

December 12, 2023

The Benton County Board of Supervisors met in special session with Supervisors Seeman, Primmer and Bierschenk present. The meeting was called to order at 9:00 a.m. at the Benton County Service Center. Members of the public are invited to join in during open session or watch the livestream at <https://www.youtube.com/bentoncountyiowa>. *Unless otherwise noted, all actions were approved unanimously. Summarized Resolutions will be available in the Auditor's office and at: [www.bentoncountya.gov](http://www.bentoncountya.gov)*

**Bierschenk moved/Primmer seconded:** To approve the minutes of Tuesday December 5, 2023. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve vendor checks numbered 248220 through 248226, payroll checks numbered 143084 through 143088, ACH Deposits 55277 through 55424 and claims numbered 248227 through 248433. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve the following claims that are listed in the above motion to paid from the ARPA Fund: Edwards Plumbing and Heating-\$4,470.00, Schminke Excavating, LLC-\$6,350.00 and True North-\$2,952.00. Motion carried.

**Primmer moved/Bierschenk seconded:** To accept resignation of Larry Moody as Cedar Township Clerk. Motion carried.

**Primmer moved/Bierschenk seconded:** To appoint Jerry Krug as Cedar Township Clerk and Ben Lutz as trustee. Motion carried.

**Bierschenk moved/Primmer seconded:** To accept Justin Bierschenk's resignation to the Pioneer Cemetery Commission. Motion carried.

**Bierschenk moved/Primmer seconded:** To appoint John Kreider to the Pioneer Cemetery Commission. Motion carried.

The Sheriff provided an update on recent security committee's recommendations and that is to leave things as they currently are. Sheriff also asked to table his second item.

**Primmer moved/Bierschenk seconded:** To table the employment change for Jeff Harnish at the Sheriff's Office. Motion carried. Discussion continued on the upcoming Holiday schedule and if the county would observe Tuesday, December 26 as a holiday. The Board decided to keep things as stated in the handbook.

**Primmer moved/Bierschenk seconded:** To approve out of state training for Mona Onken to attend in St. Louis, Missouri April 14-17, 2024. Motion carried.

**Bierschenk moved/Primmer seconded:** To approve Resolution #23-86, Adopting Required Policies for CDBG Funding. Motion carried.

## RESOLUTION ADOPTING REQUIRED POLICIES FOR CDBG FUNDING

### RESOLUTION # 23-86

**WHEREAS**, the Benton County has received federal funding through the Community Development Block Grant (CDBG) program; and,

**WHEREAS**, all recipients of CDBG funds are required to adopt policies that 1) minimize the direct and indirect displacement of people from their homes, 2) provide equal opportunity to all employees, applicants, and program beneficiaries in a manner that does not discriminate against any person because of race, creed, color, religion, sex, national origin, disability, age, familial status, political affiliation, citizenship, or sexual orientation 3) advise the public it will administer program and activities relating to housing and community development in a manner that prohibits discrimination on the basis of race, color, creed, religion, sex, national origin, disability, or familial status 4) ensure sound business judgement is utilized in all procurement procedures, and 5) ensure no conflict of interest, fraud, waste, or abuse arises from officers, employees, or agents of the Benton County.

**WHEREAS**, the Benton County endorses policies that 1) minimize the direct and indirect displacement of people from their homes, 2) provide equal opportunity to all employees, applicants, and program beneficiaries in a manner that does not discriminate against any person because of race, creed, color, religion, sex, national origin, disability, age, familial status, political affiliation, citizenship, or sexual orientation 3) advise the public it will administer program and activities relating to housing and community development in a manner that prohibits discrimination on the basis of race, color, creed, religion, sex, national origin, disability, or familial status 4) ensure sound business judgement is utilized in all procurement procedures, and 5) ensure no conflict of interest, fraud, waste, or abuse arises from officers, employees, or agents of the Benton County.

**NOW, THEREFORE BE IT RESOLVED**, the Benton County hereby adopts the following provisions as its official policy:

- 1) Residential Anti-displacement and Relocation Assistance Plan (RARA)
- 2) Equal Opportunity Policy
- 3) Affirmative Fair Housing Policy
- 4) Procurement Policy
- 5) Code of Conduct

Adopted by BENTON COUNTY this 12<sup>th</sup> day of December, 2023.

