

March 26, 2024

The Benton County Board of Supervisors met in regular session with Supervisors Primmer, Bierschenk and Seeman present. Primmer called the meeting 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>. *Summarized Resolutions will be available in the Auditor's office and at: www.bentoncountyiowa.gov*

Chairman Primmer opened the meeting and pointing out agenda items #8 and #15. Item #8 will be struck and it was his understanding that this item was going to be discussed later this morning at 10:30 a.m. Hayley Rippel, Auditor stated she wasn't aware this was the topic for the closed session at 10:30. She asked why that item was placed on the agenda. Primmer said it was neither here nor there, that it had been removed. Next up he wanted to provide clarification on item #15. Primmer had referred it to the county attorney's office but since they made the first complaint, that it would be bad on his part to strike that item since they were the ones who put it on. Primmer also recommended some changes to future agendas by not listing items as timed events. He said this is out of the ordinary and should be used for public hearings only. Lexa Speidel, County Recorder asked "if you do take the timed items off, will I have to sit here all morning to wait for you to get to my item when I'm supposed to be working?" If you are on the agenda, you should be here, that way there isn't a lull and we aren't sitting around waiting for the next timed item, answered Primmer. Auditor Rippel asked if she could provide input regarding agendas. She asked that department heads be respectful of her time, and get the items to her by 8:30 a.m. on Monday mornings. Primmer agreed that wasn't unreasonable. Barb Greenlee asked about public hearings notices that are required for publication. She was assured these will still get an assigned time. Jill Marlow, retired County Auditor asked for clarification if this was legal counsel that recommended the agenda changes? Chairman Primmer answered that it was a meeting that all department heads were at and that no it was not by legal counsel but input received from an instructor for leadership training.

Bierschenk moved/Seeman seconded: To approve the agenda with the Chairman's recommended changes. Voting aye were Primmer, Seeman and Bierschenk. Motion carried.

Sue Wilber presented a new hire to start June 3, 2024 in the County Attorney's office, Derek Marsh will be graduating in May, and will work as a paralegal until he passes the bar exam.

Maggie Mangold asked for clarification? If this hire was in addition to the county attorney hired a few months ago. Primmer stated that we did not end up hiring that person due to being subject to checks and balances. Seeman asked if this hire would be by contract. Wilber said that it was not just provisions worded in the resolution.

Seeman moved/Bierschenk seconded: To approve Resolution for hiring Derek Marsh as assistant county attorney, but then followed it up with asking for clarification of referring to Assistant County Attorney vs Paralegal.

Tim Dille explained how we have done this in the past. They have hired them as a paralegal and revisited the position after they passed the bar then promote to assistant attorney. Primmer asked for clarification if we can do this if it is listed as county attorney on the agenda, not paralegal. Tim Dille suggested that they correct the wording and re-do it at a future meeting.

Seeman withdrew his motion.

Seeman moved/Bierschenk seconded: To approve Resolution #24-24, Hiring Equipment Operator at secondary roads. Voting aye were Primmer, Seeman and Bierschenk. Motion carried.

RESOLUTION #24-24

APPROVE HIRE OF EQUIPMENT OPERATOR

WHEREAS: Benton County Secondary Roads Department has an opening to fill for an Equipment Operator for Secondary Roads; and

WHEREAS: Applications were accepted for this position and,

WHEREAS: These applications have been reviewed and evaluated.

THEREFORE BE IT RESOLVED BY The Benton County Board of Supervisors that Ron Ragen be hired to fill one position of Equipment Operator at a starting wage of \$26.63 per hour starting April 1, 2024. This is an Equipment Operator II classification with a Labor Grade IVA.

Signed this 26th day of March, 2024

Rick Primmer, Chairman

Gary Bierschenk

Tracy Seeman

ATTEST:

Hayley Rippel, Benton County Auditor

Bierschenk moved/Seeman seconded: To approve Resolution #24-25, Promotion of Dennis Eden in the Sheriff's Office. Voting ate were Primmer, Seeman and Bierschenk. Motion carried.

RESOLUTION #24-25

APPROVE SHERIFF'S OFFICE DUTY OFFICER

WHEREAS: Benton County Sheriff's Office has an opening to fill for a Duty Officer and,

WHEREAS: Dennis Eden has been employed as a Correctional Officer in the Sheriff's Office since 2013, and

WHEREAS: Dennis Eden meets the qualifications outlined in the job description and has made formal notification of his intent to undertake the duties of the role, and

WHEREAS: the Sheriff recommends that Eden be promoted from Correctional Officer to Duty Officer.

