

**Committee of County Officers Designated
To Fill a Board of Supervisors Vacancy**

Cedar Rapids, Linn County, Iowa
Monday, April 4, 2016 10:00 a.m.

The Committee met in the formal boardroom at the Jean Oxley Linn County Public Service Center. Present: Auditor Joel Miller, Treasurer Sharon Gonzalez, Recorder Joan McCalmant. Committee members voting "AYE" unless otherwise noted.

Temporary Chair Joel Miller called the meeting to order at 10:00 a.m.

Motion by Miller to appoint Becky Shoop and/or Amanda Hoy, Auditor's Office staff, as Recording Secretary for the Committee. The motion died for lack of a second.

Motion by Gonzalez, seconded by McCalmant, to appoint Barbara Schmitz, Board of Supervisors Office staff, as Recording Secretary for the Committee.

Motion by Gonzalez, seconded by McCalmant, to appoint Joan McCalmant as Chair of the Committee.

VOTE: Gonzalez, McCalmant – Aye Miller – Abstain

Motion by Gonzalez, seconded by McCalmant, to appoint Joel Miller as Vice Chair of the Committee.

Motion by Miller, seconded by Gonzalez, to adopt Robert's Rules of Order for the proceedings and to approve the agenda for today's meeting.

Gary Jarvis, Assistant County Attorney, briefed the Committee on the statutory role of the group and on the open meetings requirements. He noted that the Committee may fill the vacancy by either appointment or by holding a special election. If the Committee decides to use the appointment process, it is authorized to publish the notice of its intent to do so; however, the actual appointment cannot be made until the resignation is effective – in this case, after April 15 – but must be made within 40 days (by May 25). However, if, within 14 days after notice is published or within 14 days after the appointment is made, a petition signed by 1,739 eligible second district electors is filed with the Auditor's office requesting a special election, the appointment is temporary and a special election must be called.

The Committee may call for a special election on its own initiative. However, there are limitations as to when it may be held; it cannot be held the first, second or third Tuesday either before or after a primary election. As a result, the earliest legal date a special election for this purpose could be held would be July 5; however, Deputy Auditor Tim Box indicated that it would not be practicable to hold the special election the day after the Independence Day holiday, so the earliest likely date for a special election would be July 12. However the vacancy is ultimately filled, the term would run only until the successful candidate from the November general election is issued a certificate of election and subsequently sworn in – probably mid-November.

Miller advised that his office interpreted that provision to apply only to an appointee and not to the victor in a special election.

Jarvis noted a very narrow exception to the requirement for a special election given the submission of a petition, if the appointment is made at the last possible moment.

Miller asked for clarification on his understanding that the Committee is not allowed to take any action on making an appointment prior to April 16; Jarvis indicated that the Committee may perform the groundwork needed for that process prior to Langston's resignation date but just may not make the actual appointment before then.

Jarvis informed the Committee that the public meetings statute does apply to all meetings of this group, including applicant interviews. Miller noted that no substantive private conversations or communications among the members of the Committee have taken place.

The meeting was opened to public comment. Craig Rathje, 385 27th Ave. SE, Cedar Rapids, IA, indicated that he would favor an appointment process. He intends to change his voter registration to independent, and it is his understanding that with the collection of 100 signatures from residents of the second district that he would be eligible to run in the general election.

Sara Riley, 390 Green Valley Ter. SE, Cedar Rapids, IA, advised that she is the treasurer for Stacey Walker's campaign for Supervisor and she encouraged the Committee to appoint him.

Brent Oleson, 6751 Arrow Point Ct., Marion, IA, encouraged the Committee to choose the appointment option. He suggested that applications be solicited and that the Committee should look to Dubuque County and the city of Marion, both of which recently filled vacancies via appointment. He believes that once the process is complete, the Committee will find Stacey Walker to be the most qualified.

Jim Moriarty, 6912 Surrey Dr. NE, Cedar Rapids, IA, spoke in support of the appointment of Stacey Walker.

Aaron Green, 1625 Park Ave. SE, Cedar Rapids, encouraged the Committee to pursue the appointment process and endorsed the appointment of Stacey Walker.

Slayton Thompson, 1022 8th St. SE, Cedar Rapids, spoke in support of the appointment of Stacey Walker.

Bernard Clayton, 1604 6th Ave. SE, Cedar Rapids, encouraged the Committee to use the appointment process and endorsed Stacey Walker for that appointment.

Kenyon Murray, 3725 Knight Dr. SW, Cedar Rapids, spoke in support of the appointment of Stacey Walker.

Harvey Ross, 1030 Memorial Dr. SE, Cedar Rapids, noted that he believes a special election should be avoided and endorsed Stacey Walker for appointment.

