

LINN COUNTY BOARD OF SUPERVISORS
CEDAR RAPIDS, LINN COUNTY, IOWA
MONDAY, JUNE 13, 2022 11:00 A.M.

The Board met in session at the Linn County Jean Oxley Public Service Center.
Present: Chairperson Rogers, Vice Chairperson Zumbach and Supervisor Walker. Board members voting "AYE" unless otherwise noted.

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

Public Comment: The following comments were made with regard to the proposed Ordinance amending Chapter 14 of the code of ordinances, Linn County, Iowa by adding thereto a new Article III pertaining to the prohibition within the unincorporated areas of the county of any efforts to change sexual orientation or gender identity with minors, including conversion and reparative therapy:

Curt Hancock, 518 2nd St. NW, Mt. Vernon, read excerpts from the ordinance including definitions. He stated that the culture and public schools are teaching little children to become homosexual and telling them it is normal. This ordinance makes it illegal for counselors or pastors to say anything except to affirm that homosexuality is fine and normal. This is a call to action and a time to stand up, speak out, and vote these people out of office. Get people with conservative biblical values back in office.

Randy Walker, 7706 Pin Tail Dr. NE, stated that his heart goes out to any family that is dealing with sexual dysphoria and gender transition issues. One of the roles that anybody in the pulpit has is to help people transition through difficulties in their lives. This ordinance would handcuff a large percentage of pastors from trying to help people through difficult times. He quoted statistics of what people with gender dysphoria deal with. This ordinance takes away the ability to discourage behavior that is immoral and unlawful. Pastors and counselors are there to help and assist and show them what godly moral values are and that is the direction they should be headed.

Brett Mason, 1715 Brookdale Ln. NE, stated that he is running for Supervisor. This is a tough issue and he appreciates comments made about suicide and shared his personal experience with his son's suicide. His concern is the focus of the Board of Supervisors. Last Monday it came out that this ordinance came from a local constituency that approached Stacey Walker and then on Wednesday, it turns out that it came from a group in Iowa and not their constituency. He asked who he could submit a freedom of information request for emails regarding this subject so that he can get to the bottom of it.

Lindsey Elickson, 1352 I Ave. NE, stated that as a parent of a trans kid, the issue has always been whether or not people accept kids like hers. What causes suicide is the bullying, isolation from families and other behavior. The reason why it is so important that they have something like this is because they need to prevent abuse happening to kids. Part of the mission of Linn County is services to kids being abused and they know that kids who experience conversion therapy experience harsh abuse. They need to keep kids like hers safe.

Rachel Cadena, Marion, stated that she grew up with Brent Oleson and she knows Ben Rogers. They have a mutual gay friend. She is there to stand up for something that should be available to children that have been traumatized. After watching Wednesday's board meeting, she stated that her heart goes out to all of the hurting people. It forced her to dig deeper into conversion and reparative therapy. Often time's children are molested and they have same sex attraction and they want to seek therapy. If they want to talk about this, they need to hear both sides.

Jo Pearson, 1210 Starry Dr., Marion, directed her comments to Supervisor Zumbach and his comments made last week regarding it not being in the pervue of the Board of Supervisors and is a state issue. She stated that the state has not chosen to address conversion therapy and asked who is looking out for his constituents. Maybe the state need a nudge and this is an opportunity for the Board of Supervisors to raise the Pride flag.

Drew Martel, 224 Chatham Rd. NE and a licensed mental health professional, stated that he is qualified to speak on this topic. He stated that he had a little trouble following the arguments that the first two speakers made. He is speaking in support of this and gave facts and statements from every major mental health and medical organizations in the United States on the ethics of conversion therapy. He also gave examples of what children are subjected to at a gay conversion camp.

Tim Bickel, 1720 3rd Ave. SE, stated that he is against the ordinance. He thinks that with all due respect to the abuses of so-called conversion therapy, the problem is (no matter how the ordinance is dressed up), it is an infringement on free speech and religious liberty. While it seems to be a new law that will help one sector of society, it becomes an infringement upon the rest of society. He hopes and prays that the ordinance is not enacted. He also asked how the Board has the authority to enact such an ordinance noting that this opens it to lawsuits. He likes the freedom to think the way he likes. As a christian, he did not choose his gender and he is happy with his gender. He finished with Psalm 139.

