

HARDIN COUNTY BOARD OF SUPERVISORS
MINUTES – SEPTEMBER 11, 2019
WEDNESDAY - 10:00 A.M.
COURTHOUSE LARGE CONFERENCE ROOM

Chair Reneé McClellan called the meeting to order. Also present were Supervisors Lance Granzow and BJ Hoffman; and Matt Rezab, Wes Wiese, Curt Groen, Lydia Reichenbacher, Angela De La Riva, J.D. Holmes, Don Knoell, Taylor Roll, Dave Dunn, Micah Cutler, Marilyn Willits, Mary Rogers, Machel Eichmeier, Lori Kadner, and Angela Silvey.

McClellan requested a moment of silence in memory of the victims of 9/11.

The Pledge of Allegiance was recited.

Granzow moved, Hoffman seconded to approve the agenda as posted. Motion carried.

Hoffman moved, Granzow seconded to approve the minutes of August 14, 2019 and September 4, 2019. Motion carried.

Granzow moved, Hoffman seconded to approve the September 11, 2019 claims for payment. Motion carried.

Korey DeBerg and attorney Taylor Nederhoff were unable to attend the meeting to present their request for a development agreement for Timbers Edge Wedding & Event Center.

Granzow moved, Hoffman seconded that the following Resolution No. 2019-36, Resolution to Adopt Policies for Federal Funding, be adopted. Roll Call Vote: “Ayes” Granzow, Hoffman, and McClellan. “Nays” None. Resolution No. 2019-36 is hereby adopted as follows:

Where upon Board Member Granzow moved that the following resolution be adopted:

RESOLUTION NO. 2019-36

RESOLUTION TO ADOPT POLICIES FOR FEDERAL FUNDING

WHEREAS, the County is and will be applying for federal funding for various needs; and

WHEREAS, to be considered for federal funding an applicant for funding must have in place policies regarding conflicts of interest, fraud reporting and procurement that meet Federal requirements in addition to any existing local policies; and

WHEREAS, the adoption of these polices apply to only County projects funded with Federal grant monies;

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of Hardin County, Iowa, that the attached three policies be adopted: Conflict of Interest; Fraud Reporting; and Procurement.

The motion was seconded by Board Member Hoffman and after due consideration thereof, the roll was called and the following Board Members voted:

Ayes: Granzow, Hoffman, McClellan

Nays: none

Absent: none

Abstain: none

Whereupon, the Chair of the Board of Supervisors declared said Resolution duly passed and adopted this 11th day of September, 2019.

/s/ Reneé McClellan
Reneé McClellan, Chair
Attest:

/s/Jessica Lara
Hardin County Auditor

Hardin County Conflict of Interest Policy

In addition to State of Iowa, and Local codes, applicable to Conflict of Interest, the following policy, pertaining to Federal Funds shall be applicable.

Per 2 CFR Part 200.112 Conflict of Interest

The Federal awarding agency must establish conflict of interest policies for Federal awards. The non-Federal entity must disclose in writing any potential conflict of interest to the Federal awarding agency or pass-through entity in accordance with applicable Federal awarding agency policy.

And per 2 CFR Part 200.318 (c)(1) General Procurement Standards

The non-Federal entity must maintain written standards of conduct covering conflicts of interest 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 non-Federal entity may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-Federal entities may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-Federal entity.

To the extent permitted by federal, state, or local laws or regulations, violations of these standards may cause penalties, sanctions, or other disciplinary actions to be taken against officers, employees, or agents.

Passed and adopted this 4th day of September, 2019

Attest

/s/ Reneé McClellan
Renee' McClellan
Chair, Board of Supervisors

/s/Jessica Lara
Jessica Lara
Hardin County Auditor

Hardin County, Iowa Fraud Reporting Policy

2 CFR Part 200
200.113 Mandatory disclosures.

The non-Federal entity or applicant for a Federal award must disclose, in a timely manner, in writing to the Federal awarding agency or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting

the Federal award. Non-Federal entities that have received a Federal award including the term and condition outlined in Appendix XII—Award Term and Condition for Recipient Integrity and Performance Matters are required to report certain civil, criminal, or administrative proceedings to SAM. Failure to make required disclosures can result in any of the remedies described in §200.338 Remedies for noncompliance, including suspension or debarment.

