

LINN COUNTY BOARD OF SUPERVISORS
CEDAR RAPIDS, LINN COUNTY, IOWA
WEDNESDAY, FEBRUARY 14, 2018 10:00 A.M.

The Board met in session at the Linn County Jean Oxley Public Service Center.
Present: Chairperson Harris, Vice Chairperson Houser, Supervisors Rogers, Oleson and Walker (via phone). Board members voting "AYE" unless otherwise noted.

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

PUBLIC COMMENT: Joel Miller, Auditor, stated that he is speaking in support of the two items the IT director placed on the agenda (resolution and letter of acceptance to give authorization to the National Cybersecurity and Communications Integration Center). On the news last night, they would have seen the six intelligence chiefs that spoke to Congress about the election chiefs and they confirmed that elections in the United State are under attack and will be in 2018. He thanked the Board for passing the resolution a couple months ago in regards to safe guarding elections infrastructure. These two items will also safeguard election infrastructure of the county. Employees in the Auditor's Office access the statewide voter registration system on a daily basis and the area where they would be attacked. Iowa was one of the states targeted in 2016 and they think they will be back (intelligence chiefs feel the same way). Miller added that the Iowa Public Information Board does not give opinions just like how the county's attorneys do not give opinions to outsiders. A formal opinion would have to be requested. He urges the Board to approve without further delay. Time is of the essence and they need to protect the information before someone accesses it.

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

Receive and place on file 2017 Linn County Cemetery Report from Jonathan Gallagher, Weed Commissioner.

Receive and place on file Treasurer's (Auto Dept.) Report to the County Auditor Receipts and Disbursements for the Month of January 2018.

Resolution 2018-2-19

WHEREAS: Linn County Project LEWIS ACCESS RD(19), PCC Whitetopping, on Lewis Access Road (E24) Linn County will begin soon.

WHEREAS: this project lies on a marked Farm-to-Market route, and

WHEREAS: a detour must be established to close a marked route for longer than 48 hours, and

WHEREAS: a map of the detour is attached hereto.

NOW, THEREFORE, BE IT RESOLVED: that the Linn County Board of Supervisors hereby authorize and direct the Linn County Engineer to place the appropriate signs to establish the following detour: commencing at the intersection of Lewis Access Road (E24) and Lewis Bottoms Road (W36) south 7.50 miles to Blairs Ferry Road (E36), then east 2.80 miles to Feather Ridge Road (E34), then north 2.45 miles to Toddville Road (E34), then east 1.25 miles to County Home Road (E34), continue east 1.25 miles to Interstate 380, then north 6.75 miles to Exit 35 to end of detour. (see attached map).

Signs shall be placed when and as necessary to protect the work and the traveling public in accordance with the Manual on Uniform Traffic Control Devices and Chapter 306 of the Code of Iowa.

Resolution 2018-2-20

WHEREAS: Linn County Project BRS-C057(133)-60-57, Bridge Replacement project, on Sawyer Road (E16) in Linn County will begin soon.

WHEREAS: this project lies on a marked Farm-to-Market route, and

WHEREAS: a detour must be established to close a marked route for longer than 48 hours, and

WHEREAS: a map of the detour is attached hereto.

NOW, THEREFORE, BE IT RESOLVED: that the Linn County Board of Supervisors hereby authorize and direct the Linn County Engineer to place the appropriate signs to establish the following detour: commencing at the intersection of Highway 13 and Main Ridge Road, head north on Highway 13 for 7.4 miles to Monticello Road (D62), then east on Monticello Road for 3.2 miles to Prairieburg Road (X20), then south on Prairieburg Road for 5.3 miles to end of detour. (See attached map)

Signs shall be placed when and as necessary to protect the work and the traveling public in accordance with the Manual on Uniform Traffic Control Devices and Chapter 306 of the Code of Iowa.

Resolution 2018-2-21

WHEREAS: Linn County Project BRS-C057(132)-60-57, Bridge Replacement project, on Spencers Grove Road (D62) in Linn County will begin soon.

WHEREAS: this project lies on a marked Farm-to-Market route, and

WHEREAS: a detour must be established to close a marked route for longer than 48 hours, and

WHEREAS: a map of the detour is attached hereto.