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Tracy Seeman, Chairman

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Rick Primmer

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Gary Bierschenk

ATTEST:

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Hayley Rippel, Benton County Auditor

**The Residential Anti-displacement and Relocation Assistance Plan under Section 104(d)  
of the Housing and Community Development Act of 1974, As Amended**

This Residential Anti-displacement and Relocation Assistance Plan (RARA) is prepared by the BENTON COUNTY in accordance with the Housing and Community Development Act of 1974, as amended, and HUD Regulations at 24 CFR 42.325 and is applicable to our CDBG, UDAG and/or HOME-assisted projects.

Consistent with the goals & objectives of activities assisted under the Act, the BENTON COUNTY will take the following steps to minimize the direct and indirect displacement of person from their homes:

- Coordinate code enforcement with rehabilitation and housing assistance programs.
- Evaluate housing codes and rehabilitation standards in reinvestment areas to prevent undue financial burden on established owners & tenants.
- Stage rehabilitation of apartment units to allow tenants to remain in the building/complex during and after the rehabilitation, working with empty units first.
- Arrange for facilities to house persons who must be relocated temporarily during rehabilitation.
- Adopt policies to identify and mitigate displacement resulting from intensive public investment in neighborhoods.
- Adopt policies which provide reasonable protections for tenants faced with conversion to a condominium or cooperative.
- Adopt tax assessment policies, such as deferred tax payment plans, to reduce impact of increasing property tax assessments on lower income owner-occupants or tenants in revitalizing areas.
- Establish counseling centers to provide homeowners and tenants with information on assistance available to help them remain in their neighborhood in the face of revitalization pressures.
- Where feasible, give priority to rehabilitation of housing, as opposed to demolition, to avoid displacement.
- If feasible, demolish or convert only dwelling units that are not occupied or vacant occupiable dwelling units (especially those units which are "lower-income dwelling units", as defined in 24 CFR 42.305).
- Target only those properties deemed essential to the need or success of the project.

The BENTON COUNTY will provide relocation assistance for lower-income tenants who, in connection with an activity assisted under the CDBG and/or HOME Programs, move permanently or move personal property from real property as a direct result of the demolition of any dwelling unit or the conversion of a lower-income dwelling unit in accordance with the requirements of 24 CFR 42.350. A displaced person who is not a lower-income tenant, will be provided relocation assistance in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR Part 24.

Adopted by the Board of the BENTON COUNTY this 8th day of DECEMBER 2023.

Signed (Tracy Seeman, Chair): \_\_\_\_\_

Date: \_\_\_\_\_

Attest (Hayley Rippel, Auditor): \_\_\_\_\_

Date: \_\_\_\_\_

**December 12, 2023**

It is the policy of Benton County to provide equal opportunity to all employees, applicants and program beneficiaries; to provide equal opportunity for advancement of employees; to provide program and employment facilities which are accessible to the handicapped and to administer its programs in a manner that does not discriminate against any person because of race, creed, color, religion, sex, national origin, disability, age, familial status, political affiliation, citizenship or sexual orientation.

The Chairperson has ultimate responsibility for the overall administration of the affirmative action/equal opportunity program. The total integration of equal opportunity into all parts of personnel and program management is the Chairperson's responsibility. The Chairperson will review all policies and procedures as they affect equal opportunity and affirmative action and ensure compliance with relevant federal and state statutes.

The right of appeal and recourse is guaranteed by Benton County. Any person who feels that he or she has been denied employment, participation, representation, or services in any program administered by the (Benton County) because of race, creed, color, religion, sex, national origin, age, disability, political affiliation, sexual orientation, or citizenship has the right to file an equal opportunity complaint. Information and assistance relative to equal opportunity complaints shall be provided by Sue Wilber, who can be contacted at 319-318-0807.

This Equal Opportunity Policy of the Benton County shall be posted in conspicuous places within the facility, distributed to all employees, contractors and to the persons of all advisory and policymaking groups.

Signed: \_\_\_\_\_

Chairperson

**PUBLIC NOTICE**  
**AFFIRMATIVE FAIR HOUSING POLICY**  
**BENTON COUNTY, IOWA**

This notice is published pursuant to the requirements of Executive Order 11063 on equal opportunity in housing and nondiscrimination in the sale or rental of housing built with federal assistance, and with Title VIII of the Civil Rights Act of 1968, as amended, which prohibits discrimination in the provision of housing because of race, color, creed, religion, sex, national origin, disability or familial status.

