

The special meeting of the Erie County Board of Elections was called to order by Chairman Ferrell at 3:00 p.m. on Friday, January 15, 2021.

Roll Call:	(D) Thomas M. Ferrell, Chairman	Present
	(D) William J. Monaghan, Member	Present
	(R) Nicholas J. Smith, Member	Present
	(R) Jeffrey N. Krabill, Member	Present

Guests in attendance: Hank Solowiej, Melissa Tomaro, Ed Widman

Ms. Salyers, director, started the meeting by saying she received an email from the Sandusky Register, asking us if we wanted to sponsor a president for the Register's President's Day issue. She said that George Washington was available, and it would cost \$195. Mr. Krabill asked if we were allowed to spend public funds on that. Ms. Salyers responded that she was not sure. The board members decided they were not interested.

Ms. Salyers then explained that the money we thought we had to do the payout was not there. We thought we had \$68,351.03 in account number 433900, but we actually only have \$23,253. Mr. Krabill asked where that money originally came from. Ms. Salyers explained it was the reimbursement money from the Secretary of State's office from the Primary 2020 Election.

Mr. Smith asked if we needed to go to the commissioners to ask for the money. Mr. Solowiej, county fiscal administrator, stated he would think so. He also stated that we needed to look at the time donated by various county departments under the board of commissioners during the general election. He estimated that 15 to 20 thousand dollars worth of time was given to the Board of Elections. Mr. Krabill responded that, if that is what you are asking for, that would simply increase the amount of money we would ask the commissioners for.

Mr. Solowiej stated that he would be comfortable recommending to the commissioners that they pay out 80 hours for the county employees, which would be about \$7,000. Then, the Board of Elections would have to figure out how to manage the balance of their comp time and use it up. Mr. Solowiej also stated that he wanted to verify all the comp time hours Board of Elections employees accrued. He would like an itemized payroll report by person to verify that people weren't getting comp time when they were also being paid overtime. Ms. Salyers stated that that never happened. She used CARES money to pay for overtime until the day of the Logic and Accuracy testing for voting equipment. After that, BOE employees started accruing comp time. Ms. Salyers was adamant that there was no double dipping. Mr. Solowiej again brought up all the time that county employees gave the BOE during the election, and stated that some of that reimbursement money from the SOS could help cover that.

Mr. Monaghan asked when the previous director left, if the payout money that went to her was paid out of a special fund that the commissioners set up specifically for that purpose. Mr. Widman from the county finance department stated that that addresses separation pay. In this situation, no one is leaving; you're just trying to reduce the amount of accrued hours. Mr. Ferrell responded that she (the previous director) *did* leave, and the county took her payout money out of the Board of Elections budget and not the reserve account. Mr. Ferrell also stated that, as far as working extra hours, the BOE office has no options. We can't just go to the public and say sorry, we've worked our hours, now we have to shut down and you'll have to find another way to vote. Mr. Widman responded that the money the BOE is looking to be paid out would be paid in 2021, and the 2021 budget policy doesn't really address anything along this nature. Therefore, somebody would need to talk to the county commissioners in terms of an exception to the 2021 budget policy.

Mr. Krabill asked what is the total amount to be paid out? Ms. Tomaro of the county finance department stated it was \$41,890.41, plus 1.45% for Medicare. In total, this would be \$42,497.82. Mr. Krabill asked Mr. Solowiej of the \$42,497.82, if we have \$23,253 available. Mr. Smith responded that he thought Mr. Solowiej was saying that we don't have \$23,253, but the county might give us \$7,000 if we ask for it. Mr. Solowiej stated that was correct.

Mr. Krabill stated, just to be clear, you're saying that you don't support any of the additional hours being paid to our staff. Mr. Solowiej responded not at the 42,000 level. Mr. Krabill stated, and you're also saying that the \$23,253 does not exist and is not available to us. Mr. Solowiej responded that it exists, to which Mr. Krabill replied, is it available to us? Mr. Solowiej stated that the money is in the general fund. He stated that the commissioners could argue that half of that was used by employees under the board of commissioners helping during the General Election. Mr. Krabill asked half of 23 or seven? Mr. Solowiej responded 7,000.