NOW, THEREFORE, BE IT RESOLVED: that the Linn County Board of Supervisors hereby authorize and direct the Linn County Engineer to place the appropriate signs to establish the following detour: commencing at the intersection of Highway 150 and 51st Street, head north on Highway 150 for 6 miles to 290th Street (E48), then east on 290th Street for 5.9 miles to Quasqueton Ave (W35), then south on Quasqueton Ave for 5 miles to Bettys Grove Road (W35), continue south on Bettys Grove Road for 1 mile to Grant

Street (D62), then west on Grant Street for 0.5 miles to end of detour. (See attached map)

Signs shall be placed when and as necessary to protect the work and the traveling public in accordance with the Manual on Uniform Traffic Control Devices and Chapter 306 of the Code of Iowa.

Resolution 2018-2-22

WHEREAS: Linn County Project LOST-N CENTER POINT RD(19), PCC Whitetopping, on North Center Point Road (W6E) and Spencers Grove Road (D62) in Linn County will begin soon.

WHEREAS: this project lies on a marked Farm-to-Market route, and

WHEREAS: a detour must be established to close a marked route for longer than 48 hours, and

WHEREAS: a map of the detour is attached hereto.

NOW, THEREFORE, BE IT RESOLVED: that the Linn County Board of Supervisors hereby authorize and direct the Linn County Engineer to place the appropriate signs to establish the following detour: commencing at the intersection of North Center Point Road (W6E) and Lewis Access Road (E24) south 0.82 miles to Interstate 380 then north 7.71 miles to Highway 150 then north 2.66 miles to 51st Street(D62). (See attached map) Signs shall be placed when and as necessary to protect the work and the traveling public in accordance with the Manual on Uniform Traffic Control Devices and Chapter 306 of the Code of Iowa.

Resolution 2018-2-23

WHEREAS, Linn County has been a recipient of federal financial assistance from the U.S. Department of Transportation; and

WHEREAS, in receiving such financial assistance Linn County is mandated to comply with the provisions of Title VI of the Civil Rights Act of 1964; and

WHEREAS, the Iowa Department of Transportation has directed Linn County to adopt certain documents and put certain programs into place in order to comply with Title VI of the Civil Rights Act of 1964; and

WHEREAS, in order to continue receiving federal financial assistance from the U.S. Department of Transportation the adoption of certain documents and establishment of certain programs is necessary.

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

1. The County Engineer is hereby designated the Title VI Coordinator for Linn County.

2. The Linn County Title VI Non-Discrimination Agreement is hereby adopted and that the Chairman of the Board of Supervisors and Title VI Coordinator are authorized to sign said agreement where required.

3. The Standard DOT Title VI Assurances are hereby adopted and that the Chairman of the Board of Supervisors is authorized to sign said document where required.

4. The Title VI Notice to the Public is hereby adopted and shall be posted where other public notices are displayed in the Linn County Public Service Center and County Engineer's Office. Furthermore, said notice shall be placed on the County's official website.

5. The Title VI Coordinator is authorized to take any other actions necessary and/or recommended by the Iowa Department of Transportation, U.S. Department of Transportation, or other designated authority to comply with the provisions of Title VI of the Civil Rights Act of 1964.

Resolution 2018-2-24

WHEREAS, pursuant to Section 331.903(1), Code of Iowa, Jerry Vander Sanden, Linn County Attorney, has submitted to the Board of Supervisors, Linn County, Iowa, for approval of Ryan J. Decker, for appointment as Assistant Linn County Attorney, and WHEREAS, the Board of Supervisors, Linn County, Iowa, finds Ryan J. Decker to be qualified to serve as Assistant Linn County Attorney and that the appointment of Ryan J. Decker will not exceed the number of assistants authorized for the Linn County Attorney's Office by the Board of Supervisors, Linn County, Iowa.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Board of Supervisors, Linn County, Iowa, that the appointment of Ryan J. Decker as Assistant Linn County Attorney by Jerry Vander Sanden, Linn County Attorney, is hereby approved.

Resolution 2018-2-25

WHEREAS, Jan Heidemann, Bremer County MHDD and Amey Dettmer, Copeland Center for Wellness and Recovery has requested permission for the use of a conference room(s) at the Linn County Jean Oxley Public Service Center, Cedar Rapids, IA on March 26 thru March 30, 2018 for the purpose of conducting a regional training opportunity, WHEREAS, Linn County Facilities Department, and the Risk Management Department have recommended approval of this request,

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Linn County, Iowa, that the above request is herewith approved subject to the following conditions:

The applicant will return the property to the condition it was at the beginning of use and to the satisfaction of Linn County;

The applicant will oversee the conduct of participants and restrict them to the area(s) requested for this property use;

Approve and authorize LIFTS Director to sign acknowledgement receipt of revenue from an estate.