BENTON COUNTY advises the public that it will administer its assisted programs and activities relating to housing and community development in a manner to affirmatively further fair housing in the sale or rental of housing, the financing of housing and the provision of brokerage services.

BENTON COUNTY shall assist individuals who believe they have been subject to discrimination in housing through the resources of the Iowa Civil Rights Commission or the U.S. Department of Housing and Urban Development.

BENTON COUNTY has designated the following PERSON/OFFICE as the contact to coordinate efforts to comply with this policy. Inquiries should be directed to:

**NAME:**  Sarah Wagner

**OFFICE:**  Social Services

**ADDRESS:**  811 D Ave. Ste 33

**CITY/STATE/ZIP CODE:**  Vinton, IA 52349

**PHONE NUMBER:**  319-472-4743

**HOURS:**  8 a.m.-4:30 p.m



**PROCUREMENT POLICY**  
**FOR BENTON COUNTY, IOWA**

General (Replaces 2 CFR 200.318)

Subrecipients of the CDBG program must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

The subrecipient alone shall be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the subrecipient of any contractual responsibilities under its contracts.

Conflicts of interest in awarding contracts (Replaces 2 CFR 200.318)

The subrecipient must maintain written standards of conduct covering and governing the actions of its employees engaged in the selection, award and administration of contracts. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the subrecipient may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts.

If the subrecipient has a parent, affiliate, or subsidiary organization that is not a state, local government, or Indian tribe, the subrecipient must also maintain written standards of conduct covering organizational conflicts of interest. Organizational conflicts of interest means that because of relationships with a parent company, affiliate, or subsidiary organization, the subrecipient is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization.

IEDA may terminate contracts with any CDBG subrecipient that violates this policy and may require full repayment of funds issued to the subrecipient.

Best Cost (Replaces 2 CFR 200.318)

The subrecipient's procedures must avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.

The subrecipient is encouraged to use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.

Responsible Contractors (Replaces 2 CFR 200.318)

The subrecipient must award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

Awards must not be made to parties listed on the governmentwide Excluded Parties List System in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR Part 1986 Comp., p. 189) and 12689 (3 CFR Part 1989 Comp., p. 235), "Debarment and Suspension." The Excluded Parties List System in SAM contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

The subrecipient must maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to the following:

1. rationale for the method of procurement
2. selection of contract type
3. contractor selection or rejection
4. the basis for the contract price.

Competition (Replaces 2 CFR 200.319)

All procurement transactions must be conducted in a manner providing full and open competition consistent with the standards of this section. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals shall be excluded from competing for such procurements. IEDA will consider requests for waivers of this provision. The subrecipient must make a sufficient showing that the number of contractors that provide the goods or services is insufficient that it is necessary to not exclude contractors that developed or drafted specifications, requirements, statements of work, or invitations for bids or requests for proposals.

Examples restrictions on competition include but are not limited to:

1. Placing unreasonable requirements on firms in order for them to qualify to do business;

2. Requiring unnecessary experience and excessive bonding;
3. Noncompetitive pricing practices between firms or between affiliated companies;
4. Noncompetitive contracts to consultants that are on retainer contracts;
5. Organizational conflicts of interest;
6. Specifying only a "brand name" product instead of allowing "an equivalent" product to be offered and describing the performance or other relevant requirements of the procurement; and
7. Any arbitrary action in the procurement process.

The subrecipient must conduct procurement in a manner that prohibits the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal or State of Iowa law expressly mandates or encourages geographic preference. Nothing in this section preempts state licensing laws.

When contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion, provided that an appropriate number of qualified firms remain, given the nature and size of the project, to compete for the contract.

The subrecipient must have written procedures for procurement transactions. These procedures must ensure that all solicitations:

1. Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided. When it is impractical or not reasonably feasible to make a clear and accurate description of the technical requirements, a "brand name or equivalent" description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated; and
2. Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

#### **Types of Procurement** (Replaces 2 CFR 200.320) (based on Iowa Code section 11.117 & 11.118)

The procurement method used by the subrecipient is determined by what is being procured: construction, professional services (such as architectural, engineering, or technical services), or other general goods and/or services.

For **construction**, subrecipients shall refer to and follow Iowa Code chapter 26 (<https://www.legis.iowa.gov/docs/code/2022/26.pdf>). Be aware that there are differing contract dollar thresholds depending upon the type of project and the type of subrecipient (e.g., county, city with a population of less than 50,000, city with a population over 50,000, etc.). These thresholds are periodically updated; please check the Code for the most current information. If your construction project cost is estimated to be below the threshold for competitive quotes referenced in Iowa Code chapter 26, you must follow the "other general goods and/or services" procurement guidelines listed below (most likely the Simple method).