THEREFORE BE IT RESOLVED BY The Benton County Board of Supervisors that Dennis Eden fill this role at the pay rate of \$30.33 per hour with an effective start date of April 1, 2024.

Signed this 26th day of March 2024.

Rick Primmer, Chairman

Gary Bierschenk

Tracy Seeman

ATTEST:

Hayley Rippel, Benton County Auditor

Scott Hansen, EMA Director shared an update on the radio project and as its getting closer to the end. Technology continues to change and they need to upgraded routers. He presented change order #7 and also recommended ordering the spare parts that were listed within the original contract.

Seeman moved/Bierschenk seconded: To accept change order #7 from Racom for the Emergency Radio Project with cost savings of \$3,200. Primmer, Seeman and Bierschenk voting aye thereon. Motion carried.

Questions from the public were as follows:

Wayne Siela, curious on what the cost of this project to taxpayers overall is. Supervisor Seeman said it was a \$7.2 million contract. \$2 million was offset using ARPA funds. Another member of the public asked If the public can see proof of purchase and receipts for this project, and if there had been anything paid under the table. Primmer assured them there had not been. Auditor Rippel said all the invoices and contracts are available to the public in her office. Scott Hansen also explained the 28E Shared Area Radio Agreement (SARA) and what a great asset that it will be. The ability to communicate and interconnect with all respective adjoining jurisdictions. Jeremy Greif asked about the life expectancy on these parts and project? Hansen said the annual maintenance is part of the 10-year contract. Will equipment need replaced, possibly, but without knowing where technology will take us, nobody knows. Radio waves put off was also touched on.

No other comments

Seeman moved/Bierschenk seconded: To authorize the purchase of the spare parts that were listed as an option in the original contract. Primmer, Seeman and Bierschenk voting aye thereon. Motion carried.

Scott Hansen explained how Tracy had obtained some quotes from Polyfix Concrete out of Iowa City. Scott presented the two different quotes along with pictures of the repairs that are needed. One being as you enter the EMA Office and carries into the communications room on center wall for \$1,900. The other is in the EOC East and North wall that is starting to sink also for an additional \$2,590. We determined while they were doing this, the Board has the option of doing one or both areas. Emergency management does not budget for building maintenance since they do not own the building. They secured a federal grant to build the EOC with agreement that the county owns the building and covers all building and maintenance costs. Jim Gill, local resident asked what is causing this cement issue. Hansen explained where it has been setting is along the original footings. They first noticed issues after the 2016 flood after water was sitting up underneath, and it has slowly been progressing. Barb Greenlee suggested they check with the city since it is in the flood plain and Jill Marlow asked about FEMA stipulations.

Seeman moved/Bierschenk seconded: To approve the quotes from Polyfix Concrete in the amount of \$4,490 to repair both areas, granted proper approval from the City of Vinton and FEMA. Voting aye were Primmer, Seeman and Bierschenk. Motion carried.

Rick Wood, County Maintenance Director presented quotes obtained for some soffit painting at the Benton County Service Center as follows:

Triple cross Restoration (Keith Lindsey)-\$3,200

Superior Painting and Exterior- \$23,484

Schlarbaum Construction -\$18,424

Seeman moved/Bierschenk seconded: To approve the lowest bid of \$3,200 from Triple Cross Restoration to do the work at the Benton County Service Center. Primmer, Seeman and Bierschenk voting aye. Nays none. Motion carried.

Bierschenk moved/Seeman seconded: To set Tuesday April 23 at 9:30 a.m. for a public hearing to vacate part of 24th Ave. Dr. in Harrison Township pursuant to Iowa Code Chapter 306. Voting aye were Primmer, Bierschenk and Seeman. Motion carried.

The Engineer presented Motor Grader quotes received as follows:

Martin Equipment-2024 John Deere 770G w/Henke Wing with options-\$407,250

Martin Equipment-2024 John Deere 770G w/Falls Wing with options-\$397,290

Altorfer Caterpillar 150 with additional warranty-\$449,607

Seeman moved/Bierschenk seconded: To approve the low bid of \$397,290 from Martin Equipment for a 2024 John Deere 770G with Falls Wing and premium options. Voting aye there on were: Primmer, Seeman and Bierschenk. Motion carried.