If a Hardin County employee learns of a violation of federal criminal law involving fraud, bribery, or gratuity potentially affecting a federal grant, the department or employee must report the violation to:

Jessica Lara
(Hardin County Auditor)

The above named is/are responsible for reporting the violation to the relevant federal agency or pass-through agency in writing and in a timely manner.

Passed and adopted this 4th day of September, 2019

/s/ Reneé McClellan
Signed

/s/Jessica Lara
Attest

Hardin County PROCUREMENT POLICY

PURPOSE

The purpose of this procurement policy is to ensure that sound business judgement is utilized in all procurement transactions and that supplies, equipment, construction and services are obtained efficiently and economically and in compliance with applicable federal and state law and executive orders and to ensure that all procurement transactions will be conducted in a manner that provides full and open competition. These procedures will ensure that all solicitations incorporate clear and accurate descriptions of the technical requirements for the goods or services being procured. Chapter 26 and Section 331.341 of the Iowa Code will be followed on all applicable purchases. All other appropriate sections of the Iowa Code shall also apply.

APPLICATION

This policy applies to the procurement of all supplies, equipment, and construction and services of and for Hardin County that include any federal program funding. In regards to any such federal programs, all procurement will be done in accordance with 2 CFR; Part 200. Chapter 26 and Section 331.341 of the Iowa Code will be followed on all applicable purchases. All other appropriate sections of the Iowa Code shall also apply. When federal requirements conflict with local or state requirements, the federal requirement, or most restrictive requirement will be followed.

POLICY

METHODS OF PROCUREMENT

Procurement under grants shall be made by one of the following methods, as described herein: (a) small purchase procedures; (b) sealed bids (formal advertising); (c) competitive proposals; (d) noncompetitive proposals.

A. Micro-Purchase Procedures 200.320(a)

- i. The acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold - \$10,000 (200.67)
- ii. To the extent practicable, must distribute micro-purchases equitably among qualified suppliers
- iii. May be awarded without soliciting competitive quotations if the non-Federal entity considers the price to be reasonable

B. Small Purchase Procedures 200.320(b)

- i. Are those relatively simple and informal procurement methods for securing services, supplies, or other property that does not cost more than the simplified acquisition threshold - \$250,000 (200.88)
 - ii. Price or rate quotations are to be obtained from an “adequate number” of qualified sources
- C. Sealed Bidding (formal advertising) 200.320(c)
- i. Lowest priced, responsive, responsible, bidder WINS
 - ii. The preferred method for construction when sealed bidding is “feasible”, which is when certain conditions are present
 - iii. Bids must be solicited from an “adequate number of known suppliers”, providing them sufficient response time before date for the opening of bids
 - iv. Bids will be opened at the time and place prescribed in the invitation for bids
 - v. Must publicly advertise the invitation for bids
 - vi. Bids must be opened publicly
 - vii. Other procedural requirements at 200.320(c)(2)
- D. Competitive Proposals 200.320(d)
- i. Used when conditions are not appropriate for the use of sealed bids
 - ii. The appropriate method when more than one source is expected to submit an offer and either a fixed-price or cost-reimbursement type contract is awarded
 - iii. Awards will be made to the responsible firm whose proposal is most advantageous to the program, with *price* and other factors considered
 - iv. Requests for proposals *must be publicized* and identify all evaluation factors and their relative importance
 - v. Proposals must be solicited from an adequate number of qualified sources
 - vi. Must have written method for conducting technical evaluations of the proposals received and for selection of the contract
- E. Noncompetitive Proposals 200.320(f)
- i. Procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:
 - a. **One Source:** the item is available only from a single source
 - b. **Exigency/Emergency:** an exigency or emergency will not permit a delay resulting from competitive solicitation
 - c. **Awarding Agency Approval:** the Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity
 - d. **Inadequate Competition:** after the solicitation of a number of sources, competition is determined inadequate