For **professional services (such as architectural, engineering, or technical services)**, subrecipients shall use a formal *competitive selection* process to procure the services. The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. For more detail, see the fourth method of procurement below, "competitive proposals."

For **other general goods and/or services**, subrecipients shall follow the one of the four following methods depending upon anticipated total purchase cost of (a batch of) item(s) that can be procured from a similar vendor pool:

1. **Small:** Estimated annual value does not exceed \$5,000 and does not exceed \$15,000 for multiyear contracts: The subrecipient does not need to solicit competitive quotations if the subrecipient considers the price to be reasonable. To the extent practicable, the subrecipient must distribute such procurement equitably among qualified suppliers.
2. **Simple:** Estimated annual value exceeds \$5,000 but less than \$50,000 per year and does not exceed \$150,000 for multiyear contracts: The subrecipient may use an informal competitive selection process to engage a service provider. Informal selection means price or rate quotations must be obtained from an adequate number of qualified sources. The subrecipient may contact the prospective service providers in person, by telephone, fax, email or letter. The subrecipient should solicit at least three prospective service providers. The subrecipient must justify, to IEDA's satisfaction, contacting fewer than three service providers. The justification shall be included in the contract file.
3. **Sealed bids:** (formal advertising): Estimated annual value exceeds \$50,000 per year and exceeds \$150,000 for multiyear contracts: **Bids** are publicly solicited and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price. A complete, adequate, and realistic specification or purchase description will be developed before bidding. The following requirements apply:

- a. Bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids, and the invitation for bids must be publicly advertised (not required for nonprofit entities);
  - b. The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;
  - c. All bids will be opened at the time and place prescribed in the invitation for bids, and the bids must be opened publicly.
  - d. The subrecipient shall enter into a firm fixed price contract award with the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and
  - e. Any or all bids may be rejected if there is a sound documented reason.
4. **Competitive Proposals (RFP):** Estimated annual value exceeds \$50,000 per year and exceeds \$150,000 for multiyear contracts: The technique of **competitive proposals** is normally conducted with more than one source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. It is generally used when a sealed bidding process is not appropriate, generally for service contracts, such as archeological services, historian services, or asbestos testing, although if the price point is below this threshold, an RFP is not required but merely recommended. Apart from **professional services** such as architectural/engineering (A/E) services or technical assistance (TA) (which uses a competitive method regardless of contract price – see note below for A/E process), this method is not commonly used for traditional CDBG projects. If you believe your projects warrants this method for anything other than the professional services identified above, please consult with your IEDA project manager prior to initiating the process. If this method is used, the following requirements apply:
- a. Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical;
  - b. Proposals must be solicited from an adequate number of qualified sources;
  - c. The subrecipient must have a written method for conducting technical evaluations of the proposals received and for selecting recipients;
  - d. Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and
  - e. The subrecipient must use competitive procedures for qualifications-based procurement (i.e., RFQ: Request for Qualifications) of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

Noncompetitive proposals: Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:

- (1) The item is available only from a single source. This type of procurement is referred to as sole-source procurement;
- (2) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
- (3) The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity; or
- (4) After solicitation of a number of sources, competition is determined inadequate. This type of procurement is referred to as single-source procurement.

Targeted Small Businesses – Minority, Disabled, and Woman Owned Businesses  
(Replaces 2 CFR 200.321)

The subrecipient must take all necessary affirmative steps to ensure that minority businesses, women's business enterprises, businesses owned by disabled persons, and labor surplus area firms are used when possible. Affirmative steps must include:

- (1) Placing qualified small and minority businesses, small women's business enterprises, and small businesses owned by disabled persons on solicitation lists. Link to a directory of Targeted Small Businesses in Iowa: <https://iowaeda.microsoftcrmporals.com/tsb-search/>;
- (2) Ensuring that Targeted Small Businesses are solicited whenever they are potential sources;
- (3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by Targeted Small Businesses;
- (4) Establishing delivery schedules, where the requirement permits, which encourage participation by Targeted Small Businesses;

(5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration, the Minority Business Development Agency of the Department of Commerce and the Iowa Economic Development Targeted Small Business Program <https://www.iowaeconomicdevelopment.com/tsb>; and

(6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.