Mr. Krabill stated, just to summarize, you're asking for \$7,000 for county employees which I was told were being lent to the Board of Elections. And we believe we have a \$42,000 obligation to our staff. There's also about \$23,253 that somehow was swept back into the county general fund at the end of the year that arguably from our standpoint, should be available to pay this. Mr. Krabill also stated that we wanted to get the payout done as soon as possible, because the last pay date in 2020 was actually a 2021 date. He stated he was curious at this point why it didn't get done.

Ms. Salyers responded that it couldn't be done that quickly. The auditor's office needed more time to prepare, and we had to give Ohio Deferred Compensation at least 30 days notice.

Ms. Salyers then asked Mr. Solowiej about the concept of double dipping. He wants to make sure Board of Elections employees were not double dipping, but by paying county employees who were supposed to be volunteering, isn't that double dipping? Ms. Tomaro responded that what Mr. Solowiej was saying was not that employees would receive any more compensation, but that their departments would be reimbursed for those hours they weren't upstairs doing what their normal job is. Mr. Solowiej confirmed that was correct. Ms. Link, clerk, stated that's not how it was presented to us, and Mr. Ferrell agreed.

Mr. Solowiej asked if the board was recommending we ask the commissioners for the 23,000. Mr. Krabill responded that he wasn't sure, because he came into this meeting thinking the 23 was already available to us. He thought we just needed to ask for additional funds to complete the \$42,000 obligation, or about 19 grand.

Mr. Smith stated that he was questioning if we had this money in our budget, and he was assured we did, but we didn't. It looks like the number we should have been working with in December was 23, not 68, so that's a problem. He stated we could either ask the commissioners for 23 or ask them for an additional 19. He is also concerned that the commissioners might ask why our hours were so heavy when they lent us county employees to help.

Mr. Krabill stated that he had a couple of points. He stated that we wouldn't be having this conversation if it weren't for the previous director's payout money coming from the Board of Elections salary budget. He also stated that we were *asked* to come up with a payout policy, because of what happened with the previous director's payout. Mr. Smith responded that the previous director's large payout amount came from 15 years of work. He pointed out that there was a significant payout amount for an employee who has been here considerably less. At a certain point, we're supposed to be whittling down these hours when we're not as busy. Mr. Krabill replied that if we're being asked to do these more current payouts, then there needs to be cooperation from the county.

Mr. Ferrell asked if there was any county CARES money left. Ms. Tomaro responded that there is some; however, the majority of it has already been allocated to existing projects that were either started or approved in 2020. Examples that she gave were sheriff's cruisers, testing at the Meadows, and some IT projects. She estimated, on the high side, that the county might have 1 million dollars left, and that maybe 60,000 of that is unallocated. She stated that the county needs to extend those funds through 2021, and with heavy testing going on at the Meadows and the jail, they feel it is appropriate to put money toward those areas.

Mr. Ferrell asked is it as appropriate as making sure the people of Erie County have the right to vote? Are the sheriff's cruisers more important than that? Ms. Tomaro responded that one of the stipulations of the CARES money is a covid connection. Mr. Ferrell stated that he understands that. Ms. Tomaro asked so what's the covid connection? Mr. Ferrell responded it was obvious: contact. We had everyone in Erie County walk past us. Mr. Krabill added that the reason the heavy absentee voting occurred was covid. Ms. Tomaro asked, what's the protection and prevention of the spread? Mr. Krabill responded doing absentee voting.

Ms. Tomaro asked if the comp hours were strictly allotted for that. Ms. Salyers stated that the majority of them were, and Mr. Krabill added that the absentee process was convoluted. Ms. Salyers stated there were times during the Primary that we were here until 10:30 or 11:00 at night, not because we wanted to, but because we had to. She explained that the majority of comp hours that she and Ms. James, Deputy Director, accumulated were during that time. Mr. Solowiej responded that one of the guidance for CARES money is that it's limited to public safety and health care.

Mr. Smith stated that now, the board has to go to the commissioners to ask for a onetime expense. The decision is whether to ask for the 42,497.82, to ask for the 23,253, or to ask for 7,000. Mr. Ferrell stated that we thought that money was in our account, but instead it went into the general fund. He also stated that he thought the CARES Act should cover wages in regards to the Board of Elections, because it was solely to reduce the spread of covid in Erie County. Ms. Tomaro responded that the wages have to be for public health and safety, which means health care workers and police officers.