Approve and authorize Chair to sign 2017 Weed Commissioner's Report.

Approve and authorize Chair to sign 2018 County Weed Commissioner Certification Form.

Approve and authorize Chair to sign the Linn County Kids Wraparound Program FY18 Provider Agreement with Brianne Guinn, LISW (Licensed Independent Social Worker)

Approve and authorize Chair to sign Letter of Financial Commitment in Support of the Maquoketa River Watershed Management Authority's Application for the Iowa Department of Natural Resources (IDNR) Water Quality Management Planning Grant 2018.

Approve and authorize Chair to sign the Deed Restriction related to Linn County Conservation's purchase of real estate located in Section 3, Township 86 North, Range 6, which is north of Coggon.

Motion by Rogers, seconded by Houser to approve minutes of February 9, 2018 as printed.

Robyn Rieckhoff gave a presentation on the Freedom Festival and highlighted the upcoming events for 2018 noting that the county's money will be used for the 4th of July fireworks again this year. She looks forward to the continued support from the Board.

Deb Zumbach gave a presentation on the Linn County Fair and highlighted the upcoming projects noting that this is their formal request for support from the Board.

Jerry Vander Sanden, County Attorney, spoke in regards to Rebecca Belcher being appointed as an unpaid volunteer. Belcher worked in the juvenile division for 30 years and has indicated a desire to come back and assist in the juvenile division as a volunteer. She does understand that her law license has to be kept current. He is seeking approval from the Board.

Motion by Rogers, seconded by Houser to adopt Resolution 2018-2-26

WHEREAS, pursuant to Section 331.903(1), Code of Iowa, Jerry Vander Sanden, Linn County Attorney, has submitted to the Board of Supervisors, Linn County, Iowa, for approval of Rebecca A. Belcher, for appointment as unpaid volunteer Assistant, and WHEREAS, the Board of Supervisors, Linn County, Iowa, finds Rebecca A. Belcher to be qualified to serve as unpaid volunteer Assistant and that the appointment of Rebecca A. Belcher will not exceed the number of assistants authorized for the Linn County Attorney's Office by the Board of Supervisors, Linn County, Iowa. NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Board of Supervisors, Linn County, Iowa, that the appointment of Rebecca A. Belcher as unpaid volunteer Assistant by Jerry Vander Sanden, Linn County Attorney, is hereby approved.

Phil Lowder, IT Dir., stated that he reached out to the Iowa Public Information Board via email regarding the following resolution but has not received a reply. The resolution was reviewed and approved by Asst. County Attorney Hruska.

Motion by Houser, seconded by Rogers to adopt Resolution 2018-2-27

WHEREAS, data and data processing software, as defined in Iowa Code § 22.3A, is subject to examination by the public, unless classified as a confidential record pursuant to Iowa Code § 22.7; and,
WHEREAS, configuration files of security devices or appliances, disaster/business continuity plans, network diagrams, Internet Protocol (IP) addresses, and computer security policies and procedures contain records, that if disclosed, could reasonably be expected to significantly increase the vulnerability of critical computer security infrastructure to cyber-attack; and,
WHEREAS, the Code of Iowa 2018 states:
22.7 Confidential records. The following public records shall be kept confidential, unless otherwise ordered by a court, by the lawful custodian of the records, or by another person duly authorized to release such information:
22.7(50) Information and records concerning physical infrastructure, cyber security, critical infrastructure, security procedures, or emergency preparedness developed, maintained, or held by a government body for the protection of life or property, if disclosure could reasonably be expected to jeopardize such life or property.
a. Such information and records include but are not limited to information directly related to vulnerability assessments; information contained in records relating to security measures such as security and response plans, security codes and combinations, passwords, restricted area passes, keys, and security or response procedures; emergency response protocols; and information contained in records that if disclosed would significantly increase the vulnerability of critical physical systems or infrastructures to attack.
b. For purposes of this subsection, "cyber security information and records" include but are not limited to information and records relating to cyber security defenses, threats, attacks, or general attempts to attack cyber system operations.
; and, WHEREAS, the nature of the information contained in Linn County's written computer security policies and procedures qualifies said information, policies and procedures as confidential records as provided in Iowa Code § 22.7(50) as outlined above; and, WHEREAS, threats to critical technology infrastructure and/or physical systems through cybersecurity breaches may be initiated by any number of sources including, but not limited to hackers, disgruntled current or former employees, criminal enterprises, terrorists, and foreign governments; and,
WHEREAS, the threat of a cyber-attack cannot be eliminated, but actions can be taken to reduce the likelihood of successful attacks, to mitigate the harmful consequences

of an attack, and to improve Linn County's ability to improve the protection and restoration from future attacks, and therefore enhance the resiliency of critical technology infrastructure and/or physical systems; and,
WHEREAS, Linn County advocates 100% transparency in local government, but the Board of Supervisors concludes that releasing public records related to the vulnerabilities of technology infrastructure is irresponsible and detrimental to the public/taxpayers, and may allow people acting in bad faith to affect the integrity of Linn County's critical technology infrastructure and/or physical systems.