#### Recycled Content and Products (Replaces 2 CFR 200.322)

When appropriate, specifications shall include requirements for the use of recovered materials and products.

The specifications shall not restrict the use of alternative materials, exclude recovered materials, or require performance standards that exclude products containing recovered materials unless the subrecipient seeking the product can document that the use of recovered materials will impede the intended use of the product.

#### Cost Analysis and Contract Price (Replaces 2 CFR 200.323)

The subrecipient must perform a cost or price analysis in connection with every procurement action in excess of the small, simple and professional acquisition thresholds, including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, the subrecipient must make independent estimates before receiving bids or proposals.

The subrecipient must negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

Costs or prices based on estimated costs for contracts under the Federal award are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable for the subrecipient under 2 CFR 200.402 - 406.

The cost plus a percentage of cost and percentage of construction cost methods of contracting shall not be used.

#### Review of Procurement Documents and Procurement System (Replaces 2 CFR 200.324)

The subrecipient must make available upon request pre-procurement review; procurement documents, such as requests for proposals or invitations for bids; or independent cost estimates, when:

1. Requested by IEDA;
2. The procurement is expected to exceed the small, simple and professional acquisition thresholds and is to be awarded without competition or only one bid or offer is received in response to a solicitation;
3. The procurement, which is expected to exceed the small, simple and professional acquisition thresholds, specifies a "brand name" product;

IEDA Certification: The subrecipient may request that IEDA certify that its procurement system meets these standards.

Self-certification: The subrecipient may self-certify its procurement system. Such self-certification shall not limit IEDA's right to review and survey the system. If a subrecipient self-certifies its procurement system, the IEDA may rely on written assurances from the subrecipient that it is complying with these standards. The subrecipient must cite specific policies, procedures, regulations, or standards as compliant with these requirements and make its system available for review.

#### Bonding (Replaces 2 CFR 200.325)

For construction or facility improvement contracts or subcontracts for public improvement projects and multi-family residential buildings, the minimum requirements shall be as follows:

- a. A bid guarantee from each bidder is equivalent to five percent of the bid price. The "bid guarantee" must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.
- b. A performance bond for 100 percent of the contract price. A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.
- c. A payment bond for 100 percent of the contract price. A "payment bond" is one executed in connection with a contract to ensure that the contractor will pay as required by law all persons supplying labor and material in the execution of the work provided for in the contract.

The subrecipient may petition IEDA to accept its bonding policy, provided that IEDA has made a determination that the Federal interest is adequately protected.

Recipients are expected to comply with all state requirements regarding bonding requirements for public improvement projects: <https://www.legis.iowa.gov/docs/code/2019/573.pdf>

Recipients should consult with their legal counsel to determine how state requirements may impact their CDBG project.



Contract Provisions (Replaces 2 CFR 200.326)

The subrecipient's contracts must contain the applicable provisions set out in Appendix II of the CDBG Management Guide.

**ACKNOWLEDGEMENT AND ADOPTION**

As a recipient of Community Development Block Grant (CDBG) funds, the BENTON COUNTY adopts the State of Iowa's CDBG Procurement Policies and Procedures and agrees to apply all policies and procedures to CDBG funded projects within BENTON COUNTY

Adopted by BENTON COUNTY on this 12th day of December, 2023.

Chief Elected Official:

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Tracy Seeman, Chairman of the Board of Supervisors

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Signature

ATTEST:

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Signature

Hayley Rippel, Benton County Auditor

## CODE OF CONDUCT

### PURPOSE

The purpose of this Code of Conduct is to ensure the efficient, fair, and professional administration of federal grant funds in compliance with 2 CFR Part 200.318 and other applicable federal and state standards, regulations, and laws.

### APPLICATION

This Code of Conduct applies to all officers, employees, or agents of BENTON COUNTY engaged in the award or administration of contracts supported by federal grant funds.

### REQUIREMENTS

No officer, employee, or agent of BENTON COUNTY shall participate in the selection, award, or administration of a contract supported by federal grant funds, if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

- a. The employee, officer, or agent;
- b. Any member of his/her immediate family;
- c. His/her partner;
- d. An organization that employs, or is about to employ any of the above; or has a financial or other interest in the firm selected for award.

