

WOODBURY COUNTY BOARD OF SUPERVISORS AGENDA ITEM(S) REQUEST FORMDate: July 13, 2017Weekly Agenda Date: July 18, 2017**ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN:** Supervisor Jeremy Taylor (attachments by Supervisor Matthew Ung)**WORDING FOR AGENDA ITEM:** Change to Employee Handbook on Work Rule(s) Regarding Lawful Carry of Weapons in County Buildings**ACTION REQUIRED:**Approve Ordinance ☐Approve Resolution ☐Approve Motion ☒Other: Informational ☐Attachments ☒**EXECUTIVE SUMMARY:**

The Woodbury County Board of Supervisors has the responsibility to ensure the rights of citizens in accordance with the law enacted on July 1, 2017 which the board took steps to comport with on June 27 and July 11. However, with those responsibilities comes the duty to ensure professionalism and safety through policy which is within the purview of the Board of Supervisors.

BACKGROUND:

Regarding the recent discussion concerning both the lifting of the weapons ban and the change to the work rule regarding employees, there have been circumstances in which this board has had to attempt to conform to the Iowa Code. Some circumstances include a long-anticipated-but-never-delivered Attorney General opinion, a Supervisory Court Order 8 days ahead of the last meeting before July 1, an e-mail from the HR Director following Board-Chair guidance concerning a work rule, and finally BOS action to affirmatively act concerning the work rule within the employee handbook.

This measure concerns only employees and is not intended to be a discussion of the following: merits of lifting the weapons ban for the public of which there is respectfully a disagreement between the Sheriff's Office/Board; procedure or process of what has taken place; the role of the judicial or legislative branches; interpersonal conflict; or even the wisdom of HF 517 enacted into law.

I would ask for discussion here to include only this: The Board of Supervisors has allowed employees to lawfully carry, and this includes into areas such as the Courthouse, Law Enforcement Center, and Trosper Hoyt. Sheriff Drew has conceded that this lawfully permissible under the advice of his legal counsel per comments made on 7-11-17. Under advice of legal counsel as shared with the full Board of

Supervisors 7-13-17, we have a right and responsibility to enact work rules that prohibit any misuse of firearms, intimidation/harassment, and lay out expected groundwork for appropriate conduct. The general tone and tenor is respectfully requested that this discussion answer this question: If the Woodbury County Board of Supervisors in order to comport with the Iowa Code believes it necessary to allow employees the right to lawfully carry, what parameters can be in place to ensure safety and professionalism?

Employees, the public, and those who work in the court system have a reasonable right to know clear expectations and guidance. Otherwise, we put everyone in a tenuous and untenable work situation. No one wants to be in a situation where through lack of clear expectations and guidance Courthouse Security (which we intend to keep) or our employees are in a gray area. For each set of problems, this suggestion is to clear up any gray area, no matter how black-and-white it may otherwise seem.

1. After the newly added sentence about allowing lawful possession in the employee handbook, I propose adding, ***“Notwithstanding the foregoing, employees are prohibited from possessing firearms on county property in all courtrooms, and in certain restricted areas or buildings for security reasons such as the jail and juvenile detention.”*** (While it may be debated that for some within the judicial branch this does not go as far as is desired, let us agree that this at minimum is agreed-upon and therefore should be immediately codified in policy.)

2. Conceal and On-Body Carry

The current law allows for “open carry,” which is something that those employees could otherwise choose to do, and I do not believe was fully considered before the HR e-mail nor before the Board took action. According to Sheriff Dave Drew, “concealability would be a lot better” as it is not broadcast and “a lot less alarming to some.” MAJ Todd Wieck affirmed that those who have a permit can carry open or concealed, but it is the preference of the Board of Supervisors to have employees who wish to lawfully carry do so concealed.