BE IT THEREFORE RESOLVED by the Linn County Board of Supervisors that the Linn County Board of Supervisors, a government body as defined in Iowa Code § 22.1(1), hereby designates, as a matter of public policy, that any public records related to Linn County's Computer/Network infrastructure, configuration files of security devices or appliances, disaster/business continuity plans, network diagrams, IP addresses, and computer security policies and procedures, security measures, response plans, emergency preparedness, security codes/ combinations/ passwords, restricted physical area passes, keys, audio /video systems, emergency response protocols, vulnerabilities, and any information contained in records that, if disclosed, could reasonably be expected to significantly increase the vulnerability of the critical computer network infrastructure shall remain confidential public records unless otherwise ordered by a court or authorized by the Linn County Board of Supervisor or its designee(s).

BE IT FURTHER RESOLVED that all resolutions or parts of resolutions in conflict with the provisions of this resolution are hereby repealed and this resolution is effective upon the date of approval by the Linn County Board of Supervisors.

Motion by Houser, seconded by Rogers to authorize Chair to sign an acceptance letter agreement to give authorization to the National Cybersecurity and Communications Integration Center (NCCIC) to conduct continuous network and vulnerability scanning of Linn County's networks and systems.

Supervisor Rogers stated this is a continuation of a previous discussion they had on Monday regarding funding a proposed Access Center within FY19 Mental Health and Disability Services Levy.

Emily Blomme, Foundation 2, and Diane Brecht, Penn Center, both shared their thoughts on the potential access center.

Supervisor Rogers reiterated what he stated at Monday's meeting and shared a document explaining an access center and requested approval of proposed funding of \$3.5 million

A lengthy discussion continued regarding potential uses for the access center (such as opioid addiction), funding for operations after the first year and expectations of any future county funding.

Motion by Houser, seconded by Walker to approve funding in the amt. of \$3.5 million for proposed Access Center within FY19 Mental Health and Disability Services Levy.

Joi Alexander, Communications Dir., and Britt Hutchins, Purchasing Dir., stated that this is a continuation of a discussion they had on Monday regarding the Linn County logo and seal redesign.

Motion by Harris, seconded by Houser to adopt existing logo.

VOTE: Rogers, Oleson, Walker - Nay Harris, Houser - Aye

Motion failed.

Discussion continued including the ranking of the top logo's by each Supervisor. Logo #13 is the only logo that was in the top five of both the Supervisor's and the review committee.

Supervisor Houser stated that he would like time to review the possible logo on letterhead, etc. Supervisor Oleson stated that he would be ok with extra time to decide.

Motion by Oleson, seconded by Rogers to adopt logo #33.

VOTE: Rogers, Harris, Houser, Walker - Nay Oleson - Aye

Motion failed.

Alexander presented FY18 Witwer Trust grants noting that she changed the allocation of funds based on Monday's discussion.

Motion by Oleson, seconded by Rogers to approve FY18 Witwer Trust grant funding as presented.

Discussion: Supervisor Oleson stated that voting on the applicants based off of the "yes" of three Supervisor's wouldn't be fair. Each Supervisor has different rationale based on their review of the applicants and Supervisor Houser concurred.

Vote: All aye.

BOARD MEMBER REPORTS - Supervisor Oleson attended MPO meeting and will update the Board at a later time on the 2022 projects.

Supervisor Harris attended development meeting for Dow's property; Housing Fund for Linn County annual board meeting; 8 a.m. Thomson Reuters internal meeting today and telecom meeting tomorrow.

Supervisor Houser attended Economic Alliance meeting; Learning Institute; and Linn County Community Services Advisory board meeting.

Supervisor Rogers met with Iowa Finance Authority staff member and former Willis Dady director in Des Moines regarding homelessness; DCAT; ASAC board meeting; Rob Lawton call; SF504 small group meeting; Learning Institute; Homeless Coordination board meeting; and kicked off Core Values Learning Institute at Secondary Roads.

