

September 11th, 2018

The Des Moines County Board of Supervisors met in regular session at the Court House in Burlington at 9 AM on Tuesday, September 11th, 2018 with Chairman Jim Cary, Vice-Chair Tom Broeker and Member Bob Beck present.

Unless otherwise noted, all motions passed unanimously.

Meet with Department Heads: County Auditor Terri Johnson reported the General Election ballot proofs have been reviewed and the ballot order should be approved today. A new polling location has been found for Pct 1T. It will move to Oak Street Baptist Church gym. There will now be two precincts, 1T and 3, in one location. Postcards were mailed to the households in Pct 1T to make them aware of the location change and a notice will be published in the paper, along with notification on the county website. County Recorder Lisa Schreiner stated her office is busy with certified copies of birth certificates and marriage certificates. The certified documents are needed when renewing driver's licenses with the new star. County Treasurer Janelle Nalley-Londquist stated her office is busy collecting property taxes and the motor vehicle department is also busy. Conservation Director Chris Lee stated the river docks were pulled out of the river due to the rising river level. Trail work through Starr's Cave Preserve is resuming today after a delay due to all the rain last week. Public Health Administrator Christa Poggemiller reported she is preparing for the Board of Health meeting this week. The Health Department will be giving flu shots at the 60+ Lifestyle Fair to be held at Westland Mall tomorrow. Safety Director Angie Vaughan read an article "Ode to America" published in a Romanian newspaper regarding America and everyone uniting after 9-11. The Board thanked her for reading the article. CDS Director Ken Hyndman reported SEIL meetings will be held tomorrow. County Engineer Brian Carter reported the week-long rain last week did not help the gravel roads. It was needed but left a lot of potholes. The road crews are blading to shape up the roads. He reported the Highway 61 project will have a few road closures and changes over the next month. Seven Ponds Road will have a paved alternate route before the existing connection is closed for further grading. Paving for the new Plank Road connection should take place over the next month. The week of September 24th, Flint Bottom Road should close for grading. Its closure was pushed back due to the wet weather last week. Land Use Administrator Zach James reported they should have a subdivision on the agenda next week for the Board's approval and another subdivision out for review. They are currently working with FEMA and IDNR on flood map updates and will schedule a community meeting later to review the maps. Other Department Heads or representatives present were: Sheriff Mike Johnstone, Chief Deputy Jeff White, IT Director Colin Gerst, County Attorney Amy Beavers and Maintenance Supervisor Rodney Bliesener.

Correspondence. Supervisor Beck stated he received a letter from Shelley Dirth, Director of Community Integration and Day Programs for Hope Haven Area Development Center Corporation. She is requesting a letter of support from the Board of Supervisors for Hope Haven to purchase a home and build two homes in Des Moines County for persons with disabilities. A letter of support will be provided to Hope Haven.

Payroll Reimbursement Claims in the amount of \$1,441.79 and Non-Cash Taxable in the amount of \$56.21 was presented. Beck motioned to approve and seconded by Broeker.

Two Rivers Levee & Drainage District requested a tax abatement for Parcel 12-06-100-016. They purchased this parcel to build a much-needed trash rack near the #7 Pumping Station located on 150th Street. Broeker motioned to approve the tax abatement and seconded by Beck.

Resolution 2018-054 was presented setting the time and date for the ATV/UTV Ordinance Public Hearings. Broeker motioned to approve and seconded by Beck.

**RESOLUTION #2018-054
SETTING THE TIME AND DATE
FOR ATV/UTV ORDINANCE PUBLIC HEARINGS**

BE IT RESOLVED:

- 1) The Board of Supervisors hereby fixes the time and place for three public hearings on the operation of all-terrain and off-road utility vehicles in Des Moines County Ordinance for Tuesday, September 18th,

September 25th, and October 2nd at 9:00 AM in the Board Room at the Des Moines County Courthouse.

- 2) The Des Moines County Auditor is hereby directed to publish the notice as required by law.
- 3) This resolution will take effect immediately.

APPROVED this 11th day of September, 2018.

DES MOINES COUNTY
BOARD OF SUPERVISORS
Jim Cary, Chairman
Tom Broeker, Vice-Chairman
Bob Beck, Member
ATTEST: Terri Johnson, Auditor

Resolution #2018-055 Anti-Discrimination and Anti-Harassment Policy was presented. The new policy being presented today is in response as part of a conciliation agreement approved on July 3rd, 2018. Broeker motioned to approve and seconded by Beck.

