

HARDIN COUNTY BOARD OF SUPERVISORS
MINUTES – AUGUST 20, 2024
TUESDAY – 9:00 A.M.
HARDIN COUNTY COURTHOUSE LARGE CONFERENCE ROOM

The Hardin County Board of Supervisors held their regular meeting at 9:00 AM on August 20, 2024, at the Hardin County Courthouse large conference room in Eldora, Iowa.

Board members in attendance were Lance Granzow, Renee McClellan, and BJ Hofman. Also attending: Ann Larson, Taylor Roll, Lori Kadner, Jolene Pieters, Thomas Craighton, Darrell Meyer, Eugene Clouse, Bea and Joe Smuck, Janice and Jim Smuck, Robert Nazario, Bri Amling, Gene Newgaard.

McClellan moved and Hoffman seconded to approve the agenda. All Ayes. Motion carried.

Hofman moved and McClellan seconded to approve the minutes of August 14, 2024. All Ayes. Motion carried.

McClellan moved and Hoffman seconded the motion to approve claims for payment for August 21, 2024. All Ayes. Motion carried.

Hofman moved and McClellan seconded to approve the Hardin County Courthouse Emergency Action Plan. All Ayes. Motion carried.

McClellan moved and Hoffman seconded the motion to approve Utility Permit UT-24-018 for ImOn Communications, LLC. All Ayes. Motion carried.

Hoffman moved and McClellan seconded the motion to approve Resolution 2024-28 Public Records Request. Roll Call was taken. Roll Call Vote: “Ayes” Granzow, McClellan, and Hoffman. “Nays” None. Motion carried. Resolution No. 2024-28 is hereby adopted as follows:

RESOLUTION NO. 2024-28
OPEN RECORDS REQUEST POLICY
OF HARDIN, COUNTY, IOWA

WHEREAS, Hardin County, Iowa is a “Government body” within the meaning of Iowa Code Section 22.1(1), of the Open Records Act of Iowa Code Chapter 22; and

WHEREAS, Hardin County is defined to be the “lawful custodian” of public records within the possession of the various elected officials, officers and employees elected, appointed and hired to positions within the County under Iowa Code Section 22.1(2); and

WHEREAS, Hardin County is obligated to identify and publicly announce the identity of those officials and employees of the County who have assigned responsibilities for complying with the requirements of Iowa Code Chapter 22, as specified in Iowa Code Section 22.1(2); and

WHEREAS, in order to promptly and expeditiously respond to a request for examination and copying of a public record, the requesting person must provide sufficient detail to locate, retrieve and provide such document or copy thereof upon request made in person, in writing, by telephone or by electronic means, pursuant to the provisions of Iowa Code Sections 22.3(1) and 22.4(2) and to provide the person requesting such records of the estimated cost of searching for, retrieving and copying, under the provisions of Iowa Code Sections 22.3 and 22.3A(2)(a)(f); and

WHEREAS, Iowa Code Section 22.7 has seventy-five (75) subsections defining such public records the lawful custodian thereof is required to keep confidential, along with other state statutes not so identified, e.g. Iowa Code Sections 321.11 and 622.10, and other Constitutional provisions defining zones of personal privacy, all requiring a focused and careful examination to avoid disclosure which may subject the County to state or federal liability; and

WHEREAS, the Iowa Supreme Court has emphasized that time is of the essence in complying with the obligations of the Open Records Act and significant monetary (costs and attorney's fees) and other penalties (contempt, removal from office) exist to rectify breaches alleged under Iowa Code Section 22.10.

NOW, THEREFORE, BE IT HEREBY RESOLVED:

Section 1.

a. Pursuant to Iowa Code Section 22.1(2), each Hardin County department head is designated as a "lawful custodian" on behalf of Hardin County to receive requests for examination and copying of public records relative to their respective departments.

b. The designated person shall assure that at the time any person seeks the inspection and copying of a public record, whether in person, in writing, by telephone or by electronic means, the requesting party shall provide such specificity and detail in identifying so as to reasonably permit:

1. identity of the office or other location where such records might be found for inspection and copying; and
2. to make a reasonably timely, if not immediate, estimate to the requesting party of the actual costs of retrieving and copying such records.

c. The designated person shall obtain the name, address, telephone number and email address of the requesting person for allowing contact advising of the estimated costs or for advising of difficulties or delays in retrieval and copying. The designated person shall not ask or seek to determine the reasons for the requests made.