LEGISLATIVE UPDATE - Darrin Gage stated that this week is the first funnel. Asst. County Attorney Nick Maybanks authored a bill to strengthen the existing law for lascivious acts with a child. House Study Bill 625 has made it through a subcommittee. It targets Polk and Linn Counties with a plan three district representation plan with a population over 150,000. It freezes the plan so neither the Board of Supervisors or public can change it. In addition, the legislative services agency would draw the new maps as opposed to the temporary redistricting committee.

Motion by Houser, seconded by Rogers to approve segregated claims as follows: Staples - \$33.48, \$7.77 and 24.76; Claims #70600760-\$70600838 in the amt. of \$232,993.39; wire in the amt. of \$5,358.66; and ACH in the amt. of \$398,959.32.

PUBLIC COMMENT: Joel Miller, Auditor, gave kudos to Supervisor Rogers for championing the access center idea and to the Board for passing it. He commented on Supervisor Rogers comparison of monies for conservation (Dow's Farm) versus monies for human services in the county. A couple years ago the county added to Morgan Creek Park several hundred acres at a multi-million dollar cost which was unbudgeted at the time. The Board just purchased the Dow's property at about \$7 million (\$15,000/acre) that was also unbudgeted. The county has now sold bonds to pay for the Dow's property. Why does the county have a lower standard for spending on conservation than they do for spending money for human services when they are already spending that money via public safety efforts. News channel 9 did a story about overtime in the Sheriff's Department of \$5 million in three years (\$1.6 million/year). Some of that overtime had to be caused by the crisis in the mental health system right now. Miller applauds Supervisor Rogers for championing this and again for the Board passing it. They need to look at the priorities equally. There should be a lot more questions being asked about conservation by the Board versus the questions asked of Supervisor Rogers about how the money will be spent and so forth. The Board just approved an offer for \$225,000 (he believes) to do some sort of study related to the Dow's property. It seems that they spent \$7 million and didn't know how they were going to spend it or what they are going to use the property for. Evaluate these things on an equal footing and if they are going to error, error on the side of supporting human services efforts versus buying more land to add to the county parks.

Diane Brecht, Penn Center, thanked the Board for supporting the access center even though there are a lot of unanswered questions. It is a step in the right direction.

Motion by Rogers, seconded by Houser to appoint Curt Eilers to the Planning and Zoning Board.

Motion by Rogers, seconded by Houser to enter into closed session to discuss pending litigation, pursuant to Code of Iowa 21.5(1)(c).

VOTE: Rogers - Aye Houser - Aye Harris - Aye Oleson - Aye Walker - Aye

Motion by Houser, seconded by Rogers to go out of closed session.

VOTE: Rogers - Aye Houser - Aye Harris - Aye Oleson - Aye Walker - Aye

The Board recessed at 11:16 a.m. and reconvened at 1:30 p.m.

Dawn Jindrich, Budget Dir., presented proposed levy rate change including the \$3.5 million MHDS levy the Board approved this morning. The proposed FY19 levy is \$5.86 which means taxes will go down about \$25 for a \$150,000 property. They have until 2020 to get the MHDS fund balance to where it needs to be. She will bring the finalized budget to the Board next Wednesday for approval of publication.

Supervisor Oleson responded to Auditor Miller's previous public comment. He stated that he hates to leave something hanging out there that is factually incorrect. He doesn't think that the average citizen will look and understand how the Board budgets. The access center this morning was never competing with any other programs or budget items like parks, trails, recreation or any of those things mentioned in public

comment. Money will come from the Mental Health fund. Money spent in the general basic cannot by law be spent on Mental Health programs and vice versa. There's a Page 6
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perception from some people who have come to the Board and said that they need to spend more on roads and they need to study and do their homework on the budgeting process to understand that state law requires road money to be spent out of a certain fund which is capped and limited. Linn County has always spent the most allowable by law. They can't just add any extra unless they pass something that was authorized to be spent like the voters approving a local options sales tax designating ahead of time that they want extra money for a road project. Oleson hates when someone muddies the waters like that. There was never a choice between one or the other. Supervisor Roger's proposal this morning came out of the MHDS levy and passed unanimously with varying degrees of rationale by Board members. That has been his experience with the unique proposals like the Squaw Creek addition. There are accountability measures and things they want to see and ways they can make that work in the future budgets. Oleson wanted to correct that public comment noting that it is important to note where it is coming from and where it is not coming from.

Adjournment at 1:39 p.m.

Respectfully submitted,

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

Approved by:

JOHN HARRIS, Chairperson
Board of Supervisors