ANTI-DISCRIMINATION AND ANTI-HARASSMENT POLICY
RESOLUTION #2018-055

I. Purpose

Des Moines County and the Des Moines County Board of Supervisors are committed to ensuring equal employment and advancement opportunities and maintaining an environment that is free from discriminatory harassment.

It is the County's policy to hire and promote qualified individuals on the basis of their qualifications, interests and aptitude, and without regard to race, religion, creed, color, sex, gender, gender identity, sexual orientation, pregnancy, age, national origin, disability, genetic information, or any other characteristic protected by local, state or federal law. This policy applies to all terms, conditions and privileges of employment, including, but not limited to, recruiting, hiring, training, transfers, promotions, benefits, discipline and discharge. It is also the County's policy that all employees have the right to work in an environment free of all forms of discrimination, harassment and retaliation. The purpose of this policy is also to maintain a healthy work environment where all individuals are treated with respect and dignity. Finally, the purpose of this policy is to provide procedures for reporting, investigating and resolving complaints of discrimination, harassment and retaliation.

II. Policy

The County will not tolerate, condone or allow discrimination, harassment, or retaliation by any employee or other non-employees who conduct business with the County. **Discrimination, any form of harassment, and retaliation are prohibited and will not be tolerated.** The County considers discrimination, harassment, and retaliation to be forms of serious employee misconduct. Therefore, the County shall take direct and immediate action to prevent such behavior, and to remedy all reported instances of discrimination, harassment, and retaliation. Any violation of this County policy, even "minor violations" will lead to discipline, up to and including termination.

It shall be a violation of this policy for any employee or representative of the County to harass any other employee or representative of the County through conduct or communication of a sexual nature or regarding an individual's race, religion, creed, color, sex, gender, gender identity, sexual orientation, pregnancy, age, national origin, disability, genetic information, or any other characteristic protected by local, state or federal law, as defined by this policy. For purposes of this policy, employee or representative of the County includes Board Supervisors, County employees, agents, volunteers, contractors, or persons subject to the supervision and control of the County.

It shall also be a violation of this policy for any employee or representative of the County to tolerate sexual harassment or harassment because of an individual's race, religion, creed, color, sex, gender, gender identity, sexual orientation, pregnancy, age, national origin, disability, genetic information, or any other characteristic protected by local, state or federal law, as defined by this policy, by any other employee or representative of the County. Any

employee or representative of the County who has knowledge or belief that an individual has or may have been the victim of prohibited harassment is required to immediately report the alleged acts to an appropriate County official designated by this policy. Failure to report the harassing conduct could result in discipline, up to and including termination, for the employee or representative of the County who failed to report.

It shall also be a violation of this policy for any employee or representative of the County to retaliation against another individual because that individual has filed a discrimination or harassment complaint or has assisted with or participated in a discrimination or harassment investigation or proceeding. Any employee or representative of the County shall not engage in reprisal, retaliation, harassment, or false accusation against a victim, witness, or an individual who has reliable information, about any act of discrimination or harassment. Any employee or representative of the County who is found to have retaliated against another individual in violation of this policy will be subject to disciplinary action, up to and possibly including termination.

The County will act to promptly investigate all complaints, either formal or informal, verbal or written, of discrimination, harassment, or retaliation and to promptly take appropriate action to protect individuals from further discrimination, harassment, or retaliation. If the County determines that unlawful discrimination, harassment, or retaliation has occurred, it shall promptly and appropriately discipline any employee or representative of the County who is found to have violated this policy, up to and possibly including termination, and/or take other appropriate action reasonably calculated to end the discrimination, harassment, or retaliation.

III. Definitions

A. Discrimination

Discrimination consists of unfair or unequal treatment of an individual or a group in the workplace based upon their race, religion, creed, color, sex, gender, gender identity, sexual orientation, pregnancy, age, national origin, disability, genetic information or any other characteristic protected by law.

B. Sexual Harassment

Sexual harassment consists of unwelcome and unsolicited sexual advances, requests for sexual favors, sexually motivated physical conduct, or other verbal, physical, or written conduct or communication of a sexual nature when:

1. Submission to that conduct or communication by an individual is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment;
2. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting the individual's employment; or
3. That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile or offensive employment environment.