BENTON COUNTY's officers, employees, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, subcontractors, or others involved in the contract, *beyond that allowed by applicable federal and state laws.*

### FRAUD, WASTE AND ABUSE

BENTON COUNTY has zero tolerance for the commission or concealment of acts of fraud, waste, or abuse. All officers, employees, or agents shall notify BENTON COUNTY of suspected actions. Allegations of such acts will be investigated and pursued to their logical conclusion, including legal action where warranted. Concerns may be reported to Ron Tippett, Sheriff at 319-472-2337.

### REMEDIES

To the extent permitted by federal, state, or local laws or regulations, violation of these standards may cause penalties, sanctions, or other disciplinary actions to be taken against BENTON COUNTY's officers, employees, or agents, or the contractors, potential contractors, subcontractors, or their agents.

Passed and adopted this 12<sup>th</sup> of December, 2023.

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Signature

Tracy Seeman, Chairman of the Board of Supervisors

ATTEST:

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Hayley Rippel, County Auditor

**Primmer moved/Bierschenk seconded:** To approve Resolution #23-87, Adopting CDBG Required Policy on the Prohibition of the Use of Excessive Force. Motion carried.

### **RESOLUTION #23-87 RESOLUTION ADOPTING CDBG REQUIRED POLICY ON THE PROHIBITION OF THE USE OF EXCESSIVE FORCE**

WHEREAS, Benton County has received federal funding through the Community Development Block Grant (CDBG) program; and

WHEREAS, Section 519 of the Department of Veteran Affairs and U.S. Department of Housing and Urban Development, and Independent Agencies Appropriations Act of 1990 requires that all CDBG recipients adopt and enforce a policy to prohibit the use of

excessive force by law enforcement agencies within the recipient's jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

WHEREAS, all recipients of CDBG funds are further required to follow a policy of enforcing applicable state and local laws against physically barring entrances or exits to a facility that is the subject of a nonviolent protest demonstration; and

WHEREAS, the County endorses a policy prohibiting the use of excessive force and will inform all law enforcement agencies within its jurisdiction of this policy,

NOW, THEREFORE, BE IT RESOLVED, that Benton County hereby prohibits any law enforcement agency operating within its jurisdiction from using excessive force against any individuals engaged in nonviolent civil rights demonstrations. In addition, the County agrees to enforce any applicable state or local laws against physically barring entrances or exits from a facility or location that is the subject of a non-violent protest demonstration. Benton County further pledges enforcement of this policy within its jurisdiction and encourages any individual or group who feels that the Benton County has not complied with this policy to file a complaint.

Information and assistance relative to excessive force complaints shall be provided by Ronald Tippett, Sheriff, which may be contacted at 319-472-2337.

Adopted by Benton County on the 12<sup>th</sup> day of December, 2023.

\_\_\_\_\_  
Tracy Seeman, Chairman

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Rick Primmer

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Gary Bierschenk

ATTEST:

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Hayley Rippel, Benton County Auditor

**Primmer moved/Bierschenk seconded:** To authorize and approve the chairman's signature on the documents pertaining to the Community Development Block Grant Services (CDBG) service agreement. Motion carried.

Shelby Williams, Conservation Director also provided an update on Hannen Park. The construction is done and they will be hosting the January Conservation Board meeting there. The well work at Rodgers park is complete also.

Gary Bierschenk reported on his HACAP Board of Directors meeting. Supervisor Seeman reported on his Eastern Iowa Trust Fund and ECICOG meetings. The Sheriff touched a little on the radio test done last week in Marshalltown at RACOM, and said that the capabilities with the new system is very impressive.

Under Public comments:

Elana Janss reported to the board about a recent sheriff's order to remove dangerous and vicious dogs off her property. She has wolf dog hybrids, with very low wolf content. Janss stressed she is a very responsible dog owner and fence and padlocked gates and that all her dogs are vaccinated and microchipped. The Sheriff Ron Tippet was also present and told Janss, he had received complaints about the impact on cats, chickens and some sheep in the area. Janss said she does have one problem dog, and is looking to rehome this one who occasionally gets out and runs, but didn't feel all the animals needed to be removed due to one.

Sheriff Tippett suggested postponing this for a week so that the Board can read over the paperwork. It will be put back on the agenda for next week, Tuesday, December 19, 2023 at 9:30 a.m.

**Primmer moved/Bierschenk seconded:** To adjourn. Motion carried.

\_\_\_\_\_  
Tracy Seeman, Chairman

ATTEST: \_\_\_\_\_

Hayley Rippel Benton County Auditor