Emily Coonrod, 1576 Ironwood Dr., stated that the World Health Organization removed homosexuality from the international classification of diseases in 1990. 32 years later attempts to "cure" people is still happening. She directed her comments specifically to Supervisor Zumbach and his comment that he did not have enough knowledge to make a decision and that it should be made at the state level. This morning it is her hope she can help him learn and change his mind that could change people's lives. She continued with research data and statistics regarding conversion therapy.

Greg Happel, 613 Bartlet Ct. NW, stated that the issue reaches multiple areas. He stated that Chapter 14 of the Linn County Code of Ordinances is for Licenses, Permits and Business Regulations. While this is hidden under the guise of business and conversion therapy, it is far more than a permitting issue. He is concerned about freedom of religion. The new ruling would prohibit his freedoms in teaching his children in light of God's word. Because of the vague wording, he would be falling under a category that would be illegal. The second issue is the destruction of freedom of speech. That is unconstitutional and the Supreme Court has ruled against this. He asked if they would arrest a trans man or woman from talking to kids about negative effects that happened to them in their transition.

Bernie Hayes, 327 30th St. SE, quoted verses from the bible. God has given everyone attractions and feelings and God has given everyone the power to deal with them. He is concerned about the ordinance on two fronts, the freedom of speech and religious freedom. He is an Elder at his church. This ordinance will prevent him from talking to kids.

Susan Benya, 533 Forest Dr. SE, stated that emotional or physical abuse is illegal and if it occurs, it needs to be dealt with appropriately. The only cure for struggles facing in life is death and faith in the Lord Jesus Christ. Therapy is a tool to overcome. She spoke about things that are contained in the book "When Harry became Sally". She stated that transitioners were quoted in the book and they did not find the peace that they sought.

Janelle Gentz, 409 Maiden St., Center Point, spoke about research she did on gender dysphoria and read the definition in detail. When making counseling illegal, it is tying the hands of pastors that are able to counsel children that just need someone to talk to. The bigger issue is that someone can get too far into hormones that they cannot de-transition. She gave examples of two people that transitioned years ago and were pressured into it. She read a verse from the bible.

Kristian Fosse, 3700 Northwood Dr., stated that he is a christian and the bible is the inherent word of God. He read verses from the bible. If a christian child gets too much Disney or exposure to things in the state schools and has thoughts that are not in line with the bible, it is the duty of the parent to correct the child so that they may lead a pure and decent life. This measure today will make it impossible for a parent to seek counseling for their wayward child if they are not able to deal with the issue themselves. This measure today will trample on his freedom of religion rights granted in the first amendment of the Constitution. It also tramples on his faith and beliefs. He ended with a prayer.

Ronald Kohler, 460 Hickory Ct., Robins, stated that he is a christian and because he is a christian, he must take a stance against the ordinance. This ordinance is telling all church leaders in Linn County that they cannot advocate against this. He added that the ordinance is very confusing and difficult to read.

Lisa Olander, 1022 44th St. SE, stated that it is easy to be emotional when topics like this come up for discussion and the horrific statistics of abuses of certain therapies. The real issue is about freedom of speech. If one group of people is allowed to have that freedom and another is not, that is a violation of their first amendment rights.

Dr. Andrew Peterson, 6614 Cottage Hill Ct. NE, stated that he spoke last week about his own son. He is disappointed by misinformation presented today. Child abuse is child abuse. It has been clearly shown over and over again that these practices cause harm to the child. Gender issues are very complex and it is very important this ordinance be passed and abuse is not permitted.

Dave Doyle, 3358 Feather Ridge Rd., Toddville, stated that he learned about this ordinance in the Gazette. This ordinance will put him in jail. He is a pastor. This is bad law. Since it did not come from Linn County, who is the Board representing? If it is not practiced in Linn County, why a regulation? When adopted, it will apply only to rural Linn County residents. Creating a hodge podge of regulations that in the end will be unenforceable and opens Linn County to further litigation. This is not a gay rights issue or a conversion therapy issue; this is a parental rights issue. This ordinance will become another reason for a bone of contention with government placing a heavy hand on parents by telling them how they will raise their children.

