

The post-election audit and special meeting of the Erie County Board of Elections was called to order by Chairman Thomas Ferrell on Monday, November 30th, 2022 at 8:04 a.m.

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: Rachel Ruffer from SOS Office, Jason Hinnens from Erie County Prosecutor’s Office, Caleb Stidham, Debra Nickoloff, Mary Ann Groot, and Amy Grubbe

Mr. Smith made a motion to go into recess until 11:30 a.m., with Mr. Monaghan seconding. All board members voted yes; motion carried. Board recessed at 8:05 a.m.

While in recess, the bipartisan board staff conducted the post-election audit on the voting machines randomly selected by the board at their last meeting.

Mr. Krabill made a motion to reconvene, with Mr. Monaghan seconding. All board members voted yes; motion carried. Board resumed regular session at 11:28 a.m.

Adrienne James, Deputy Director, stated that we audited three races: Governor, U.S. Senator, and Secretary of State. The three voting machines we audited were the Sandusky H and I DS200, the Margaretta Township 3 and 4 DS200, and the Perkins Township 8 and 9 DS200. The results from our hand count match perfectly with the numbers from the machines.

Mr. Smith made a motion to certify the results of the audit, with Mr. Monaghan seconding. All board members voted yes; motion carried. The board members, Director Lori Salyers, and Ms. James signed the audit paperwork to submit to the SOS office.

The next item on the agenda was “Vote on hiring for the temporary Republican clerk position.” Mr. Smith stated that he and Mr. Krabill interviewed two candidates on Monday and that he has a recommendation.

Mr. Monaghan stated that he looked at the applications, and that he hired a lot of people in business career. He also stated he has never seen an application where the person writes down one employer. He then questioned how many people the applicant who only wrote down one employer has worked for.

Mr. Smith stated that with both candidates, he and Mr. Krabill talked about employment history. One applicant has recently moved into the area. They have done manufacturing work and mortgage work. The other applicant has worked for the Erie County land bank, Sandusky City Schools, the State Auditor’s Office, and the Stark County Republican Party. One applicant has a degree and another applicant is working on a degree.

Mr. Krabill stated that both candidates commented on the fact that they only had one box to fill in and didn’t understand why they couldn’t provide their full work history. Mr. Krabill mentioned this to Matt Wilson of the county HR department. Mr. Krabill stated Mr. Wilson was not aware applicants could only put down one piece of work history. Mr. Monaghan commented that the other applicant did put down more than one job.

Mr. Ferrell stated he had a question about some of the resolutions that were passed and the one creating this position. He stated we are creating a new position, but this board has never approved a job description. He stated he finds that very interesting.

Mr. Monaghan stated that at the November 7th meeting, his Republican colleagues made resolutions after the agenda had already stopped. He then read the following excerpt from the approved November 7th minutes:

“Mr. Smith motioned to take a five-minute recess. Mr. Krabill seconded the motion....Mr. Krabill stated he hears what Mr. Hinners is saying, but this is not a special meeting. It is a regularly scheduled meeting of this board. Mr. Hinners stated that it shows on our calendar as a pre-election meeting. Mr. Krabill replied that that is the title of the meeting. However, he does not think that moves it into the category of special meeting. Mr. Monaghan stated that Mr. Hinners is our attorney. He then said, ‘You’re not our attorney, Jeff.’ Mr. Krabill replied that he does not want to delay these matters any longer.”

Mr. Monaghan stated that Mr. Krabill made some moves at the November 7th meeting that he is questioning. Mr. Krabill stated that is fine; we can each have our opinion. However, the matter before the board right now is filling the temporary Republican clerk position. Mr. Ferrell stated he disagrees. Mr. Monaghan then read another excerpt from the approved November 7th minutes:

“Mr. Smith asked what our limits are in terms of the agenda and what we can do. Mr. Hinners stated that if it’s a regular meeting, then you technically don’t need an agenda, or you can add items to the agenda. However, this meeting is billed as a pre-election meeting. Adding additional items goes beyond the scope of that.”

Mr. Monaghan indicated he thinks Mr. Smith and Mr. Krabill are saying that our attorney is wrong. Mr. Smith replied, “We had an executive session about imminent litigation, so I’m not going to comment on any of that at this point in time.”

Mr. Ferrell then suggested talking about what happened in open session on November 7th. He asked how is a position being authorized to be advertised when there has never been a position created? Mr. Smith replied that it was his understanding that the vote created the position. Mr. Ferrell stated that we’ve never created a position without a job description. Mr. Smith stated it was his understanding that Human Resources would put together a job description. Mr. Ferrell stated he has never seen the description.

Mr. Krabill stated this is a temporary position that does not go beyond the end of February or the first Monday in March. He also stated it is clearly a training position. Mr. Ferrell asked, “Training for what?” Mr. Krabill replied that we have a pending Republican resignation. Mr. Ferrell responded that the person retiring is a director, not a clerk. Mr. Krabill stated he understands that; they came up with the name to facilitate the process and the advertising of the position.

