

LINN COUNTY BOARD OF SUPERVISORS
CEDAR RAPIDS, LINN COUNTY, IOWA
MONDAY, OCTOBER 31, 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.

Public Comment - The following spoke with regard to the Resolution opposing Public Measure #1:

Angie Weiland, 1114 1st St SW, CR, stated that she is representing Moms Demand Action for Gun Sense and a resolution stating how they would like their constituents to vote on the gun amendment that is on the back of the ballot in November. The wording is quite confusing, and they need guidance from the Board. It is more than just the right to bear arms. They are afraid that common sense gun laws could be taken away because of the way scrutiny is handled by the judges. Her group are a part of a dozen that are voting no to the gun amendment on the ballot.

Christine Lehman-Engledow, 1635 140th Street NW, Swisher, stated that she lives in Johnson County but was raised in Cedar Rapids. She was a part of the Johnson County Moms Demand Action for Gun Sense in America and is the lead for Cedar Rapids. She is also a member of Iowans for Responsible Gun Laws. Gun safety is on the ballot this year and voters will consider a constitutional amendment that states the right of the people to keep and bear arms shall not be infringed. This is recognized as a fundamental and individual right. The problem is strict scrutiny that is not in the US second amendment and makes this amendment very different and extreme. The gun lobby claims says that strict scrutiny amendments restore the right to keep and bear arms, but they actually threaten public safety laws forcing judges to apply the highest judicial standard when analyzing firearm related laws. There are only three other states with a similar version (Alabama, Louisiana and Missouri) and they rate the third highest in gun related deaths. She does not think they want to follow in their footsteps in Iowa. This extreme approach would invite frivolous litigation, undermine decades of case law in the state courts and put in jeopardy many moderate common sense gun laws. Iowa's current laws keep felons from having firearms, keep perpetrators of domestic violence from having firearms, keep guns out of schools, keep restrictions on machine guns and other offensive weapons. Those laws might be declared unconstitutional under this amendment. This gun amendment will threaten public safety, invite costly frivolous lawsuits and restrict future legislators from passing sensible gun laws. This proposed amendment will make Iowa less safe. She is asking the Board to make a stand for gun safety and pass a resolution in opposition to this dangerous gun amendment Public Measure Number 1 and let voters know that this proposed amendment is too extreme for their communities, schools and families and to turn the ballot over and vote no. She also shared a story about an article that appeared in the paper.

Jozef Figa, 230 Bernita Dr. NW, CR, stated that he has lived in Linn County for 44 years and last week was reviewing statistical data about guns. There is more than one cause to a single effect in this case the rate of gun killings. They can anticipate more gun shootings in poor communities than rich communities. There has been a lot of stress the last couple years because of COVID and over a 35% increase in gun killings and gun suicides. If all of the variables are held as equal, according to a Harvard study, a 1% increase in the number of guns in a community is correlated with a .9% increase in gun killings. More guns in a community equals more gun killings. Easier access to guns equals more gun killings.

Marc Franke, 4206 Vista Rd, Ely, stated that he hopes the Board votes against this public measure. The public measure is designed to make it harder to make changes to their gun laws. He thinks there is plenty of room to have a balanced approach and has spoken many times about balanced approaches to try and help both sides of the issue. There's plenty of room to increase gun safety and yet allow people to have guns for hunting and sports, etc. but is not for making it harder to make changes. They will learn more as time goes on about the effects of having wildly available guns in their society and doesn't want it to become harder to make changes to their laws as they learn this. He is not for this public measure and hopes that the Board will vote against it.

Alice Dahle, 1401 Linmar Dr., CR, stated that they have not taken into account all of the technology that goes into guns these days. When the constitution was written, they made muskets that had to be loaded every time they were fired. Recently, people are using auto sears where an ordinary gun can essentially be turned into an automatic gun and school kids can get ahold of them. There is a supplier in Iowa selling them. They should not make it harder for their legislators to tighten gun laws to keep up with technology. This is something that can't be anticipated and has gone further than anyone dreamt of. She would like to avoid things like adding strict scrutiny that will prevent legislating against harmful new technology in guns.

Gloria Zmolek, 900 2nd St. SE, CR, stated that people do not know about this amendment or understand what strict scrutiny is. She feels that if this is going to be a fair amendment people need to be aware of it.

Motion by Rogers, seconded by Walker to approve minutes of October 26, 2022 as printed.