Brian Saunders, 1100 Blairsferry Ave., Marion, stated that this ordinance does overstep the office and infringes upon the rights of parents and their children. His major concern is for the church. He is a Bishop and oversees 55,000 members in the eastern half of Iowa. He has worked closely with pastors and teachers in their church

body who have struggled with this issue. They have been able to make use of clinics who have not tortured these people. That is not the way the church approaches the issue. The men that received their help are now leading very productive lives and very grateful for help that they received.

Gretchen Lawyer, 5770 1st Ave. NW, stated that she is a christian and an educator. She is in support of the ordinance. Conversion therapy is a range of dangerous and discredited practices that falsely claim to change a person's sexual orientation, gender identity or expression. Such practices has been rejected by every mainstream medical and mental health organization for decades. However, due to continuing discrimination and society bias against LGBTQ people, it is still conducted. Minors are especially vulnerable and therapy can lead to depression, anxiety, drug use and suicide. 20 states have laws and regulations protecting youth from this harmful practice. Constitutionality voiced today is not an issue. She wants to make sure they protect the youth and make Linn County safe and inclusive.

Marc Banowetz, 2188 Ivanhoe Rd., stated that he spoke last week and lives in the unincorporated area of Linn County. He has not found anyone that wants this ordinance. It is coming from outside Linn County. Typically, an ordinance comes forward because something is an issue. How can the Board say what part of a licensed professional's profession they can practice? What will be next? The Board is not in the position to deny freedom of speech.

Damien Thompson, Iowa Safe Schools, Des Moines, stated that the LGBTQ students at Linn-Mar and across the state that asked for this ordinance. He presented detailed research, studies and data. The Ordinance does not curtail churches from counseling. Conversion therapy is based on a lie and is child abuse and students in Linn County have been victimized by conversion therapy. He supports the passage of this ordinance.

Becky Smith, Iowa Safe Schools, Des Moines, stated that every single student should feel safe, supported and affirmed in who they are. Being LGBTQ is not a choice, it is not an illness and cannot be changed with any mid-evil, non-scientific and abusive conversion therapy practices. There is a large published widely available body of research that states that conversion therapy efforts do not work, are not based in scientifically based practices and have been shown to have lasting mental health issues. Many individuals that do experience conversion therapy are referred to as survivors.

Kat Power, 2030 Sunland Dr. SE, asked Supervisor Zumbach what he is doing here if governing all of his people are not in his lane. Gender identity is a protected class under Iowa Civil Rights Law. Protecting this class of people is in the lane of government. She stated that Iowa Safe Schools does have their office in Des Moines as they are learning, but they do amazing work to protect the LGBTQ youth. They contact people all over the state to help these minority students with their civil rights. Their government should not be making personal decisions when it comes to protecting their citizen's basic human rights. Elected Officials have a duty to uphold laws of nation and state.

Ky Murphy, 1021 Bluestone St. NW, stated that many of the topics brought up today strayed away from the actual ordinance. He talked about things that sound like they are not accurate and explained. The ordinance does appear to restrict freedom of speech. He read excerpts from the ordinance including definitions. It restricts pastors, church leaders and counselors from representing what their thoughts are. He is 35 years old this is important to him.

Erin Faucy, 3700 Northwood Dr. NE, stated that he works in a grocery store with a lot of people that go to the local schools. Most of them, including himself, never heard about this ordinance. They really do not want more legislation, it is a burden, and they do not want stuff like this.

Wendy Hartman, Cedar Rapids, stated that she finds the ordinance to be too specific but yet too vague. There are 21 professions named. As a CNA, she can assure the Board that in no part of her training was it ever suggested that she would provide any kind of counseling to a patient or client. She believes that the way the ordinance is written is purposefully vague. She is against conversion therapy but as a citizen of this country and Linn County, she is all about the freedoms they are all granted by their existence on the planet. Is there another vehicle that could be just as effective as an ordinance? She has been coming to Board meetings for three months now, this is political theater, and this was decided before anybody came to make a statement.