Mr. Monaghan then stated the position you are wanting to fill is the clerk’s position, not the director’s position. Mr. Krabill stated no; we are trying to fill a temporary position. Mr. Ferrell asked why we are creating a temporary position when there is no vacancy. Mr. Krabill stated it is to learn the office, because we know we’ll have a Republican position to fill.

Mr. Ferrell then recounted his perspective of what happened before the November 7th meeting. He called Mr. Monaghan Friday or Saturday to let him know he would be in Columbus. Mr. Smith texted Mr. Ferrell and asked to speak with him. Mr. Ferrell told Mr. Smith he would not be at the meeting. It is Mr. Ferrell’s opinion that Mr. Smith and Mr. Krabill had conversations about Mr. Ferrell not being at the meeting and passing these positions. Mr. Ferrell then commented on the resolution to move to the county’s policies. He said one caveat of that was raising the pay for the Director and Deputy Director; however, he did not see that mentioned in the resolution.

Mr. Krabill stated those are matters that must be addressed come the first Monday of March. Mr. Ferrell replied that it must be part of the budget process. Mr. Krabill commented on the conversations and background work with the commissioners and County Administrator Hank Solowiej. He also stated that because of the study HR conducted on salaries, the commissioners are prepared to address the salary issues for Director and Deputy Director. Mr. Ferrell asked if we had that in writing. Mr. Krabill stated no. He stated the commissioners would not act until it is part of the budget process.

Mr. Ferrell stated that when he was a commissioner, elected officials had the opportunity to go to commission meetings and speak in open session about what they need and how their responsibilities have changed. He then stated he thinks we are violating county policy.

Mr. Krabill stated the commissioners and Mr. Solowiej are aware we are trying to fill this temporary position. They also know we need to fund it. They are just waiting on a decision to be made by this board.

Mr. Ferrell asked how they can fund a position that hasn't been approved by this board. Mr. Smith asked Mr. Ferrell if he had read the recent commission meeting minutes. Mr. Ferrell replied he hasn't received them. Mr. Smith stated he hasn't received them either, but it is his understanding that after this board took action at our November 7th meeting, the commissioners approved funding for this position.

Mr. Monaghan questioned why we need someone to come in three months early, whether it's going to be a clerk's position or a director's position. That has not happened with the last four or five people who have been hired for this office. He also mentioned one of the candidates and said he wanted to find out more about the jobs he has held. Mr. Smith stated that if Mr. Monaghan wants to conduct interviews, that is his prerogative. Mr. Monaghan again stated he was against hiring someone three months early. He stated that you don't do that in business, so why would you do it in government?

Mr. Krabill stated that the history in this office is that we bring someone in with no experience and drop them in the frying pan. That has been the norm, but Mr. Krabill thinks that is not a good model. He stated that if the commissioners are willing to give us three months to support the ongoing efforts of this office, then that's a blessing.

Mr. Monaghan stated that you're worried about our budget, but all of a sudden it's okay to spend the money for three months for a temporary clerk, when the temporary clerk can get everything they need to know within a week or two. Mr. Krabill told Mr. Monaghan that that is your opinion. Mr. Monaghan stated we are all entitled to our opinions. Mr. Krabill stated he was on the same page as Mr. Smith to make a motion to hire a particular person to come in for three months to learn the job. Mr. Krabill then asked if he should make the motion or if Mr. Smith wanted to make the motion.

Mr. Ferrell stated that before we make any motions, he has additional questions. He wants to know why this was rammed through at the pre-election meeting when all four of the board members would be present the next day. Mr. Ferrell thinks it is because he was not there.

Mr. Krabill responded that he did not know of Mr. Ferrell's potential absence from the pre-election meeting until two hours before the meeting. Mr. Krabill stated he wanted to go forward with the motions because we have a history of not addressing the issue. He also stated that he learned a week prior to the pre-election meeting that we were on the edge of a fiscal cliff with our staff. Due to budgetary issues, our payroll accounts were short.

Mr. Ferrell asked, "So then we go ahead and create a new position when our payroll accounts are short?" Mr. Krabill replied that these are separate issues, and they have both been addressed. Mr. Ferrell asked how. Mr. Krabill responded that the county commissioners voted to fund both.

Mr. Ferrell told Mr. Krabill that as a member, he can make a motion on anything he wants. He could have made these motions on November 8th, but instead he made these motions on November 7th against the counsel of Mr. Hanners. Mr. Krabill replied, "You do recall that it was on the agenda and you had it removed." He then stated that you can't complain and in the same context have cancelled the vote. Mr. Ferrell replied that he can complain when a job description and position are created without this board having taken any action.

Mr. Monaghan asked where the position was advertised. Mr. Krabill stated it was turned over to HR and posted internally within the county. Mr. Smith stated it was also advertised in the Sandusky Register.