CONTRACTING WITH SMALL AND MINORITY BUSINESSES, WOMEN’S BUSINESS ENTERPRISES, AND LABOR SURPLUS AREA FIRMS (200.321)

- A. Assuring that small and minority businesses, and women’s business enterprises are solicited whenever they are potential sources;
- B. Placing qualified small and minority businesses and women’s business enterprises on solicitation lists;
- C. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women’s business enterprises;
- D. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women’s business enterprises;
- E. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and

- F. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (a) through (e).

CONTRACT PRICING (200.323)

- A. The cost plus a percentage of cost and percentage of construction cost method of contracting shall not be used.
- B. Hardin County shall perform some form of cost/price analysis for every procurement action, including contract modifications, amendments, or change orders. Hardin County shall make an independent estimate prior to receiving a bid or proposal.
- C. Hardin County shall 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. In determining a fair and reasonable profit, Hardin County must consider 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 the industry profit rates in the surrounding geographical area.

PROCUREMENT RECORDS

Hardin County shall maintain records sufficient to detail the significant history of a procurement, including the rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

(200.324)

(a) Hardin County must make available, upon request of the Federal awarding agency or pass-through entity, technical specifications on proposed procurements where the Federal awarding agency or pass-through entity believes such review is needed to ensure that the item or service specified is the one being proposed for acquisition.

(b) Hardin County must make available upon request, for the Federal awarding agency or pass-through entity pre-procurement review, procurement documents, such as requests for proposals or invitations for bids, or independent cost estimates, when:

- (1) Hardin County's procurement procedures or operation fails to comply with the procurement standards in this Part;
- (2) The procurement is expected to exceed the Simplified Acquisition Threshold 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 Simplified Acquisition Threshold, specifies a "brand name" product;
- (4) The proposed contract is more than the Simplified Acquisition Threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or
- (5) A proposed contract modification changes the scope of a contract or increases the contract amount by more than the Simplified Acquisition Threshold.

(c) Hardin County is exempt from the pre-procurement review in paragraph (b) of this section if the Federal awarding agency or pass-through entity determines that its procurement systems comply with the standards of this Part.

(1) Hardin County may request that its procurement system be reviewed by the Federal awarding agency or pass-through entity to determine whether its system meets these standards for its system to be certified. Generally, these reviews must occur where there is continuous high-dollar funding, and third party contracts are awarded on a regular basis;

(2) Hardin County may self-certify its procurement system. Such self-certification must not limit the Federal awarding agency's right to survey the system. Under a self-certification procedure, the Federal awarding agency may rely on written assurances from Hardin County that it is complying with these standards. Hardin County must cite specific policies, procedures, regulations, or standards as following these requirements and have its system available for review.

AWARDED CONTRACTS

- A. Hardin County will not award a contract to a party listed as debarred, suspended, or otherwise excluded in the System for Award Management (SAM). www.sam.gov (200.213)
- B. Contracts awarded shall contain the applicable contract provisions described in 2 CFR 200.326 and Appendix II to Part 200.
- C. Hardin County will maintain written standards of conduct covering conflicts of interest and must provide for disciplinary action to be applied for violations of such standards as defined in 2 CFR 200.318 (c) (1).

No officer, employee, or agent of the Hardin 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:

The employee, officer, or agent:

Any member of his/her immediate family;

His/her partner; or

An organization which employs, or is about to employ any of the above; has a financial or other interest in the firm selected for award.

Hardin County officers, employees, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or subcontractors.

