

LINN COUNTY BOARD OF SUPERVISORS
CEDAR RAPIDS, LINN COUNTY, IOWA
WEDNESDAY, JANUARY 18, 2023 10:00 A.M.

The Board met in session at the Linn County Jean Oxley Public Service Center.
Present: Chairperson Zumbach, Vice Chairperson Rogers and Supervisor Kirsten Running-Marquardt (via phone). Board members voting "AYE" unless otherwise noted.

Chairperson Zumbach called the meeting to order and led the Pledge of Allegiance.

Motion by Zumbach, seconded by Rogers to remove the following agenda item from the Consent Agenda and place on the Regular Agenda: Agreement between Linn County and Mercy Medical Center to apply for 340 B status to participate in the Federal Drug Pricing Program through the Health Resources and Services Administration retroactive to January 10, 2023.

Motion by Rogers, seconded by Zumbach to approve Amended Consent Agenda as follows:

Receive and place on file the Recorder's Quarterly Report for October 1 through December 31, 2022.

Approve and authorize Chair to sign a Linn County American Rescue Plan Act Grant Closeout Agreement between Linn County and Discovery Living, Inc.

Approve and authorize Chair to sign an American Rescue Plan Act (ARPA) Subaward Agreement between Linn County and Kirkwood Community College for the Linn County Adastra Scholarship Program in the amount of \$1,000,000.00.

Approve and authorize Chair to sign an American Rescue Plan Act (ARPA) Subaward Agreement between Linn County and Indian Creek Nature Center for the Education Expansion at Indian Creek Nature Center in the amount of \$250,000.00.

Award bid and approve purchase order P0430 for entrance culverts to Advanced Drainage Systems Inc in the amount of \$11,100.00 for the Secondary Road Department.

Motion by Zumbach, seconded by Rogers to approve minutes of January 11 & 17, 2022 as printed.

Motion by Rogers, seconded by Zumbach to approve claims for AP checks #71009712 - #71009772 in the amt. of \$96,825.50, and AP ACH in the amt. of \$859,095.24 for a total of \$955,920.74; and void/reissue check #71009773 in the amt. of \$838.45; and a p-card transaction in the amt. of \$905.90 with no receipt.

Rhonda Betsworth, Deputy Auditor, presented a resolution fixing the January 1, 2022 Utility Valuations payable in 2023-2024 (Code requirement).

Motion by Rogers, seconded by Zumbach to adopt Resolution 2022-1-4
RESOLUTION FIXING THE 1/1/2022 UTILITY VALUATIONS PAYABLE 2023-2024
WHEREAS, Iowa Code Sections 434.22 (railway), 437.10 (electric) and 438.15 (pipeline) establishes that the county board of supervisors shall enter into the minute book an order describing and fixing the miles, assessed valuations, and taxable valuations for state assessed utilities; and
WHEREAS, the Iowa Department of Revenue fixes and publishes a schedule of the miles, assessed valuations, and taxable valuations annually on their public website for the County Auditor to retrieve and input into their local tax system; and
WHEREAS, the miles, assessed valuations, and taxable valuations for the 1/1/2022 utilities payable in 2023-2024 are as follows:

Utility Miles Assessed	Valuation	Rollback	Taxable	Valuation
Pipeline/Water/Steam	n/a	\$18,759,157	100%	\$18,759,157
Railroad	94.210	\$82,586,266	Two Tier	\$74,126,594
<i>Total Centrally Assessed \$101,345,423 \$92,885,751</i>				
1-Electric	n/a	\$1,078,244,848	n/a	\$184,196,868
2-Production	n/a	\$414,752,986	n/a	\$52,045,148
3-Gas	n/a	\$112,481,151	n/a	\$30,614,376
6-Transmission	n/a	\$524,119,969	n/a	\$108,089,277
7-Distribution	n/a	\$59,313,955	n/a	\$5,560,094
<i>Total Gas and Electric \$2,188,912,909 \$380,505,763</i>				
Grand Total	\$2,290,258,332			\$473,391,514

WHEREAS, the Linn County Auditor has a detailed listing of the above by company and taxing district on file; now

THEREFORE BE IT HEREBY RESOLVED by the Board of Supervisors of Linn County, Iowa, that it is hereby ordered that the above stated miles, assessed valuations, and taxable valuations in Linn County, Iowa, are hereby ordered and fixed accordingly.