Supervisor Chairman reminded the people in the room that the next timed item on the agenda is a board discussion with an employee. If they had something they wanted to say beforehand, they would like to hear that now.

Lexa Speidel, County Recorder asked for explanation what reasons and why we were here discussing this. Primmer said there was an investigation as to whether or not an employee followed his directive from a superior, and this investigation led after an initial complaint was filed by the county attorney's office.

Various members of the public spoke up with questions. Who is Ben's director superiors? The Supervisors are.

Why did the county attorney file a complaint? Primmer explained it had to do with security cameras in the board room. If we are in closed session that all recordings are kept confidential for a year and minutes are taken and they are sealed for a year. We don't want security footage recording during those closed sessions. Tim Dille stated that Iowa Code states anything in a closed session is sealed to prevent public dissemination. If those videos were available and given to the public after a meeting, someone could possibly zoom in and see documents or read lips, this becomes a security issue.

Are you saying those videos were released to the public and that is the problem? Or what is the issue? Molly Hach asked.

Kelly Van Ree asked if this was a new concern because she has been attending the meetings since the beginning of the year, and there hasn't been closed sessions. Or is this related to the 2/2/2024 IPIB complaint?

Chairman Primmer explained that the County Attorney had indicated that there was going to be a closed session in the near future and he had learned of the security cameras and stated that they needed to be turned off for confidentiality in the closed sessions.

Kathy Tumilty asked if they were going to take away cameras for all the meetings that the public enjoys watching. Primmer explained there are two cameras, one for the Youtube and the other security.

Auditor Hayley Rippel stated that normally we have a security committee that acts on the security issues. I don't feel safe without a security camera, this building houses a lot of disgruntled people. Lexa Speidel also asked why the security cameras issue didn't come to the security committee first? Primmer asked when the security committee took action for such cameras.

Rippel said there was a security camera in the previous board room in the courthouse also. There have been improvements and this building wasn't here when the security committee initially started. Jill Marlow, understood the concern, but outside of closed sessions, why wouldn't you want security? Primmer said the sheriff attends the meetings. Sheriff Ron Tippett said he would like to see this matter of the camera issue go back to the security committee. We could get the minutes of the past meeting and see how this was discussed. Jill Marlow, getting back to another question, who is the IT supervisor, there was never anything that she saw on the agenda or minutes to direct him to disconnect a camera if supervisors can't act on things without board action.

Maggie Mangold asked who has access to security footage, was there actually concerns if the security footage was breached, or was it restricted? Tim Dille said the issue was for the board to discuss.

Lexa Speidel spoke up and stating how Ben is a wonderful IT person, if we didn't have him in this county we'd be up a shit creek.

Hayley Rippel also added the importance of cyber security and she couldn't do elections without.

Ben Turnis waived his right to go into closed session. So the board proceeded with an open meeting format.

Sue Wilber was tasked at looking into the issue of Ben not following directive from superiors. After getting his side of the story, there were some handbook violations that had been brought to light. She was asked to summarize the findings and bring back to the supervisors. Primmer asked Sue to read it aloud. Wilber asked if they wanted her to go make copies and share with the board. Jill Marlow asked to see this document, it was a public document. The board took a break to allow for copies to be made.

Auditor Rippel stressed that the public hearing for the Maximum Tax Asking had to take place at 10:00 a.m. due to the requirements of HF 718 and it needs to be a totally separate meeting.

Seeman moved/Bierschenk seconded: To recess this meeting so that the Board could open the Public Hearing on time. Primmer, Seeman and Bierschenk voting aye thereon. Motion carried.

*** Separate set of minutes for the Tax Hearing.*

Primmer formally called the 9:00 a.m. meeting back to order. at 10:22 a.m.

Seeman moved/Bierschenk seconded: To approve the minutes of March 19, 2024. Chairman Primmer asked for clarification in a couple areas. One being the approve/deny the FY 25 ag land and family farm credits as approved. Was it approve or deny. Another area in concern was where Kellie Van Ree had concerns of her witnessing Wilber addressing the Auditor how documents are handled in board meetings and questioned her professionalism. If we make it part of the forever minutes, we should have both sides of that in the minutes. Auditor Rippel asked what he wanted her to add, that she had no problem doing so. Primmer recommended pulling that all out in its entirety and keeping it simple. Kellie Van Ree spoke up in regards to her comment stating that it wasn't referring to whether it be on the record or not, but pointing after pointing out Wilber's unprofessionalism and that her response was that "she was sorry that she didn't mean for it to come off that way." No voting took place after the motion and discussion. Motion failed.