Brent Oleson, Deputy Dir. of Policy & Comm. Relations, presented for third consideration an ordinance amending Chapter 14 of the code of ordinances, Linn County, Iowa by adding thereto a new Article III pertaining to the prohibition within the unincorporated areas of the county of any efforts to change sexual orientation or gender identity with minors, including conversion and reparative therapy. He stated that it will become effective upon publication. He explained that the penalty component is a civil penalty with a fine as it is a county infraction. Nobody will go to jail.

Chairperson Rogers clarified that this ordinance is allowed under Home Rule of county government and it is a duty of the Board. This is the Board exerting local control and many examples of local control are being stripped by state legislators and he gave examples.

Supervisor Walker thanked everyone who showed up today and a special thanks to the subject matter experts. This issue is about making child abuse (in the form of conversion therapy) illegal and any other argument about the issue is a distraction. He gave his thoughts regarding first amendment rights. A lot of people are imploring the Board to do what is right based on their religious belief. The Board is to separate their own religious beliefs from articulation of public policy. The Board is called to represent all voices in the community and called to pay special attention to those folks who have been long-suffering in community and marginalized. He cannot oppose something that will protect children and particularly protect children who need it the most. He will support the ordinance.

Supervisor Zumbach stated that he echoes what Rogers and Walker said and that everyone understands that this venture started with emails from Damian Thompson to the Board. He does not believe this falls within the Board's jurisdiction. From his experience in the state legislature, he believes that Home Rule does not mean everything under the kitchen sink. This could very well end up at the state legislature and like the minimum wage issue; the debate will not be about conversion therapy. It will be about the county overstepping its authority. His no vote is not for nor against conversion therapy. It is strictly based on the fact that the county does not have the authority and it is a state issue and encourages everyone to lobby the state to take the subject up. That is why he is voting no.

Motion by Rogers, seconded by Walker to approve upon third and final consideration Ordinance #10-6-2022, amending Chapter 14 of the code of ordinances, Linn County, Iowa by adding thereto a new Article III pertaining to the prohibition within the unincorporated areas of the county of any efforts to change sexual orientation or gender identity with minors, including conversion and reparative therapy

VOTE: Walker and Rogers - Aye Zumbach - Nay

Brent Oleson presented an agreement with the City of Cedar Rapids for a Temporary Construction Easement affecting Linn County property at 800 Walford Rd. SW., namely Linn County Juvenile Detention Center for consideration of \$6,050.00 relating to roadway construction and a new roundabout. The Board will approve on Wednesday.

Mike Tertinger, Planning & Development, presented the Linn County Historic Preservation Commission Fiscal Year 2023 Preservation Grant funding recommendations in the amount of \$28,800. The Board will approve on Wednesday.

Motion by Rogers, seconded by Zumbach to open a public hearing on the plans, specifications, form of contract, and estimated total cost for the Linn County Correctional Center Video Visitation Remodel Project.

Darrin Gage, Dir. of Policy & Admin., presented the project. There were no oral or written objections.

Motion by Rogers, seconded by Zumbach to close public hearing.

Motion by Rogers, seconded by Walker to adopt Resolution 2022-6-95
A RESOLUTION GRANTING FINAL APPROVAL AND CONFIRMING THE PLANS, SPECIFICATIONS, FORM OF CONTRACT, AND ESTIMATED TOTAL COST FOR THE LINN COUNTY CORRECTIONAL CENTER VIDEO VISITATION REMODEL PROJECT WHEREAS, the Linn County, Iowa Board of Supervisors (the "Board") on May 16, 2022 approved, in preliminary form, the proposed plans, specifications, form of contract, and estimated total project cost (the "Contract Documents") prepared by Aspect Architecture (the "Project Architect") for the Linn County Correctional Center Video Visitation Remodel Project (the "Project"); and, WHEREAS, Linn County published a Notice of Public Hearing on the Contract Documents in accordance with Iowa Code Section 331.305 and Iowa Code Chapter 26; and, WHEREAS, the Board conducted a public hearing on the Contract Documents on June 13, 2022 in accordance with the published Notice of Public Hearing.
BE IT THEREFORE RESOLVED that the Board hereby grants final approval to the Contract Documents referred to in this Resolution, and confirms the prior Board action granting preliminary approval to the Contract Documents, and finding the Project necessary and desirable.