Mr. Krabill pointed out that, if we ask for the 42,497.82 for the Board of Elections employees, plus the 7,000 for the county employees, then we're essentially asking for 50,000. Mr. Smith responded that he didn't know if they're asking us to reimburse the county; they're just asking us to take into consideration that county employees donated time to us. Mr. Solowiej confirmed that's all he was saying, and stated we could put aside the 7,000 and just focus on the 42 or the 23.

Mr. Smith stated that we had a stronger argument asking for the 23, because that was in our budget at the end of the year anyways, but the 42 was not. Mr. Krabill pointed out that if we get the 42, that still leaves us with 160 hours on the books for each employee. If we get less than 42, then that leaves more hours on the books, which will need to be paid out eventually. Mr. Smith stated, or the time could be burned off during slower times.

Mr. Ferrell stated, let's just ask for basically 25 grand. Mr. Smith stated, the question is how are we going to break that down proportionally among the staff. Mr. Krabill stated that he would be interested in any staff feedback. Ms. Salyers responded that they don't even have to pay her out; she just wants to see the other three are paid out. She also stated that eventually she would be paid out when she retires.

Mr. Ferrell told Ms. Salyers that was very noble of her. He also stated that the money we were asking for was a drop in the bucket compared to the county's general fund. Mr. Ferrell also reiterated that the BOE office had no choice in working all the hours they did. Ms. Salyers stated that she spoke with her mentor in Allen County, who told her that, if the work does not get done, and the election is not successful, the SOS removes the board and sues the county commissioners. She stated that we had two very successful elections, and that ought to count for something.

Mr. Krabill stated that he ran some numbers, and if Ms. Salyers does not take her payout, but the other three do, that would be a total of \$25,242.59, including Medicare. He felt that was a good compromise, plus that amount is very close to the \$23,253. Mr. Smith stated that he thought the payout should be proportional among the staff. Playing devil's advocate, he stated that the commissioners might think that Ms. Salyers is just setting them up to pay more later.

Mr. Monaghan stated that we had a wonderful election with very few hiccups because our people put in a lot of overtime. They ought to be paid for what they've done. Mr. Smith responded that we have a financial issue here. If we had known back in December that we only had the 23, what would we have decided? Ms. Salyers apologized for that. She stated that whenever she ran financial reports, the 68,000 showed up. That's what she thought the balance was, and she did not realize the money had been moved. Mr. Ferrell responded that you're not the first department in the county to have numbers get jumbled up. He also stated that the county has a goal we have to achieve. Our goal this November was to have an election. We did that, but now you have to pay the piper, and there are funds to pay the piper.

Mr. Krabill asked if it made sense to go to the commissioners with options and ask them to pick the option they feel is most appropriate. He also asked Mr. Ferrell if he wanted a motion. Mr. Ferrell responded that he thinks we should just give directions to Mr. Solowiej and the finance department of what we would like to see happen. Mr. Smith asked if we need to ask to be put on the agenda for the next commissioners' meeting. Ms. Tomaro responded that we will present it with your budget. She also reminded the board members that she was scheduled to come to the next board meeting on January 22nd. Mr. Ferrell and Mr. Monaghan both stated they had prior commitments and would not be able to make the January 22nd meeting.

Mr. Ferrell asked Ms. Tomaro when the county budget would be passed. Ms. Tomaro replied that it would likely be around the middle of March. Mr. Smith pointed out that the board reorganizes at the beginning of March, and if there are new board members, they will want to be a part of this process. The board members then discussed when to reschedule the board meeting, and decided on Friday, January 29th at 8 a.m.

Mr. Ferrell stated that he appreciated Mr. Solowiej, Ms. Tomaro, and Mr. Widman coming to our meeting. Mr. Solowiej stated that they would present to the commissioners and let the BOE know what was decided. Mr. Solowiej also encouraged Ms. Salyers and Ms. James to meet with the finance department to get more comfortable with the budget and to learn about how the financial reports are run.

Motion to adjourn the meeting was made by Mr. Krabill, seconded by Mr. Monaghan. Motion carried. Board adjourned at 3:50 p.m.

Lori J. Salyers, Director

Attest:

Thomas M. Ferrell, Chairman