Seeman moved/Bierschenk seconded: To approve Payroll checks numbered 143207 through 143212, ACH Deposits 56449 through 56593, claims numbered 249297 through 249422 and vendor checks numbered 249423 through 249429. Primmer, Seeman and Bierschenk voting aye thereon. Motion carried.

Seeman moved/Bierschenk seconded: To appoint Larry Hlas to Van Horne Benefited Fire District. Primmer, Seeman and Bierschenk voting aye thereon. Motion carried.

Bierschenk moved/Seeman seconded: To approve out of state training for Joyce Bane and Lori Siela from the County Attorneys' office to attend in St. Louis, Mo on April 2-4, 2024. Voting aye were: Primmer, Seeman and Bierschenk. Motion carried.

Ben Turnis reported to the board he had a meeting with a vendor at noon that he had already rescheduled once. Tim Dille explained that talking with Ray Lough, those copies regarding Ben's investigation is confidential. Personnel files are property of the county's. Maggie Mangold reported that IPIB has ruled on this, if something is presented in open session, it is a public document and if Ben waived his right to the confidentiality to be in the closed session. If the copy was given to Ben, then he can distribute to anyone he would like.

Seeman asked if the 10:30 item could wait, if we could get this moving forward. Kellie Van Ree asked if we were paying the other attorney, no offense to Ben, that we should probably do that.

Primmer asked if Ben Turnis would be available if they call him as long as it wasn't too close to his noon appointment. Turnis agreed. Primmer also asked Auditor Rippel in regards to the minutes of Tuesday, March 19th if she could get them revised and approved Thursday night. Rippel explained that agenda was already posted and that was EMS Advisory Council's agenda not Board of Supervisors.

Tim Dille was going to check with Attorney Brent Hinders that came from Des Moines to see what his schedule was. Supervisors were asked if he is on retainer, or do we pay per hour, Maggie Mangold said she has heard both? Primmer said he believed we pay per hour and said "we sure get a lot of bills."

Dille reported that since we had it as a timed event at 10:30 that they should go with it.

Seeman moved/Bierschenk seconded: To recess at 10:32 a.m. Primmer, Seeman and Bierschenk voting aye thereon. Motion carried.

***Separate minutes for the 10:30 a.m. closed session on 3/26/2024.*

Deputy Auditor Gina Rippel took over the minutes from here.

Seeman moved/Bierschenk seconded: to re-enter into session from recess of the 9:00 meeting. Voting aye were Primmer, Bierschenk and Seeman. Motion carried.

Board resumed employee evaluation with Ben Turnis Information Technology Director.

Primmer questioned if Turnis had time to continue due to his meeting at noon. Turnis stated he pushed back his meeting. Auditor's office also moved there meeting back.

Primmer instructed Sue Wilber to pick up where they left off.

Wilber explained that she was tasked to investigate Turnis for not following the directive of removing the security camera in the Service Center Conference Room and had a summary of the events that transpired.

Wilber's investigation stated that Turnis swore, insubordination, lying and provided misleading information regarding removal of the security camera in the Service Center Conference Room. County Attorney's office discovered the camera after an open records request. The Attorney's office stated that they wanted the camera removed due to closed session meetings that they were planning on in the near future for a Board meeting. Ray Lough, County Attorney, stated that there are some people who can read lips and would be able to know what would possibly been said in there, "it's a legal matter." Turnis stated he was instructed only verbally by one supervisor, Tracy Seeman and Lough. For security reasons he didn't want to remove it until he either was instructed by the Security Committee or in writing. Turnis didn't want something to happen and then the liability to fall back on him. Turnis contacted the Security Committee Chairman Ron Tippet, he also thought it needed to be put on the Security Committee's agenda to discuss to remove a security camera. Turnis did remove the security camera once he received an email from Lough. After the investigation was read, Primmer stated that the problem is the precedence the board has set in in the past. They have previously asked employees for their resignations or suspension without pay. Primmer asked fellow supervisors for their input. Seeman stated he agreed with Turnis, that it was a decision that should have been made by the Security Committee. Bierschenk, "I'm going to keep my mouth shut at this point." Seeman said his motion would be to put a letter of reprimand in Turnis' permanent file for the bad words. Primmer questioned what about the lying. Seeman stated, "bad words and that's it". Wilber also asked for clarification for her letter to write up, asking if it was just for the foul language and not for the lying. Seeman again stated it would only be for the bad language.