Examples of conduct that may constitute sexual harassment may include, but are not limited to:

1. Unwelcome verbal harassment or abuse, or unwelcome written harassment or abuse, including through the Internet or e-mail;
2. Unwelcome sexual advances or pressure for sexual activity;
3. Unwelcome, sexually motivated or inappropriate patting, pinching, or physical contact;
4. Unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning an individual's employment status or implied or overt promises of preferential treatment with regard to an individual's employment status;
5. Unwelcome behavior or words directed at an individual because of gender;
6. Coercing, forcing or attempting to coerce or force the touching of anyone's intimate parts;
7. Coercing, forcing or attempting to coerce or force sexual intercourse or a sexual act on another;

8. Threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another;
9. Graffiti or other displays of material that are sexually offensive in nature;
10. Sexual gestures or jokes; or
11. Spreading rumors about or rating other individuals as to sexual activity or performance.

C. Other Types of Discriminatory Harassment

Other types of discriminatory harassment consists of harassment of employees on the basis of their race, religion, creed, color, sex, gender, gender identity, sexual orientation, pregnancy, age, national origin, disability, genetic information, or any other characteristic protected by local, state or federal law, when the conduct:

1. Has the purpose or effect of creating an intimidating, hostile or offensive employment environment;
2. Has the purpose or effect of substantially or unreasonably interfering with an individual's employment performance; or
3. Otherwise adversely affects an individual's employment opportunities.

Examples of conduct that may constitute discriminatory harassment behavior may include, but are not limited to:

1. Threatening or intimidating conduct directed at others because of race, religion, creed, color, sex, gender, gender identity, sexual orientation, pregnancy, age, national origin, disability, genetic information, or any other characteristic protected by local, state or federal law, including through the Internet or e-mail;
2. Slurs, negative stereotypes and hostile acts based on race, religion, creed, color, sex, gender, gender identity, sexual orientation, pregnancy, age, national origin, disability, genetic information, or any other characteristic protected by local, state or federal law;
3. Graffiti or other displays of material that containing offensive language that is derogatory to others because of their race, religion, creed, color, sex, gender, gender identity, sexual orientation, pregnancy, age, national origin, disability, genetic information, or any other characteristic protected by local, state or federal law;
4. Written or graphic material containing comments or stereotypes which is posted or circulated (including through e-mail or the Internet) and which is aimed at degrading individuals because of race, religion, creed, color, sex, gender, gender identity, sexual orientation, pregnancy, age, national origin, disability, genetic information, or any other characteristic protected by local, state or federal law; or
5. A physical act of aggression or assault upon another because of, or in a manner reasonably related to, the individual's race, religion, creed, color, sex, gender, gender identity, sexual orientation, pregnancy, age, national origin, disability, genetic information, or any other characteristic protected by local, state or federal law.

D. Retaliation

Retaliation consists of punishing an employee by demoting them, terminating them or changing their work conditions in a material way because they made a good faith report of discrimination, harassment, or retaliation or because they participated, in good faith, in an investigation into discrimination, harassment, or retaliation. This conduct is illegal and is prohibited by the County and by state and federal law.

Retaliation is a form of misconduct. Any evidence of retaliation shall be considered a separate violation of this policy and shall be handled accordingly.

IV. Reporting Procedures

Any individual who believes he or she has been the victim of discrimination, harassment, or retaliation by an employee or representative of the County or by any other person who is participating in, observing, or otherwise

engaging in activities under the direction of the County, is encouraged to report the alleged act immediately to the individual's supervisor or the Des Moines County Board of Supervisors.

Any employee or representative of the County who has knowledge or belief that an individual has or may have been the victim of prohibited discrimination, harassment, or retaliation is required to immediately report the alleged acts to the individual's supervisor or the Des Moines County Board of Supervisors. Failure to report the harassing conduct could result in discipline, up to and including termination, for the employee or representative of the County who failed to report.

Any other person with knowledge or belief that an individual has or may have been the victim of prohibited discrimination, harassment, or retaliation is encouraged to immediately report the alleged acts to the appropriate Department head or supervisor or the Des Moines County Board of Supervisors.

The County encourages the reporting party or complainant to use the report form available from the County Auditor, but oral reports shall be considered complaints as well. Nothing in this policy shall prevent any person from reporting discrimination, harassment, or retaliation directly to the County Auditor or the Des Moines County Board of Supervisors.