Auditor Miller presented a resolution changing Deputy Auditor positions to professional management positions. He stated that he previously discussed this during the budget process last Friday and relayed it to each Supervisor individually. Since then, he received an email from the HR Dir. on the topic. She has some concerns, and he assumes she has communicated those concerns with the Board. He stated that these are worthy concerns to address and he listed them one by one and explained his response to each concern. Miller noted that he will not be in his position after 12/31/24 and he would like this reorganization completed soon so that there is some run time to ensure it works so that whoever succeeds him, doesn't come in and say it's only been in effect three months. He stated that he asked for a deputy conversion ten

years ago and he did not pursue it as the HR Director indicated it would result in a decrease in salary for that incumbent (which he was not willing to do). He would like to make this reorganization effective as soon as possible and requested a decision on next Wednesday's agenda. This has never been done before and deputies of elected officials must be done hand in hand with the Board and he wants to work hand in hand with the Board. Miller would also like to have a decision so that he can convey that to the Compensation Board on January 30th. He also does not want to go into 2024 with these being designated as political appointments. The voters and taxpayers need to know (and be shown) that these jobs are non-political, are professional management positions and will have some time to illustrate that politics does not enter into the decision-making process.

Supervisor Rogers thanked Auditor Miller for wanting to work hand in hand and values that. He supports what he is trying to do and given today's current political climate of other office holders firing all of their predecessors' deputies and staff to install their own. They have not experienced that in Linn County but there have been a lot of firsts. Miller is trying to protect the office from either party installing people that do not have the skillsets of those holding the positions now. He asked Miller if he was required to have at least one Chief Deputy.

Miller responded that he is not aware of that requirement and noted that Polk County has an Assistant County Auditor, not a Deputy. He explained that he can deputize management staff to carry on the functions of his office in the event of the Elected Official's temporary absence. This person would be designated to fulfill all of the lawful duties of the County Auditor.

Chairperson Zumbach stated that there are a lot of moving parts to this topic. He didn't realize it would be moving this fast and for him, he's not going to get through those moving parts by next Wednesday. He wants to talk to the HR Director and make sure everyone is involved with the same mechanism. Auditor Miller's points are very valid but he just wants the moving cogs to fit together and to work them out as they go. He also understands that time is of the essence and he agrees that this needs to get done so that it is in place for a while. Next week would be pushing it for him but he does understand where Auditor Miller is coming from.

Supervisor Running-Marquardt stated that she thinks that the Board needs some time to make sure they get it right and to address HR's concerns or make sure language is right. Change is important and with the Compensation Board meeting January 30th, it doesn't mean they have to rush right now. This is something that she is in favor of and is a great idea. She just wants to make sure they are doing it right.

Supervisor Rogers discussed the Agreement between Linn County and Mercy Medical Center to apply for 340 B status to participate in the Federal Drug Pricing Program through the Health Resources and Services Administration. It was reviewed by the County Attorney and the deadline was January 15th. There was no time to get it on last week's agenda, so he is asking for approval retroactive to January 10, 2023.

Motion by Rogers, seconded by Zumbach to approve and authorize Supervisor Rogers to sign Agreement between Linn County and Mercy Medical Center to apply for 340 B status to participate in the Federal Drug Pricing Program through the Health Resources and Services Administration retroactive to January 10, 2023.

Public Comment:

Dustin Mazgaj of Walford stated that he wanted to talk about a Board meeting in October of 2022 about 1st amendment auditors (not the same type of Auditor as Auditor Miller). He wanted the Board to know that a lot of stuff said in that meeting was not true and extremely misleading. The auditor is not a lone wolf, he is a member of a group. The reason why the lone wolf that they talked about was going to the Courthouse (not to film or intimidate) was because he was forced to go to the Courthouse. He was representing himself pro se (representing himself rather than hiring an attorney). He was at the County Attorney's Office (as any attorney would do) trying to get his discovery. Normally the County Attorney's Office just hands it over (hands over a flash drive and you leave), but for whatever reason, they didn't want to do it. They kept making excuses and dragging it out (he has videos of it) and they called in the Sheriff to intimidate him. He needs this discovery and if he doesn't have it, he will lose his case. He was forced to film because of the false accusations that have been made about him. Mazgaj stated that the same thing happened to him. He went there and became a victim of false accusations. When you are constantly a victim of false accusations by the Linn County Sheriff's Dept., you have no choice but to film it to exonerate yourself from those false accusations. At the Board meeting, it was said that they pretended to be nice and respect the 1st amendment but days after that, they hit him with some hard charges. They say one thing and then do another. The second issue he wanted to talk about is Joel Miller. In the meeting they said they wanted to deescalate and be respectful, yet Joel Miller went up to the guy (with another gentleman) and physically got in his face and tried to physically intimidate him. They blocked him in a corner and called the cops on him. That was specifically what they said in the meeting not to do. After they called the cops on him, his other associate in the group threatened to sue him because he was standing in a public building with a camera. It was also said in the meeting to not film back but that's exactly what is done. He wanted to say that things that were said in that meeting, the

complete opposite is being done. The people filming have been victims of violence, false charges and lies. He can prove that by looking at police body cams compared to police reports. He also wanted to call out Joel Miller's comments about wanting to talk in private rather than being transparent in a government meeting. It's clear that he wants a secret plan of how to screw over auditors who are just trying to exercise their first amendment right under the US Constitution. He explained why all the filming started which is a building at 1501 1st Ave. in Marion. A building that has third world conditions (broken windows, no heat, animals, and despicable conditions). When it was reported to City Hall in Marion, that's when retaliation started, and things got bad. He has 400 gigs on a flash drive (pictures and videos) with multiple backups in secret locations. If they go to jail, the only thing that is going to change is the man behind the camera. The camera will never stop rolling.

Motion by Zumbach, seconded by Rogers to appoint the following:

Electrical Board of Appeals: Rich Good & Mike McEnvoy, term ending 12/31/25

Mechanical Board of Appeals: Bret Brecke and Thomas Day, term ending 12/31/25

Board of Adjustment: Ron Hoover, term ending 12/31/27

The Board recessed at 10:36 a.m. and reconvened at 1:30 p.m. to review proposed Fiscal Year 2024 budgets. Present: Dawn Jindrich, Finance Dir., Sara Bearrows, Budget Dir., Brad Ketels, County Engineer, Nichole Brown, County Engineer staff; Lisa Powell, HR Dir. and Darrin Gage, Dir. of Policy & Admin.

County Engineer - The proposed appropriation is in the amount of \$20,402,510. The allowable appropriation was based on the maximum transfer from the general basic and rural basic funds, other revenue, and use of fund balance. Any request from the Secondary Roads fund is allowable if adequate fund balance is available. The proposed Road Clearing budget equals the Board's guidelines.

Nichole Brown presented the budget review and Brad Ketels presented the Key Performance Indicators (KPI's).

Discussion continued regarding the LOST dollars and the Board indicated that they are supportive of how the LOST dollars are being spent.

Motion by Rogers, seconded by Zumbach to approve Secondary Road appropriations of \$20,402,510; revenue of \$11,937,330; and Road Clearing appropriations of \$504,176.

Human Resources- proposed appropriation is under the Board's guidelines by \$24,500 due to a \$500 increase in a NEOGOV contract net against a \$25,000 decrease in unemployment.

Lisa Powell presented the budget, KPI's and an Offer: Online Learning Management System (NEOGOV LEARN) - \$30,000 (ARPA eligible).

Motion by Rogers, seconded by Zumbach to approve FY24 Human Resources appropriations in the amount of \$1,077,601.

Darrin Gage presented updated Capital Improvement Projects II.

Motion by Rogers, seconded by Zumbach to approve FY24 Capital Improvement Projects in the amount of \$1,195,000.

Adjournment at 2:46 p.m.

Respectfully submitted,

JOEL D. MILLER, Linn County Auditor
By: Rebecca Shoop, Deputy Auditor
and Amanda Hoy, Executive Assistant

Approved by:

LOUIS J. ZUMBACH, Chairperson
Board of Supervisors