Seeman moved/Bierschenk seconded: To put a letter of reprimand in Ben Turnis, Information Technology Director, for bad words in his permanent personnel file. Voting aye were Seeman, and Bierschenk. Vote nay was Primmer. Motion carried.

Primmer asked for the Supervisor reports. Seeman gave a brief report regarding the Radio towers, 3 towers are up and running and talking to each other right now. Landfill meeting, they are taking dirt from Linn County, getting lots of dirt in. Primmer said he had a Central Iowa Juvenile Detention meeting last Friday and we are way over budget and have items to get corrected as Account Payable year to date is \$46,920 and we budgeted \$26,000.

Wilber was instructed per Primmer to give an update on the Safety Committee since she ran the meeting. Several members from several departments were in attendance, reviewed several potential safety issues that they were not aware of. Looking at having these meetings monthly, then eventually having them done quarterly after they get established. The committee may have a member walk along with the Grand Jury to see if there are any hazards that they might point out as well. Primmer added that Heartland Insurance has safety audits for Secondary Roads, but he thinks they should be done for all of the buildings.

Primmer questioned Lough on the contract on the Radio towers. Lough said he did a contract with the 28E with Benton and Iowa. Purchase agreement is done with Barnes. Deed is done with Barnes and Scott Hansen has the deed.

Hansen questioned Wilber why he was not invited to the Safety Committee as Emergency Management and he didn't know the meeting was even going on last Thursday. Wilber questioned if he responded to her email asking who wanted to be on the committee, Hansen stated he did the same day and stated that the EMA Coordinator will participate. Hansen asked Dean Vrba what Wilber told him regarding this meeting Vrba responded that Wilber told him that Hansen put Vrba's name down. Primmer stated it was an informative meeting. Edler questioned Primmer how he introduced himself for that committee. Primmer responded that "I was the a**hole of the county, you don't believe me Valerie will attest to it." Rippel stated, "you just reprimanded Ben for foul language, how is that setting an example in front of all those people." Primmer responded, "Ok put it in my personnel file." Hansen addressed that he would like an invite to the next Safety Committee meeting as he is still the EMA Director until June 30. Wilber, "My apologizes for making a mistake." Hansen, "and telling a lie." Wilber, "it's not a lie, has anyone ever in this room ever made a mistake?"

Board moved onto public comment:

Lexa Speidel, "I want to state again that I think that they should of went to the Security Committee for this camera." Lough, "the reason that it didn't go to the Security Committee is that it's a legal issue, it's a legal issue first and not a safety issue first." Speidel continued, "we have a lot of good people working for this county and it's really sad that it's come to this point where it's a he say-she say thing that Ben said something, we have a lot of frustration going on in this county right now and with Ben's making comments or swearing, I am sure we all have sworn lately because of the frustration that's going on here and it is sad to me to see good people working for this county we are here to serve our county taxpayers. We are elected in the people who work for this county like Ben, he puts his heart and soul into this job, and like I said before, we are going to be up a s**t creek if we didn't have IT, and I'm swearing, sorry. But there you go."

Kellie Van Ree, "I would like to formally say, that I think your comment about precedence are hypocrisy because you set a precedent that the supervisors can slap people's butts, they can wrongfully pay employees, you sit here week after week and let Sue belittle all of the county employees and your sitting here telling your staff that they can't do the same thing? I formally request all 3 of your resignations and the HR Director's."

Dana Sanders (via phone), "I apologize for not being able to be there. I just wanted to say, something that caught my attention in listening was you brought up the handbook, Sue did several times and different parts of it. What about the handbook part of double employment which appears as though she also works for the Federal Court according to searching online anyhow seeing it there. And also you know the harassment issue that's in the handbook too and well I appreciate you did not terminate him I just wanted to point that out, if we are going to follow the handbook, we follow it all the way, thank you." Primmer, "there are exceptions of course to the handbook and Sue's double employment she is not the only one in the county that has outside jobs." Sanders, "that seems like a big one and a conflict in my opinion, but thank you."