The Des Moines County Board of Supervisors hereby designates the Des Moines County Auditor as the individual responsible for identifying, investigating, preventing, and remedying discrimination, harassment, and retaliation within the County. The County shall conspicuously post the name of the County Auditor, including mailing addresses and telephone numbers. The following is the contact information for the County Auditor:

Des Moines County Auditor
Des Moines County Courthouse
513 N Main St.
Burlington, Iowa 52601
319-753-8710

These procedures do not deny the right of any individual to pursue other avenues of recourse, which may include filing charges with the Iowa Civil Rights Commission, 211 E. Maple, Des Moines, Iowa, 50309, (515) 281-4121. Any inquiry or complaint to a state or federal office may be done instead of, or in addition to, an inquiry or complaint at the local level.

V. Investigation Procedures

By authority of the Des Moines County Board of Supervisors, the County Auditor, upon receipt of a report or complaint alleging prohibited discrimination, harassment, or retaliation, shall immediately undertake or authorize an investigation. The investigation may be conducted by County officials or by a third party designated by the County.

The County may take immediate steps, at its discretion, to protect the complainant, County employee, or other representative of the County pending completion of an investigation of alleged discrimination, harassment, or retaliation.

The investigation will be completed as soon as practicable. The investigator may make a written report to the Board of Supervisors, County Auditor, or other designee upon completion of the investigation, which shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.

VI. Responsive Action

The County will take appropriate action following a finding that a violation of this policy has occurred. Such action may include, but is not limited to: warning, suspension, transfer, remediation, reprimand, termination or discharge, counseling, training, or mentoring. Instances of discrimination, harassment, or retaliation will be considered a serious violation of County work rules and will be cause for major discipline. County action taken for violation of

this policy will be consistent with requirements of applicable collective bargaining agreements, state and federal law, and County policy and procedures.

The County affirms the right, in accord with this policy, to discipline any administrator, supervisor, or employee, or other representative of the County who engages in discrimination, harassment, or retaliation; to discipline any administrator or supervisor who fails to act on employee complaints of discrimination, harassment, or retaliation; and to discipline any administrator, supervisor, or employee, or other representative of the County who does not report personal observations of discrimination, harassment, or retaliation.

The County has the right to discipline individuals who knowingly file false discrimination, harassment, or retaliation complaints or otherwise act in bad faith during a complaint/investigative process.

Approved this 11th day of September 2018.

Jim Cary, Board of Supervisors Chair

Tom Broeker, Board of Supervisors Vice-Chair

Robert W. Beck, Board of Supervisors Member

Attest: Terri Johnson, County Auditor

Resolution #2018-056 Equal Opportunity Policy was presented. The new policy being presented today is in response as part of a conciliation agreement approved on July 3rd, 2018. Broeker motioned to approve and seconded by Beck.

EQUAL OPPORTUNITY POLICY STATEMENT RESOLUTION #2018-056

It is the policy of Des Moines County to provide equal opportunity to all employees, applicants for employment, and program beneficiaries; to provide equal opportunity for advancement of employees; to provide program and employment facilities which are accessible; and to administer its programs in a manner that does not discriminate against nor favor any person because of race, national origin, ancestry, religion, creed, age, sex, gender identity (defined as gender related identity, regardless of the person's assigned sex at birth), sexual orientation (defined as both actual and perceived heterosexuality, homosexuality and bisexuality), physical or mental disability, genetic information or veteran status, or any other characteristic protected by local, state or federal law, except where a bona-fide occupational qualification exists.

Employment decisions are based upon merit and qualifications, without unlawful regard to race, national origin, ancestry, religion, creed, age, sex, gender identity (defined as gender related identity, regardless of the person's assigned sex at birth), sexual orientation (defined as both actual and perceived heterosexuality, homosexuality and bisexuality), physical or mental disability, genetic information or veteran status, or any other characteristic protected by local, state or federal law. Positive action shall be taken to ensure fulfillment of this policy. This applies to all terms and conditions of employment including hiring, promotion, demotion, transfer, recruitment or recruitment advertising, layoff, termination, recall, rates of pay or other forms of compensation, leaves of absence, selection for training (including apprenticeship and/or on-the-job training) and all other terms and conditions of employment.

It is the policy of Des Moines County to comply with all relevant and applicable provisions of the Americans with Disabilities Act (ADA). The County will not discriminate against any qualified employee or job applicant with respect to any terms, privileges, or conditions of employment because of a person's physical or mental disability. The County will also make reasonable accommodation wherever necessary for all employees or applicants for employment with disabilities, provided that the individual is otherwise qualified to safely perform the essential duties and assignments connected with the job and provided that any accommodations made do not impose an undue hardship on the County.