Section 2.

a. The costs estimated of locating, retrieving and copying the records requested shall include the actual

1. hourly salary or wage of that person assigned to locate, produce and copy the requested record and of supervising the person making examination of the record sought, for the times actually expended;
2. cost to the County of copying such records for the requesting person on county owned copying equipment, excluding charges for depreciation, maintenance, electricity.

b. In the case of a request of records held in County owned computer systems as defined in Iowa Code Section 22.3A

1. the person making the request is hereby prohibited from directly or indirectly accessing any county computer or computer network, pursuant to Iowa Code Section 22.3A(2)(a);
2. that county employee, the County's information technologist, or outside computer technologists shall determine, from the specialized information provided by the requesting person necessary to access the data requested, the estimated cost of retrieving such data and reproducing it on CD-ROM, thumb drives or paper. The actual hourly salary or wage of the information technologist, the county employee or contract charge of an outside technologist in determining the estimated cost of production and copying to the requesting person shall be included in the estimate to that person.
3. The estimate of costs to the requesting person may include an actual extra charge if the requesting person seeks the requested information in a specially processed format or in a format different from that which in which the County stores that information.

c. Upon determining the number of documents requested and, in the case of request of documents maintained in a County computer system, number of pages within the scope of the computer data request, the designated person shall also obtain an estimate from the County Attorney or other specially retained legal counsel for an additional estimate of charges for examining the individual documents and pages to determine, under Section 22.7, whether such documents and pages or parts of them contain confidential information which is prohibited from dissemination as a public record, other statutes creating privileges against disclosure and other Constitutional provisions erecting privacy rights which, if disclosed, could become actionable against the County criminally or civilly. This shall also include the time and charges for reviewing case decisions relevant to the specific requests made. Such charges shall be based on the actual hourly charges of a private attorney or the actual hourly rate of any county attorney or assistant county attorney based upon that officer's salary.

The estimated charges by legal counsel for review in complying with the foregoing law, and, if possible, with deleting or redacting confidential information to allow public dissemination of the document so affected, shall become a component of the total estimate submitted to the requestor. If the estimated legal costs of review are less than estimated, the excess of paid costs greater than estimated shall be returned to the requestor. If more, such additional costs beyond those estimated shall be billed to the requestor.

d. The person requesting that public documents be located, retrieved and copied, including those from a County computer system, shall be obligated to pay to the County the costs estimated, before receiving the records requested under Iowa Code Section 22.3(1).

e. If the designated person determines that the request is routine to that department and can be fulfilled within thirty minutes, there will be no cost to the requesting party other than copy costs, pursuant to Iowa Code Section 22.3(1).

Section 3.

Upon payment of the estimated costs by the person making request for records, the person designated to receive requests for public records shall

- a. make immediate contact with those offices, department heads, other employees and the information technologists identified as having possession of some or all of such records to begin, as soon as humanly possible, assembling such records as requested;
- b. upon assembly of all such records requested, immediately provide a copy of such copied records to the County attorney or other designated legal counsel to begin the expeditious and thorough review required by Iowa Code Section 22.7, other laws, cases and Constitutional provisions; and
- c. upon completion of legal counsel review, disclose and disseminate to the requesting person only those documents legal counsel has determined to be public records unaffected by confidentiality, privilege or prohibition.

Section 4.

- a. The designated person shall keep a journal of each request and the date of all steps taken following the prescribed steps in this Resolution for the purpose of offering evidence to the Court of the steps taken in compliance and the times such steps were taken from the date of receipt of the public records request through and including the date of delivery to the requesting person.

Such journal shall note the dates and duration of any delays in processing the request and of the reasons for any delays by any person in processing the public records sought.