Steve Speidel, "My comment was that you have your security Ray saying this is a law requirement but first you should of acted on it, Ray should of sent it to you supervisors and said we need to have a meeting with the security and then you guys should of made a motion to remove it. I think you guys missed a bunch of steps here and I think it falls on you guys, not Ben, you guys and I believe you guys were the ones, you put Ben on the stand here I hope you can justify everything you did to him today. And if I was him I would turn in my resignation on you guys. I'm sorry, I have supported you guys but this one is over the top."

Maggie Mangold, "I have a question, was there any alternatives and this is hypothetical since I realize you don't need to respond in public comment but were there any alternatives that were explored such as covering up the security camera during or having an off button during closed sessions. My understanding of the statue is that audio and notes must be taken but it is not saying that, that video cannot as well. So that's a separate issue of clarification that is being misread, however, I do if, if that security camera is truly only video, was that ever explored as an alternative option." Lough, "I will answer your one question because I know you are not familiar with how the courts interpret statutory discussion. This is a very specific statue in regarding to this specific procedure, they had the opportunity to put it in the statue audio and/or video and they chose not to put it in the statue. The courts are going to interpret that to say that's all that's allowed because they had the opportunity to expand it and they did not. So, I understand where you maybe wouldn't know the courts and how they interpret those things but that's how based on historical analysis by the courts that how I viewing this issue. It just says specifically notes and also audio recording." Mangold, "Did you explore the option of turning off the video then?" Lough, "No, there wouldn't be any reason I'd have a problem with that with a switch or something." Primmer, "And the first time I heard about a switch was in a conversation with the Sheriff which he stated today that you have a switch in your conference room." Tippet, "In my interview room, we have them all on switches and we will be going back to the Security Committee and will be addressing this camera in this room, to put in a switch so it can be shut off during a closed session meeting. Otherwise this room is used for other purposes and it needs and has some guest in here. We also have an entrance and exit door here, that I would like to have covered." Primmer, "As well as the South side." Tippet, "There's also doors over I would like covered also." Primmer, "And you will bring that up to the security committee." Tippet, "I'll bring it up to security." Primmer, "Sure, makes sense."

Molly Rach, "This statement is specifically for the County Attorney, the County Human Resources Director and the Benton County Board of Supervisors. As a resident and taxpayer of Benton County I have been surely appalled at the behavior you have demonstrated by the 5 of you for the last 6 months. From a sexual harassment settlement to legally firing the former Board of Health, multiple complaints, from violations to Iowa Open Meetings law and complaints from ombudsman's office have all demonstrated your inability and incompetence to be effective county officials. Furthermore you have cost the taxpayers of Benton County almost \$20,000 in legal fees and settlement payments of over \$250,000 in the last 6 months, just because of your actions. That money could have been better spent on multiple things for your county residents. But here's the thing, these violations of yours cut a little bit deeper for me personally. Because as a fellow public servant I suffer from your abhorrent behavior too. And that comes from the loss of community and taxpayer trust that you have now inevitably caused. Every time you violate that trust that they have placed upon us, it ripples out to all other public servants in the cities in the county. Because if you all can act there are no consequences for your poor decisions and illegal behavior then clearly the rest of us can, right? And so bit by bit that public trust erodes and when another department or city entity needs extra financial support through fundraising or a levy or any other needs it's your misdeeds that suddenly pop back into their mind and make them second guess their decision to support us. And that, that's what really makes me angry. Because of your utter disregard for the law and your obvious contempt for those you serve the rest of us who do our job honestly and with integrity have to suffer. It's going to take years to undo the damage that the 5 of you have reached upon the citizens of this county. I hope your happy with yourselves."

Jerry Grief had questions regarding the landfill dirt. Dirt is coming from Cedar Rapids for them to build a flood wall. Dirt has old coal in it.

Kathy Tumilty, "Our county seemed to get along with each other, things went by really good until you got the HR lady and what is her official job? And she thinks she's so busy she's going to have to hire help and it seems like all she does is cause trouble for elected officials." Primmer, "Ok, Kathy, the HR issue came up the one before as well, we had issues there. So, and there was an investigation, etc, etc, so it's not new with Sue. This has been going for a while but that's another chapter, so." Tumilty, "What are her real job descriptions?" Primmer, "We have her job description, we approved the job description here." Tumilty, "We haven't seen it though." Primmer, "It's public record, you can go to your daughters office and get a copy." Tumilty, "Oh I will."