Gages opened and announced a single bid from Unzeitig Const. in the amount of \$366,800 for the Linn County Correctional Center Video Visitation Remodel Project.

Public Comment: The following comments were made with regard to the Ordinance amending Chapter 14 of the code of ordinances, Linn County, Iowa by adding thereto a new Article III pertaining to the prohibition within the unincorporated areas of the county of any efforts to change sexual orientation or gender identity with minors, including conversion and reparative therapy:

Curt Hancock, Mt. Vernon, stated that as conversion therapy was defined, he agrees that they need to fight to stop the torture, but that is not what the ordinance is about. He read excerpts from the ordinance and reiterated that those terrible actions need to stop.

Brett Mason, Cedar Rapids, stated that as a parent of seven kids that struggled with all sorts of stuff, he would love to look at his son that committed suicide and say to him that he is valuable and precious and made in Gods image. He would speak that same hope, love and identity to anybody going through a time where they are not believing it. He shared more information about his son and his circumstances.

Lindsay Elickson, Cedar Rapids, thanked Supervisors Rogers and Walker for passing the ordinance. She wishes that Supervisor Zumbach would have spoken against some of the lies and misinformation today. She listened to people today that said her child is the way they are because of sexual abuse, tied to some kind of perversion or traumatized. There is a lack of protection for kids like hers (bullying, etc.). Child abuse is illegal and conversion therapy is child abuse. She did not feel safe bringing her kid to the meeting today.

Supervisor Walker stated that many folks got worked up about this issue because they believe that somewhere down the line that homosexuality or being transgender is something that can be changed. A lot of people who are rooted in religious traditions who spoke today believe somewhere down the line that a person can be "corrected". This is not going to be an easy place for those individuals to get to. A person cannot change or control the fact of who they are. Conversion therapy is traumatic, it is child abuse and they will not have it in Linn County.

Motion by Rogers, seconded by Zumbach to approve the following Employment Change Roster (payroll authorizations):

CIVIL SERVICE

Secretary Rhonda Dillemoth Annual wage increase 07/01/22 \$9,906.46 - \$10,206.74/annually

HUMAN RESOURCES

Intern Maddie Reuland New hire – PT 06/27/22 \$15.00/hr

Intern Elizabeth Bagby New hire – PT 06/27/22 \$15.00/hr

SHERIFF'S OFFICE

Deputy Sheriff Admir Babic Termination/resignation 06/17/22

LIFTS

LIFTS Driver Wendy Dee Step increase/contract 07/04/22 55A \$19.92 – 55B \$20.90

JUVENILE DETENTION

Intervention Counselor Gabrielle Armstrong Termination/resignation 06/30/22

VETERAN AFFAIRS

Veteran Affairs Dir. Dustin Peterson New hire – FT 07/25/22 \$72,314/annually Replaces N. Kehres

PUBLIC HEALTH

Air & Water Quality Branch Sup. Wanda Reiter Kintz Promotion 06/11/22 39C \$32.79 - \$87,687/annually Replaces A. Drahos

ENGINEERING

Light Equip. Oper. Brian Wood End of probation 05/21/22 17A \$22.42 – 17B \$23.26

Light Equip. Oper. Nathan Takes End of probation 05/07/2022 17A \$22.42 – 17B \$23.26

Motion by Rogers, seconded by Walker to approve claims for payroll deduction checks #71007317 - #71007338 in the amt. of \$357,603.60, payroll deduction ACH in the amt. of \$56,823.43, and payroll wires in the amt. of \$2,008,275.15 for a total of \$2,422,702.18.

Motion by Rogers, seconded by Walker to appoint Diane Brecht to the Planning & Zoning Commission, term ending 12/31/2025 and David Thielen to the Heritage Area Agency on aging Board, tem ending 12/31/2022 (filling Ashley Balius unfulfilled term).

Adjournment 1:12 p.m.

Respectfully submitted,

JOEL D. MILLER, Linn County Auditor

By: Rebecca Shoop, Deputy Auditor

Approved by:

BEN ROGERS, Chairperson
Board of Supervisors