The Chair of the Des Moines County Board of Supervisors is primarily responsible for the overall administration and implementation of the affirmative action/equal opportunity program. The Chair will review all policies and procedures as they affect equal opportunity and affirmative action and ensure compliance with relevant federal and state statutes. While the Chair is primarily responsible for implementation of this policy, all employees and representatives of the County share in the responsibility for assuring that, by their personal actions, these policies are

effective and apply uniformly to everyone. **Employees, including department heads, involved in discriminatory practices will be subject to termination.**

The right of appeal and recourse is guaranteed by Des Moines County. Any person who feels that he or she has been denied employment, participation, representation, or services in any program administered by Des Moines County because of that person's race, national origin, ancestry, religion, creed, age, sex, gender identity (defined as gender related identity, regardless of the person's assigned sex at birth), sexual orientation (defined as both actual and perceived heterosexuality, homosexuality and bisexuality), physical or mental disability, genetic information or veteran status, or any other characteristic protected by local, state or federal law has the right to file an equal opportunity complaint. Information and assistance relative to equal opportunity complaints shall be provided by the Chair. The following is the contact information for the Des Moines County Board of Supervisors Chair:

Board Chair
Des Moines County Board of Supervisors
Des Moines County Courthouse
513 N Main St.
Burlington, Iowa 52601

This Equal Opportunity Policy of Des Moines County and any other equal employment opportunity notices shall be posted in conspicuous places within the facility and distributed to all employees, contractors, and the persons of all advisory and policy-making groups. The equal employment opportunity notices summarize the rights of employees to equal opportunity in employment and list the names and addresses of the various government agencies that may be contacted in the event that any person believes he or she has been discriminated against.

Approved this 11th day of September 2018.
Jim Cary, Board of Supervisors Chair
Tom Broeker, Board of Supervisors Vice-Chair
Robert W. Beck, Board of Supervisors Member
Attest: Terri Johnson, County Auditor

Personnel Action. Assessor – Brandi Martin, Administrative Assistant. Promotion. New rate is \$45,000 yr., effective 9/10. Broeker motioned to approve and seconded by Beck.

Reports received and filed in Auditor's Office:
Treasurer's Semi-Annual Report, Jan 1st – June 30th, 2018
Recorder's Report of Fees Collected, August 2018
Veterans Affairs Reports, August 2018

Beck motioned to approve minutes for the Board meeting held on September 4th, 2018. Seconded by Broeker.

Committee reports. Broeker attended the grand opening at the Cottonwood Facility. The new drop in center is operated by Optima and is a peer-run facility. He also attended the 9-11 Memorial Ceremony held at the Burlington Central Fire Station this morning.

Meeting was adjourned at 9:26 AM.

A work session was held following the meeting. The Board of Supervisors, Maintenance Supervisor Rodney Bliesener, Maintenance Deputy Jack Brissey, Sheriff Mike Johnstone and Jail Administrator Doug Ervine discussed the need for a new Jail Control Board. Bliesener wanted to update the Board regarding information received on jail control boards. The current board is obsolete and needs to be replaced. Bliesener presented estimates from three companies. Simplex has merged with Johnson Controls and now called Simplex/Johnson Controls and is the original installer of the current board. Simplex would switch from the current push button system to a computer system at a cost of \$119,190.48 and still maintain the fire alarm system. Sydaptic, Inc would install a whole new control panel with lifetime warranty for \$223,490.65, this does not include the fire panel. Simplex would upgrade the fire panel and monitor the fire alarm. Accurate Controls, Inc gave a rough estimate of \$176,000, this does not include the fire panel. Simplex would upgrade the fire panel and monitor the fire alarm. All

the systems presented are expandable. Ervine felt the discussion needs to move forward. Cary recommended not accepting the estimate from Accurate Controls Inc., since it is a rough estimate. Broeker recommended talking to Simplex about the current service contract since there is an issue with repairs. Broeker asked when a decision needs to be made and what kind of lead time is needed. Simplex could be a few months and the other companies could be six-months to a year. Broeker emphasized to let Simplex know there are issues with customer service. Bliesener will get more information.

Another work session followed. The Board of Supervisors and County Engineer took a road tour.

This Board meeting is recorded and kept on file for two years. The meeting minutes and audio are posted on the county's website www.dmcountry.com

Approved September 18th, 2018

Jim Cary, Chairman

Attest: Terri Johnson, Auditor