Sue Wilber, "Can I just speak to a couple of things that were said just briefly. Yeah I encourage you to get the job description. What I am doing is what I was asked, requested and hired to do. I'm not belittling employees. I looking into matters that have been brought to my attention that should be addressed everyone seems to be focusing on the language used by our employee I think the underlying concern there is the dishonesty and just as the public has multiple times said we want transparency and honesty I think

we have an employee that's being dishonest that should be looked at. If an employee is lying, if an employee is stealing from us do we want to turn a blind eye to that or do we want to look into it? So it's not a pleasant job it is not a job that any HR people want to do but it's part of the job, having tough conversations and looking into things, maybe they have gone unaddressed for a long time. That doesn't mean it should continue to happen. Again it's not my place to make those decisions and following what I've been asked to do which was hiring a committee that approved having this role and having all the pieces that go into it. So I just wanted to clarify that a little bit per some of the comments to see if that helps and I'm always happy to talk to anybody if they would like to have a conversation about more about that as long as it doesn't concern confidential employee personnel records or matters. You know making transparent conversations face to face are always more beneficial than not face to face so, my door is always open if people have questions or comments about the role or those sorts of things." Rippel, "I do have one more comment since the Auditor's duties was blown out in the county and all this, I want to know why that was put on the agenda, I have a right to know. So what were you wanting to question on my duties?" Wilber, "So there was a meeting at ISAC a couple weeks ago, a HR seminar that talked about some things I think you were actually in attendance." Rippel, "Yes it was open session to all officials there." Wilber, "That talked about some things that were brought up before as personnel records and some of those things and so wanted to had visited with legal about you know this is what was said, this panel, as far as records and they want to revisit that issue of the Auditor's the custodian of records subject to the boards discretion so since the attorney said it was best practice for personnel records to be housed in HR and so since those can't be privy to open records request and for confidentiality of medical and that sort of thing and I think Kristi from ISAC made a comment about to protect the Auditor's office from potential liability for having that in there, I wanted to revisit since I had that additional information to see if they wanted to revisit that process." Rippel, "I have never withheld those documents from you, so I don't see where that's a problem now. The issue that like Kellie brought up what was like what you saw today was resolutions, these are board documents when I attest for. So I just wanted to clarify these are the kind of things that I have to contain with our public records or the job descriptions when people request them. So, I want to be clear so everybody, because all these accusations, I feel like people in the public are thinking we're mis-paying somebody or we're lying and stealing so I want to get that out in the open and clarify that." Wilber, "So when I asked if I could move the personnel records to my office you had indicated, no but you can make copies, I as the keeper of the courthouse I must keep those here." Rippel, "So if it has to do with payroll with a lot of the personnel records do, so we've never, not given you those. I don't have anything else with medical records in our office." Wilber, "Right, you asked to give a copy, that's not what the best practice is. That's why I wanted to revisit it." Primmer, "From what I understand if I may, that this is at the discretion of the board, is that correct? Ok. And we will get that on the agenda at some other point and time, ok." Marlow, "I think that the law says that the auditor keeps the official records of the board. And what I am seeing in all these meetings is we have this problem, what's an official record? It's not defined in the code unless Ray can tell me that it is in the code defined what an official record is. There's no case law, so we will go back to Blacks Law dictionary. Blacks Law dictionary defines an open record as the original, not a copy, the original." Mangold, "I have a follow up question on that. Given the question of Sue's job description. I have a question about when a question the County Attorney's office about my termination from the Board of Health, I received a reply from Sue on October 6th stating that redact new letters given the reason. Which was really just citing the code. She responded to my email from the County Attorney, is communicating legal matters or dealing with volunteers on committees part of her job description? I feel that should have been from the Auditor's Office." Rippel, "Those were never discussed with my office." Mangold, "Because that doesn't seem like it should fall under her job description." Valerie Close, "Rick, I don't think you're an a**hole, I just think you sometimes bend the rules a little bit. You got to get a lot more deep to get into the a**hole category." Primmer, "Ok, thank you."

Seeman moved/Bierschenk seconded: To Adjourn. Voting aye were Primmer, Bierschenk and Seeman. Motion carried.

Richard Primmer, Chairman

ATTEST: _____

Gina Edler, Benton County Deputy Auditor