The courthouse security team would know in the courthouse who is carrying and verify permit (lawful carry) but for the employee’s protection and privacy, they alone would know. The expectation therefore I believe is lessened in terms of intimidation, nor would the lawfully possessed firearm invite trouble when exposed. On-body carry lessens the chance of a firearm being placed in a purse, briefcase, desk, or other area which could be lost; instead, it shall personally be secured on one’s person and therefore done in accordance with safety. Nothing in this following section, therefore, I believe “adversely affects” one’s right to carry under enacted law. This uniform applicability should likewise help.

“The lawful possession of firearms shall be done only in accordance with on-body carry, being kept in the personal possession of the employee choosing to carry in done with safety and responsibility in mind. Concealed carry is the only form of carry allowed in any county building where otherwise permitted.”

Finally, because the BOS has already taken action, I believe that action is necessary to take immediately regarding these matters. Additionally, in order to set a clear tone of expectation for the professional respect due this right and our organization, the following should be added. (The amended policy appears in whole in the motion requested.)

3. Reasonable Expectations for Employee Conduct

“Employees who choose to carry in permitted areas are expected to exercise their rights and responsibilities with integrity, value, and respect. It is a prohibited practice to leave a firearm unattended or use a firearm to intimidate and/or harass. Failure to follow this policy could result in disciplinary action up to and including termination.”

FINANCIAL IMPACT: None

IF THERE IS A CONTRACT INVOLVED IN THE AGENDA ITEM, HAS THE CONTRACT BEEN SUBMITTED AT LEAST ONE WEEK PRIOR AND ANSWERED WITH A REVIEW BY THE COUNTY ATTORNEY’S OFFICE?

Yes ☐ No ☒

RECOMMENDATION: Approve the following motion

ACTION REQUIRED / PROPOSED MOTION:

Notwithstanding the foregoing, employees are prohibited from possessing firearms on county property in all courtrooms, and in certain restricted areas or buildings for security reasons such as the jail and juvenile detention.

The lawful possession of firearms shall be done only in accordance with on-body carry, being kept in the personal possession of the employee choosing to carry and done in a manner with the utmost safety and responsibility in mind. Concealed carry is the only form of carrying of a lawful firearm allowed in any county building except where otherwise permitted.

Employees who choose to carry in permitted areas are expected to exercise their rights and responsibilities with integrity, value, and respect. It is a prohibited practice to leave a firearm unattended or use a firearm to intimidate and/or harass. Failure to follow this policy could result in disciplinary action up to and including termination.

Approved by Board of Supervisors April 5, 2016.

Whereas, the purpose of the transfers are to move the taxes, levied on the township valuations, to the Secondary Roads - Special Bridge Projects Fund to pay additional construction

Now, therefore be it resolved by the Board of Supervisors of Woodbury County, Iowa, as follows:

The total maximum transfers from the Rural Basic Services Fund to the Secondary Road - Special Bridge Projects Fund for the fiscal year beginning July 1, 2017, shall not exceed the sum of \$ 1,300,000.

The Auditor is directed to correct his books when said operating transfers are made and to notify the Treasurer of the amounts of said transfers.

The above and foregoing resolution was adopted by the Board of Supervisors of Woodbury County

Iowa, on June 27th, 2017

WOODBURY COUNTY BOARD OF SUPERVISORS

Copy filed.

Motion by Radig second by Taylor to approve the 2017-2018 Detention Meals contract with CBM Managed Food Service. Carried 5-0. Copy filed.

Motion by Taylor second by Radig to approve the Resource Consulting Engineers quote in the amount of \$9,500.00. Carried 5-0. Copy filed.

Motion by Taylor second by Radig to approve the Star Control quote in the amount of \$32,328.00. Carried 5-0. Copy filed.

Motion by Ung second by Taylor to approve the plans for project #L-CO7(7)—73-97. Carried 5-0. Copy filed.

Motion by Taylor second by Ung to approve the plans for project #L-B-(Q10)—73-97. Carried 5-0. Copy filed.

Motion by Radig second by De Witt to approve the grant application for the 2017/2018 U.S. Department of Justice COPS Hiring Program. Carried 5-0. Copy filed.

Motion by Taylor second by Radig to approve the Law Enforcement Center meals contract with CBM Managed Food Service. Carried 5-0. Copy filed.