- b. The Hardin County Auditor shall inform all elected officials, officers and employees of this Resolution and that any request for public records made by a person or such other elected officials, officers and employees shall be IMMEDIATELY delivered to the designated person for processing under this Resolution.

Section 5.

- a. The default copy cost shall be \$.50 per printed side on 8 ½ x 11 black and white paper. The cost of color copies or other size copies will be determined by the designated person.
- b. Unless covered by Section 2(e) above, the default hourly rate per person to fulfill requests is \$35.00.

Section 6.

- a. The Board of Supervisors shall adopt by motion from time to time a form to be used and maintained by the designated person.
- b. This policy will take effect regardless of whether or not a form is adopted at the same time as this resolution.

McClellan moved and Hoffman seconded the motion to approve Resolution 2024-29 Placing the Imposition of a Local Hotel and Motel Tax in the Unincorporated Area of Hardin County, Iowa on the Election Ballot. Roll Call was taken. Roll Call Vote: “Ayes” Granzow, McClellan, and Hoffman. “Nays” None. Motion carried. Resolution No. 2024-29 is hereby adopted as follows:

RESOLUTION NO. 2024-29
RESOLUTION PLACING THE IMPOSITION OF A LOCAL
HOTEL AND MOTEL TAX IN THE UNINCORPORATED AREA
OF HARDIN COUNTY, IOWA ON THE ELECTION BALLOT

WHEREAS, pursuant to Iowa Code Chapter 423A, the Board of Supervisors of Hardin County, Iowa, proposes to impose by resolution a Local Hotel and Motel Tax within the unincorporated area of Hardin County, Iowa; and

WHEREAS, Chapter 423A provides that the Board of Supervisors may only impose a Local Hotel and Motel Tax if a majority of the registered voters of the unincorporated area of the County voting on the question, in the general election or at a special election, favor the imposition of the Local Hotel and Motel Tax; and

WHEREAS, the Board of Supervisors of Hardin County, Iowa, now desires to submit such issue to the registered voters of the unincorporated area of Hardin County, Iowa at the general election to be held on November 5, 2024.

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF SUPERVISORS OF HARDIN COUNTY, STATE OF IOWA:

Section 1. That the following question shall be submitted to the registered voters of the unincorporated area of Hardin County, Iowa, at the general election to be held on November 5, 2024, to-wit:

“SHALL THE FOLLOWING PUBLIC MEASURE BE ADOPTED?”

Shall Hardin County, Iowa be authorized to impose a Local Hotel and Motel Tax at the rate of seven percent (7%) effective January 1, 2025, with at least fifty percent (50%) of the revenues derived from the Local Hotel and Motel Tax to be used for acquisition of sites for, or constructing, improving, enlarging, equipping, repairing, operating, or maintaining of recreation, convention, cultural, or entertainment facilities including but not limited to memorial buildings, halls and

monuments, civic center convention buildings, auditoriums, coliseums, and parking areas or facilities located at those recreation, convention, cultural, or entertainment facilities or the payment of principal and interest, when due, on bonds or other evidence of indebtedness issued by the county or city for those recreation, convention, cultural, or entertainment facilities; or for the promotion and encouragement of tourist and convention business in the city or county and surrounding areas; and the remaining revenues derived from the Local Hotel and Motel Tax to be used for all other purposes permitted by Chapter 423A of the Code of Iowa?"

Section 2. That the Auditor is hereby directed to file a certified copy of this Resolution in the office of the Hardin County Commissioner of Elections.

McClellan moved and Hoffman seconded the motion to approve the change of status for the termination of Tate Miller in the Conservation Department due to end of season employment. All Ayes. Motion carried.

Other Business:

Lori Kadner, County Recorder, stated that she just wanted to state that department heads would be gone for ISAC training this week and on Thursday, both her and Cheryl will be gone, so their part-time help will have the Recorders office open from 8:00 a.m. to 2:30 p.m. and recordings will not happen until Friday.

McClellan moved and Granzow seconded the motion to adjourn. All Ayes. Motion carried.

The meeting was adjourned at 9:47 a.m.

Lance Granzow, Chair or Vice-Chair
Board of Supervisors

Ann Larson
Executive Assistant to the Board of
Supervisors