Mr. Ferrell asked what the intentions for this clerk are. Is it to catapult them into Ms. Salyers' position? Mr. Smith responded that presumably, he and Mr. Ferrell will both be here at the reorganization meeting. However, Mr. Monaghan and Mr. Krabill may not be. There is a lot of time between now and the reorganization.

Mr. Monaghan stated he is on this board to make sure it runs correctly for all citizens of Erie County, whether they are Republicans, Democrats, or Independents. He stated he is here until at least March 1st, and he is going to run the board the way it should be run. Mr. Smith stated he understands that but said if Mr. Monaghan does not seek another term on the board, then respectfully, he will not have a say in who the director and deputy director will be.

Mr. Ferrell stated, "Let me ask again. Is the intention that this person is hired to catapult them into Lori's position?" Mr. Smith stated, "I would not answer that question because I would be presuming to speak for other people."

Mr. Krabill stated that we are not hiring a director today. We are not trying to take away any authority the new board will have. We are looking to hire someone to come in and fill some role, depending on whatever decision the future board makes.

Mr. Monaghan stated that this position would be at a rate of \$17, when the original motion was \$19 an hour. Mr. Krabill stated that was a mistake. Mr. Smith stated that it was changed when Ms. Salyers told the board what the two current clerks are making.

Mr. Ferrell stated that you still want this employee to start at a higher rate than the Democratic clerk's starting salary. He also stated that the Democratic clerk did not receive a raise until the completion of her probationary period. He then said, "I know we have two ladies that are in the office that are interested in Lori's position." Mr. Krabill responded, "That issue does not ripen until the first Monday in March." Mr. Ferrell stated he thinks Mr. Krabill is being disingenuous. Mr. Ferrell thinks the person Mr. Krabill wants to put in Ms. Salyers' position is one of the people who sent in an application. Mr. Smith stated he thinks Mr. Ferrell is making assumptions about what he thinks is going to happen when the parties meet to nominate people for the board.

Mr. Ferrell asked if accuracy in the job is key to the staff members' positions. Mr. Krabill replied, "There's a lot of things that are important to the position." Mr. Ferrell commented on the importance of accuracy and the image we present to the public. He then suggested going online and looking at the Erie County landbank meeting minutes.

Mr. Krabill stated that Mr. Ferrell would have an opportunity to vote in March. In the meantime, he is going to make a motion that the temporary Republican clerk position be filled at the rate that was stated by Alex Jones. Mr. Smith seconded the motion.

Mr. Ferrell noted it has been moved and seconded, then called for more discussion. He asked Mr. Hinnners what his input is. Mr. Hinnners asked in what way. Mr. Ferrell said, "the creation of a position that wasn't authorized by this board." Mr. Hinnners stated he has not looked at the county's HR policy regarding that. He then asked if the motion made on November 7th indicated that the county's HR policy would not commence until March 1st. Mr. Ferrell stated yes. He then stated that we harken back to the 2009 resolution that a previous board made, regarding comp time and how employees are hired. He also stated he has not seen the job description.

Mr. Krabill stated that when HR was contacted and they advertised the position, there was no conversation. HR knew we were creating a position, they advertised it, and they forwarded us the applications. Mr. Krabill thinks if there had been some fatal flaw in this, HR would have said something. Mr. Ferrell responded he has no questions regarding HR Director Matt Wilson and his capabilities. Mr. Ferrell's issue is that there was no job posting or description authorized by this board. He does not know how you can advertise something the board hasn't authorized.

Mr. Monaghan stated he would like to see where Mr. Jones has worked previously. He also questioned how long Mr. Jones would be with the Board of Elections. Mr. Monaghan stated we've got someone who has been here five years, and he thinks other board members are ready to leapfrog over the top of her. Mr. Ferrell asked for a roll call vote on Mr. Krabill's motion.

**Mr. Ferrell- no
Mr. Monaghan- no
Mr. Smith- yes
Mr. Krabill- yes**

The motion did not carry. Mr. Ferrell asked if there were any questions from the audience. Ms. Grubbe asked what happens with a two-two tie. Mr. Krabill stated "no action." Mr. Smith stated he does not think this is something we would send to the Secretary of State; Mr. Krabill agreed.

Mr. Ferrell stated he wants to say one more thing before we adjourn. He feels our utmost responsibility is transparency to the public. This board has strived for that, and he would hate to rupture that trust and transparency.

Mr. Krabill questioned the 2023 meeting schedule in the board members' folders. Ms. James stated the board adopted the schedule several months ago. The upcoming Sandusky special election and the reorganization meeting are not yet on the schedule; however, the board can discuss that at the December meeting.

Mr. Smith motioned to adjourn, with Mr. Monaghan seconding. All board members voted yes; motion carried. Board adjourned at 12:02 p.m.

Lori J. Salyers, Director

Attest:

Thomas M. Ferrell, Chairman