Motion by Rogers, seconded by Walker to open public hearing for rezoning case JR22-0007, request of Carrie and Nathan Kellogg, owner and petitioner, to rezone 12.73 acres located in 3600 Block of N Center Point Rd from RR1 (Rural Residential 1-Acre) zoning district to the AG (Agricultural) zoning district.

Mike Tertinger, Planning & Development, stated that this case is recommended for approval. No oral or written questions or objections have been received. Proof of publication was presented.

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

Motion by Rogers, seconded by Walker to approve upon first consideration for rezoning case JR22-0007, request of Carrie and Nathan Kellogg, owner and petitioner, to rezone 12.73 acres located in 3600 Block of N Center Point Rd from RR1 (Rural Residential 1-Acre) zoning district to the AG (Agricultural) zoning district.

Britt Nielsen, Communications, presented a contract between CivicPlus and Linn County for CivicClerk agenda management software to streamline the Board's agendas and minutes and add tools for commissions. The Board will approve Wednesday.

Brent Oleson, Deputy Dir. of Policy & Community Relations, presented a Resolution Opposing Public Measure 1 noting that he was directed by Supervisor Walker to bring this forward. The bulk of the resolution was provided by the Moms Demand Action for Gun Sense in America group present in today's meeting along with various members of Public Health, the County Attorney and the Sheriff. Oleson did check with the County Attorney about commenting on a ballot measure and is expressly authorized by the Iowa Legislature under Iowa Code §68A. 505(2).

Nick Maybanks, County Attorney, gave examples of firearm related crimes that took place in Linn County over the past weekend that involved unlawful possession and domestic violence. This constitutional amendment will handcuff future generations, not allowing them to pass universal background checks, gun safety and educational requirements would also be at risk and no red flag laws. There has been an unrepresented increase in firearm charges since 2019 with triple the cases. Iowa is the 42nd in the nation for gun violence and this constitutional amendment does nothing to further protect their rights and will significantly impact his office's ability to protect the citizens of Linn County with reasonable common sense gun laws not only to address and combat gun violence but to prevent it as well. He encourages the Board to please adopt the resolution to oppose Public Measure #1.

Brian Gardner, Sheriff, stated that he has tried to educate the public on what it is that this proposed amendment to the Iowa Constitution really means because there is a lot of confusion out there. Neither the County Attorney nor himself are anti-gun. They are not trying to take peoples guns away. They want people to be aware of how dangerous this amendment is. The wording of the amendment is trying to call back Iowa's gun laws to the absolute bare minimum. It's a terrible idea. He encourages people to vote no for this amendment on the ballot.

Pramod Dwivedi, Public Health Dir., stated that more guns equal more killings. He categorizes this as an epidemic and measures are needed to contain, control and stop it while they can. Public safety and public health are being affected as well. Dwivedi is opposed to this measure and asked the Board to pass the resolution. The countries with the most rigid gun laws have very little gun violence. One life lost is one too many.

Supervisor Walker thanked the Moms Demand Action group for all their work they do on gun safety every day and the Cedar Rapids School District President who is in attendance at today's meeting. CRSD and Johnson County have a similar resolution. He highlighted his work on the SET Task Force and his personal experiences growing up. Walker asked that people be mindful of the ballot measure and make the right decision. When he became a Supervisor a goal of his was to ensure future generations would be a little better off than what they had and he doesn't see that happening if this ballot measure passes. He feels that they would all be safer if they could keep responsible and sensible gun measures on the books.

Supervisor Zumbach stated that it is no secret that Supervisor Walker and himself differ on what they think county government is and he is disappointed the Board is considering a resolution like this. It should be up to the voters to decide and is not for the Board to pursue their own political agendas. He believes it is important for the public to be informed about candidates and the initiative on the ballot. What they do not need is county officials using their soap boxes to tell or sell voters their opinions on matters outside of their jurisdiction.

Chairperson Rogers stated that his comments are similar to Supervisor Walker's and he appreciates where Supervisor Zumbach is coming from. The legislature has carved out and does cities, counties and school districts to take positions on resolutions for issues on ballots. He feels it's important for the two words strict scrutiny and what

it does and does not mean so he will be supporting this resolution. He shared an experience at a parade in Galena this weekend seeing snipers on buildings and that is troubling to him. Americans or even Iowans need to understand on this ballot measure what it means for future generations. There was a ballot measure in 2016 to reduce the size of the Board of Supervisors and people are not happy due to less misrepresentation and could sue them. They can't just go back and change those decisions as there is a process to follow. Rogers wants to ensure that people are doing their due diligence to learn what strict scrutiny is and what it isn't.

