the county and stated a conflict of interest with Sheriff's office and Secondary Roads as well. Ruble has heard 100's of comments thanking the TR for live streaming the Board of Supervisor meetings. Seams addressed the "Conflict of Interest" and stated that it is only a conflict if it is putting money into someone's pocket. Seams also asked Ruble how long she served as Auditor then proceeded to state that the budget has been done the same way for 37 years and the Board did not intentionally break the open meeting laws but has taken responsibility for their actions and are rectifying the situation.

Claims paid April 19, 2021

ADVANCED CORRECTIONAL, HEALTHCARE INC	INMATE CARE/SHERIFF	2,092.76
AGRILAND FS INC	FUEL/SANITATION	18,690.57
ALEXANDER, KELLEY	MILEAGE/PHN	65.50
ALLERTON LUMBER COMPANY	MAINT/CONSERVATION	26.98
ALLIANT ENERGY-IP&L	UTILITY/SEC RDS	5,818.10
ARGETSINGER, LUANN	MILEAGE/VA	110.00
B & D AUTOMOTIVE, (CARQUEST OF HUMESTON)	SHOP/SEC RDS	162.49
BAILEY OFFICE OUTFITTERS	SUPPLIES/VA	122.85
BICKEL, SHELLEY	MILEAGE/PHN	100.00
BUTTZ, DEIDRE	MILEAGE/PHN	29.50
CANINE TACTICAL, LLC	K-9 TRAINING/SHERIFF	300.00
CANTERA AGGREGATE, LLC	ROCK/SEC RDS	9,429.38
CENTRAL IOWA JUVENILE DETENTIO	SERVICE/JV	75.00
CFI SALES INC	TIRE SUPPLIES/SEC RDS	2,840.75
CITY OF CORYDON	UTILITES/GEN RELIEF	113.60
CITY OF LINEVILLE	SERVICE/CONSERVATION	1,141.94
CLARINDA ACADEMY	SERVICE/JV	419.85

CLARKE ELECTRIC COOP	UTILITES/CONSERVATION	145.70
CORYDON POSTMASTER	POSTAGE/AUDITOR	67.60
DBL EAGLE THERAPY SERVICES LLC	SERVICE/PHN	1,795.83
DOLLAR GENERAL-REG#410526	EQUIP MOVERS/SHERIFF	129.08
DOTTS, DAVID	MILEAGE/BOS	14.50
GILLMAN'S BODY SHOP	REPAIR/SHERIFF	410.00
GOBEN AUTOMOTIVE LLC	TIRE REPAIR/SHERIFF	22.44
GRADIENT9 STUDIOS	DOMAIN RENEWAL/DP	347.31
GRAND RIVER MUTUAL TELEPHONE C	SERVICE/911	448.04
GREAT WESTERN BANK-VISA	POSTAGE/BOS	4,227.28
GRUNDY ELECTRIC COOP	UTLITIES/CONSERVATION	182.78
HEALTHCARE FIRST	SERVICE/PHN	1,738.27
HY-VEE FOOD STORES	SUPPLIES/PHN	27.52
INCS; IOWA NEGOTIATION &, CONSULTING SERVICES	HR SERVICE/BOS	1,350.00
INFOMAX OFFICE SYSTEMS	SERVICE/TREASURER	740.99
IOWA COMMUNITIES	INSURANCE/911	2,291.00
IOWA COUNTY ATTORNEYS ASSOCIAT	21-22 DUES/ATTORNEY	323.00
IOWA COUNTY RECORDERS ASSOC	2021-22 DUES	200.00
IOWA DEPT OF PUBLIC SAFETY, TECHNOLOGY SERVICES	1ST QUARTER 2021/SHERIFF	978.00
IOWA EMERGENCY MANAGEMENT ASSC	CONFERENCE REG/EMC	150.00
IOWA OFFICE STATE MEDICAL EXAM	SERVICE/MED EXAM	2,501.00
IOWA PRECINCT ATLAS CONSORTIUM, (IPAC)	LAPTOP UPGRADE/AUDITOR	106.99
KARR TUCKPOINTING LLC	SERVICE/CTHSE	34,398.00
KOHL WHOLESALE	PROVISIONS/SHERIFF	3,500.24
LAIN, TERRY	1 WELL FILLED/SANITATION	500.00
LOCKRIDGE INC	SHOP/SEC RDS	149.75
MAINSTAY SYSTEMS INC	APRIL, MAY, JUNE MAINT/SHERIFF	2,313.00
MARKO'S DISTRIBUTING INC	PROVISIONS/SHERIFF	97.63
MCKESSON MEDICAL SURGICAL	SUPPLIES/PHN	84.62
MEDIACOM	SERVICE/NV	181.29
MIDWEST OFFICE TECHNOLOGY INC	SERVICE/NV	267.44
MIDWEST SANITATION & RECYCLING	UTILITIES/SEC RDS	239.00
MOORE, SUSAN	MILEAGE/PHN	26.50
NORRIS QUARRIES, LLC	ROCK/SEC RDS	3,245.91
OTTUMWA PRINTING INC	ENVELOPES/TREASURER	262.00
PERRY, JOELLA	MILEAGE/PHONE/VA	334.60
PHOENIX SUPPLY	INMATE SUPPLIES/SHERIFF	266.12
PITNEY BOWES RESERVE ACCT	POSTAGE/TREASURER	1,000.00
PODIUM INK	SHOP/SEC RDS	125.00
PRODUCTIVITY PLUS ACCOUNT, DEPT 93-1147114528	PARTS5/SEC RDS	106.45
QUILL CORPORATION	SUPPLIES/SHERIFF	144.50
SCANTRON TECHNOLOGY SOLUTIONS	SERVICE/DP	4,268.54
SCC NETWORKS	PHONE/ATTORNEY	3,876.98
SEAT TREASURER, RYAN DOKTER/AUDITOR	CEU(TL)/AUDITOR	20.00
SEYMOUR HERALD, THE	NOTICE/TREASURER	56.00
SHELTON, JENNIFER	MILEAGE/PHN	102.00
SHRED-IT USA, C/O STERICYCLE, INC.	SERVICE/PHN	38.49
SMITH WELDING SUPPLY, S J	WELDING/SEC RDS	131.48
SNOW, TERRY	MILEAGE/VA	22.00
SOUTHERN IOWA OIL	DIESEL/OIL/SEC RDS	5,734.06

STAGGS, HUBERT	MILEAGE/VA	25.00
STEPHENS-PECK INC	SERVICE/TREASURER	100.00
TRAVIS MECHANICAL	REPAIR/SHERIFF	1,844.18
W R D LANDFILL	4TH QTR ALLOC/ENVIORNMENT PRG	6,785.00
WALLACE JR, RON	MILEAGE/PHN	29.00
WASH-ECLAIR	SERVICE/SHERIFF	35.00
WAYNE CO. PUBLIC HEALTH	INMATE CARE/SHERIFF	429.59
WAYNE COUNTY HOME CARE, AIDE AGENCY	MEALS/BOS	4,002.80
WAYNE COUNTY HOSPITAL	SAFETY/SEC RDS	98.00
WAYNE COUNTY NEWSPAPERS	LEGAL/EMC	1,908.76
WOOLLIS, JESSE	TIRES/CONSERVATION	287.36

There being no further business, the next regular session meeting of the Wayne County Board of Supervisors will be held on the 3rd day of May 2021, at 9:00AM in the Wayne County Courthouse Conference Room.

Seams made motion to adjourn at 10:50AM, seconded by TSwearingin.



David Dotts, Chairperson

Attested 

Michelle Dooley, Auditor