Motion by Ung second by Taylor to lift the 2014 weapons ban policy and resolution where it applies to legally carried firearms, as provided by Iowa Code and House File 517, to request the Sheriff's Office to continue to staff a single courthouse entrance with screening for lawful carry permits as exercised at the Iowa Capitol, and to direct the security committee to bring an amended policy or resolution before the Board which complies with this motion. Carried 3-1 on a roll call vote; Pottebaum opposed and De Witt declared a conflict of interest. Copy filed.

The Chairperson reported on the day-to-day activities.

Reports on committee meetings were presented.

Citizen concerns.

Board member concerns were presented.

The Board adjourned the regular meeting until July 11, 2017.

d. This subsection shall not prohibit the release of information relating to the validity of a professional permit to carry weapons to an employer who requires an employee or an agent of the employer to possess a professional permit to carry weapons as part of the duties of the employee or agent.

e. Except as provided in paragraphs "b", "c", and "d", the release of any confidential information under this section shall require a court order or the consent of the person whose personally identifiable information is the subject of the information request.

DIVISION VII
STATE PREEMPTION

Sec. 32. Section 724.28, Code 2017, is amended to read as follows:

724.28 Prohibition of regulation by political subdivisions.

1. As used in this section, "political subdivision of the state" means a city, county, or township.


2. A political subdivision of the state shall not enact an ordinance regulating the ownership, possession, legal transfer, lawful transportation, registration, or licensing of firearms when the ownership, possession, transfer, or transportation is otherwise lawful under the laws of this state. An ordinance regulating firearms in violation of this section existing on or after April 5, 1990, is void.

3. If a political subdivision of the state, prior to, on, or after July 1, 2017, adopts, makes, enacts, or amends any ordinance, measure, enactment, rule, resolution, motion, or policy regulating the ownership, possession, legal transfer, lawful transportation, registration, or licensing of firearms when the ownership, possession, transfer, transportation, registration, or license is otherwise lawful under the laws of this state, a person adversely affected by the ordinance, measure, enactment, rule, resolution, motion, or policy may file suit in the appropriate court for declaratory and injunctive relief for damages.

DIVISION VIII

PISTOLS OR REVOLVERS — CAPITOL BUILDINGS AND GROUNDS

Sec. 33. Section 8A.322, subsection 3, Code 2017, is amended to read as follows:



3. The director shall establish, publish, and enforce rules regulating and restricting the use by the public of the capitol buildings and grounds and of the state laboratories facility in Ankeny. The rules when established shall be posted in conspicuous places about the capitol buildings and grounds and the state laboratories facility, as applicable. Any person violating any rule, except a parking regulation, shall be guilty of a simple misdemeanor. The rules shall prohibit a person, other than a peace officer, from openly carrying a pistol or revolver in the capitol building and on the grounds surrounding the capitol building including state parking lots and parking garages. However, this subsection shall not be construed to allow the director to prohibit the lawful carrying, transportation, or possession of any pistol or revolver in the capitol building and on the grounds surrounding the capitol building including state parking lots and parking garages by a person who displays to capitol security personnel a valid permit to carry weapons upon request.

DIVISION IX

EMERGENCY POWERS

Sec. 34. Section 29C.3, subsection 4, paragraph e, Code 2017, is amended by striking the paragraph.

Sec. 35. Section 29C.6, subsection 16, Code 2017, is amended to read as follows:

16. Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, ~~firearms~~, explosives, and combustibles.

Sec. 36. NEW SECTION. 29C.25 Firearms and ammunition — limitations — exceptions — remedies.

1. This chapter shall not be construed to authorize the governor or any other official of this state or any of its political subdivisions or any agent or person acting at the direction of the governor or any such official to do any of the following:

a. Prohibit, regulate, or curtail the otherwise lawful possession, carrying, transportation, or defensive use of firearms or ammunition.

b. Suspend or revoke, except in accordance with section 724.13, a permit issued pursuant to section 724.6, 724.7, or