Motion by Rogers, seconded by Walker to adopt Resolution 2022-10-172
RESOLUTION OPPOSING PUBLIC MEASURE 1

WHEREAS, research shows that states with weaker gun laws have higher rates of gun violence. (Everytown Research, <https://everystat.org/>, 2022); and

WHEREAS, Every day 12 children die from gun violence. (<https://www.sandyhookpromise.org/blog/gun-violence/16-facts-about-gun-violence-and-school-shootings/>, 2022); and

WHEREAS, Guns are the leading cause of death among American children and teens rising to level of a public health epidemic. (<https://www.sandyhookpromise.org/blog/gun-violence/16-facts-about-gun-violence-and-school-shootings/>, 2022); and

WHEREAS, The U.S. has had 2,032 school shootings since 1970 and these numbers are increasing. (<https://www.sandyhookpromise.org/blog/gun-violence/16-facts-about-gun-violence-and-school-shootings/>, 2022); and

WHEREAS, School shootings in 2020-2021 rose to the highest number in 20 years, according to the National Center for Education Statistics.

(<https://www.washingtonpost.com/education/2022/06/28/school-shootings-crime-report/>, 2022); and

WHEREAS, the rate of gun deaths has increased 56% from 2011 to 2020 in Iowa, compared to a 33% increase nationwide. This means that in 2020 there were 131 more gun deaths than in 2011. (Everytown Research, <https://everystat.org/>, 2022); and

WHEREAS, between 2011 and 2020, Iowa's gun homicide rate increased 168 percent—a higher increase than experienced by 5 out of Iowa's neighboring 6 states. (Everytown Research, <https://everystat.org/>, 2022); and

WHEREAS, gun violence costs Iowa \$4.2 billion dollars each year. This cost includes state medical care, first responders, ambulances, police, and criminal justice services related to gun violence. (Everytown Research, <https://everystat.org/>, 2022); and

WHEREAS, Iowa voters will vote on a proposed gun amendment to the Iowa constitution in the 2022 November General Election. (Everytown Research, <https://everystat.org/>, 2022); and

WHEREAS, the Second Amendment to the U.S. Constitution protects our right to own a gun; (Everytown Research, <https://everystat.org/>, 2022); and

WHEREAS, this proposed gun amendment includes the phrase "any and all restrictions shall be subject to strict scrutiny," which is not found in the Second Amendment to the U.S. Constitution; (Everytown Research, <https://everystat.org/>, 2022); and

WHEREAS, only Louisiana, Missouri and Alabama have a similar version of this proposed "strict scrutiny" gun amendment and all three states rank in the top five for highest rates of gun deaths in the U.S.; (Everytown Research, <https://everystat.org/>, 2022); and

WHEREAS, if passed, this proposed gun amendment will threaten current public safety laws. A person could sue to overturn gun safety protections in our state, including laws that prohibit felons and domestic abusers from possessing firearms; (Everytown Research, <https://everystat.org/>, 2022); and

WHEREAS, if, passed, this proposed gun amendment will invite costly, frivolous lawsuits, putting taxpayers on the hook for the cost of litigation to defend our current public safety laws; (Everytown Research, <https://everystat.org/>, 2022); and

WHEREAS, if passed, this proposed gun amendment will make it even harder for the police and other law enforcement officers to enforce the law and do their job. (Everytown Research, <https://everystat.org/>, 2022); and

WHEREAS, if passed, this proposed gun amendment will restrict future legislatures from passing future gun safety legislation like permitting, secure storage, and red-flag laws. (Everytown Research, <https://everystat.org/>, 2022); and

WHEREAS, the Linn County Sheriff and the Linn County Attorney, vested with the power to enforce and prosecute the laws of the State of Iowa in Linn County have examined Public Measure 1 and determined that will impede their ability to enforce common sense gun laws to keep the citizens of Linn County safe.

NOW, THEREFORE, BE IT RESOLVED by the Linn County Supervisors that,

1. said Board opposes Public Measure #1, the proposed gun amendment, on the ballot in the 2022 November General Election.

2. said Board encourages all voters to vote NO on Public Measure #1, the proposed gun amendment on the ballot in the 2022 November General Election.

PASSED AND APPROVED this 31st day of October, 2022.

Discussion: Chairperson Rogers asked Supervisor Walker for African American males age 13 to 40 what is the number one cause of death and Walker responded death by gun violence and homicide. Rogers asked if Walker is 40 and he responded not yet. Rogers added that 13 to 40 is a young range.