To the extent permitted by federal, state, or local law or regulations, violation of these standards may cause penalties, sanctions, or other disciplinary actions to be taken against Hardin County's officers, employees, or agents.

Passed and adopted this 4th day of September, 2019.

Attest:

/s/ Renee' McClellan
Renee' McClellan
Chairman, Board of Supervisors

/s/Jessica Lara
Jessica Lara
Hardin County Auditor

Utility Permits:

Hoffman moved, Granzow seconded to approve Hardin County Utility Permit Application 9-11-19 by Interstate Power and Light for the purpose of installing fiber optic cable with innerduct. Motion carried. Permit Application 9-11-19 is on file with the Engineer's Office.

Secondary Roads Department:

Taylor Roll, County Engineer, advised the contract haulers had finished, and it would be the Board's decision whether or not the County pursues contract hauling in the future.

Granzow moved, Hoffman seconded to approve the Recorder's Monthly Report for August 2019. Motion carried.

Hoffman moved, Granzow seconded to approve the Sheriff's Monthly Report for August 2019. Motion carried.

Hoffman moved, Granzow seconded to amend last week's motion to approve property tax suspension, replacing 608 8th Avenue, Ackley, with the correct address of 907 10th Avenue, Ackley. Motion carried.

Hoffman moved, Granzow seconded to approve the resignation of Lawrence Springston, Communications Dispatcher, full-time, effective 9/6/2019. Motion carried.

Public Comments:

Marilyn Willits addressed the Board about speed limits in and out of Union. Machel Eichmeier, County Treasurer, issued a reminder that property taxes are due September 30.

Other Business: None.

Granzow moved, Hoffman seconded to adjourn. Motion carried.

At 10:30 a.m. the Board met with representatives from Two Rivers Insurance Services. Present were Supervisors Reneé McClellan, Lance Granzow, and BJ Hoffman; and Denise Ballard, Jennifer McMillan, and Angela Silvey.

Denise Ballard gave a presentation on and answered questions about the Iowa Governmental Health Care Plan.

The Board agreed to request health insurance plan quotes from Ballard, one inclusive of County employees only and one inclusive of all public employees on the County plan. Documents required to make a formal request will be executed at a future Board meeting.

The meeting recessed at 11:49 a.m.

At 12:00 p.m. the Board met with the County Economic Development Director. Present were Supervisors Reneé McClellan, Lance Granzow, and BJ Hoffman; and Angela De La Riva and Angela Silvey.

Discussion was held on the status of the county economic development advisory board.

Angela De La Riva shared a list of short-term goals and a mission statement she created.

Discussion was held on De La Riva's job duties and her responsibilities to the Ackley area. The Board agreed De La Riva should focus her attention on economic development work, not City administration work.

Hoffman commented on a meeting with Debi Durham, Iowa Economic Development Authority and Iowa Finance Authority Director, that he and De La Riva attended.

The meeting recessed at 12:33 p.m.

After recess, McClellan, Granzow, and Hoffman met with Micah Cutler, IT/GIS Director, in the Large Conference Room. Discussion was held about obtaining updated tile location information from Clapsaddle-Garber Associates. Granzow suggested the matter be addressed at the next drainage meeting.

At 12:38 p.m. the meeting was reconvened for the Supervisors to report on various Boards and Commissions. Present: Supervisors McClellan, Granzow, and Hoffman; and Angela Silvey.

Granzow reported on Central Iowa Juvenile Detention Center. McClellan reported on the MICA Board's recent Marshalltown building purchase and the vote on financing which resulted in a change of financial institutions. Hoffman reported on Greenbelt Home Care. The Board discussed the practicality of Greenbelt Home Care seeking a director at this time, as well as other Human Resources matters.

The meeting concluded at 12:55 p.m.

/s/ Renee McClellan
Reneé McClellan, Chair
Board of Supervisors

/s/ Jessica Lara
Jessica Lara
Hardin County Auditor