Dick Hogan, 3862 Trailridge Rd. SE, Cedar Rapids, advised that he is the other primary candidate for Second District Supervisor. He informed the Committee that he does not oppose an appointment process for filling the vacancy but does not believe that either of the announced candidates should be appointed.

Kaveh Mostafavi, 3541 Galway Ct., Iowa City, IA, spoke in support of the appointment of Stacey Walker.

Anthony Brown, 834 25th St. NE, Cedar Rapids, spoke in support of the appointment of Stacey Walker. He suggested the appointment be made after the primary election; however, the Committee indicated that was not an option, as the appointment must be made prior to May 25.

Devin Mehaffey, 6706 Devonshire Dr. NE, Cedar Rapids, spoke in support of the appointment of Stacey Walker.

Dr. Ruth White, 319 Eastland Dr. SE, Cedar Rapids, spoke in support of the appointment of Stacey Walker.

Dr. Damian Epps, pastor of Mt. Zion Baptist Church in Cedar Rapids, spoke in support of the appointment of Stacey Walker.

Chuck Swore, 2609 Iris Ave. NW, Cedar Rapids, spoke in support of the appointment of Stacey Walker.

Mandela Amuda, 3709 2nd Ave. SW, Cedar Rapids, spoke in support of the appointment of Stacey Walker.

The Committee continued with discussion of how the vacancy would be filled. Miller inquired of Jarvis if any limitations applied with regard to gender balance or other requirements. Jarvis noted that those types of limitations do not apply to the Board of Supervisors or any selection this Committee makes. He also confirmed his previous statement to the Committee that however the vacancy is filled, the term would run only until the successful candidate from the November general election is issued a certificate of election and subsequently sworn in.

Gonzalez asked Jarvis about residency requirements of the appointee; Jarvis confirmed that the appointee must be a resident of the second district and must have been a resident for at least 60 days prior to appointment. There was discussion as to how residency would be established; Jarvis indicated that the Committee would make that determination.

Motion by Miller, seconded by Gonzalez, that the Committee not consider a special election to fill the vacancy. Miller estimated the potential cost of a special election to be close to \$50,000.

Motion by Miller, seconded by Gonzalez, that the Committee fill the vacancy by appointment.

Motion by Miller, seconded by Gonzalez, to authorize public notice of the Committee's intent to fill the vacancy by appointment.

Motion by Miller seconded by Gonzalez, that the Committee solicit applications for the vacancy, that applicants apply through Linn County Human Resources, and that the position be advertised. Discussion was held with regard to the length of time the application process would remain open.

Motion by Miller, seconded by Gonzalez, that the application process be closed on April 18, 2016, at 5:00 p.m.

Motion by Miller, seconded by Gonzalez, that the form of application consist of a letter of interest and a resume submitted to Linn County Human Resources via the Linn County website or submitted to the email address BOSvacancy@linncounty.org.

Nick Ford, 2048 Franklin Ave. NE, Cedar Rapids, inquired about the deadline for the appointment; the Committee informed him that the appointment must be made by May 25.

Allison Ordman, 605 G Ave. NW, Cedar Rapids, inquired as to the appointee's first day of service on the Board of Supervisors; the Committee responded that it would be no sooner than April 16, 2016 and no later than May 25, 2016.

Robin Kash, 1806 Grande Ave. SE, Cedar Rapids, asked whether the deliberations, meetings and interviews of this Committee would be public. The Committee discussed the issue; Miller indicated he would prefer a completely open process but inquired whether cover letters and resumes of applicants should remain private. Jarvis indicated it was the Committee's decision as to whether or not any aspects of those documents would be deemed private or whether any meetings or interviews would be closed.

Motion by Miller, seconded by Gonzalez, that applicants be made aware that all documents submitted, including resumes and cover letters, will be considered public records.

Gonzalez advised the Committee that she had reached out to Dubuque County with regard to the types of questions that were asked of applicants when that county recently had to fill a vacancy on its Board of Supervisors; she noted that she would share the results of that inquiry with the other members of the Committee.

Motion by Miller, seconded by McCalmant, that the next meeting of the Committee of County Officers Designated to Fill a Board of Supervisors Vacancy, to discuss the questions and criteria to be used to make an appointment, be held on Wednesday, April 6, 2016, at 1:00 p.m., in the informal boardroom on the lower level of the Public Service Center at 935 2nd St. SW in Cedar Rapids.

Motion by Miller, seconded by Gonzalez, that all meetings, deliberations and interviews by the Committee be held in public.

The meeting adjourned at 11:22 a.m.