VOTE: Rogers & Walker - Aye Zumbach - Nay

Public Comment:

Mike Carberry, Johnson County, stated that he is a former Supervisor for Johnson County. Elected Officials are elected to protect the health, safety and welfare of all the citizens of the county. There's nothing more important than for the leadership of Linn County to talk and educate the citizens of their county on a confusing ballot measure that affects their health, well being and safety. He thanked the Board for passing this resolution to explain to the citizens of Linn County what is on the ballot. It was intentionally put on the ballot to be confusing and fly under the radar. The Board's job is to absolutely do that even though it is not a county measure but a statewide measure. Linn County is the second largest county in Iowa and has a very large population of young black men and everybody else. He is sad that Rogers had to go to a parade where snipers were present but that has become almost a common daily occurrence in this country. It is a sad day in America when guns have more rights than women and that needs to change. He thanked everyone for their leadership on this and stepping up for this issue.

Dan Husmann, 751 Staub Ct. NE, CR, thanked the Board for passing this resolution. He doesn't want to take guns away from people but he does want their country to be safer. He is also in agreement that they have an epidemic. Husmann is a retired high school teacher. For the last half of his career as he went to work in the morning he spent a lot of time thinking about how he would keep his kids safe and what he would do if there was an intruder. He loved all of his students and wanted to keep every one of them safe. He does agree this is something the Board should do to help educate the public and help do things that will keep them safe. Husmann commends the Board for taking this action.

Christine Lehman-Engledow, 1635 140th Street NW, Swisher, thanked the Board for passing this resolution. People trying to pass this amendment are calling it the freedom amendment. She gave the story of a friend of hers that could not attend today and how she has been in attendance at previous shootings and the PTSD she now suffers. Having experienced what she did, this does not feel like a freedom amendment.

Motion by Rogers, seconded by Walker to approve Employment Change Roster (payroll authorizations) as follows:

SHERIFF'S OFFICE

Deputy Sheriff	Ryan Harkey	Step increase/contract 11/1/22 DB \$30.18 – D1 \$31.50
Deputy Sheriff	Milo Miles	Step increase/contract 11/2/22 D1 \$31.50 – D2 \$32.76
Deputy Sheriff	Drew Wirtner	Step increase/contract 11/2/22 D1 \$31.50 – D2 \$32.76
Deputy Sheriff	Charles Woodcock	Step increase/contract 11/2/22 D1 \$31.50 – D2 \$32.76
Deputy Sheriff	Laurisa Filmer	Step increase/contract 11/2/22 D1 \$31.50 – D2 \$32.76
Deputy Sheriff	Warren Fuller	Step increase/contract 11/16/22 D1 \$31.50 – D2 \$32.76
Deputy Sheriff	Derek Pritchard	Step increase/contract 11/16/22 D1 \$31.50 – D2 \$32.76
Female Correctional Officer	Heather Walker	End of probation 11/8/22 56A \$21.67 – 56B \$22.76
Correctional Center Nurse	Dena Fisher	Step increase/contract 11/15/22 39B \$37.78 – 39C \$39.79
Correctional Center Nurse	Tia Finley	Step increase/contract 11/29/22 39B \$37.78 – 39C \$39.79
Secretary	Shelby Burns	Termination 10/24/22

PUBLIC HEALTH

PH Program Planner	Jacqueline Montoya	End of probation 10/11/22 38A \$28.10 – 38B \$29.58
PH Intern	Annette Contrady	New hire – Temporary 10/31/22 \$20.00/hr
PH Intern	Madeline McCabe	New hire – Temporary 10/31/22 \$20.00/hr

ENGINEERING

Light Equipment Operator	Chad Wendt	Step increase/contract 11/1/22 17B \$23.78 – 17C \$24.64
Light Equipment Operator	Jason McKinstry	Step increase/contract 11/15/22 17B \$23.78 – 17C \$24.64
Road Maintenance Supervisor	Clint Koerperich	Termination/resignation 11/3/22

The Board recessed at 11:52 a.m. and reconvened at 11:56 a.m.

Motion by Rogers, seconded by Walker to approve claims for payroll deduction checks #71008884-#71008904 in the amount of \$365,581.48, payroll deduction ACH in the amount of \$27,597.90, and payroll wires in the amount of \$2,001,307.48 for a total of \$2,394,486.86.

Adjournment at 11:56 a.m.

Respectfully submitted,

JOEL D. MILLER, Linn County Auditor
By: Amanda Hoy, Executive Assistant

Approved by:

BEN ROGERS, Chairperson
Board of Supervisors