

WOODBURY COUNTY BOARD OF SUPERVISORS AGENDA ITEM(S) REQUEST FORM

Date: 12/8/2023 Weekly Agenda Date: 12/12/2023

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Chairman Matthew Ung

WORDING FOR AGENDA ITEM:

Correcting the record on misapplication of parliamentary procedure and false accusations made by a citizen against the Chair during the "Approval of the Agenda" item at the December 5 meeting

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

The Chair was falsely accused and maligned by a citizen during the December 5 meeting, and the Chair is correcting the public record with this item. A letter to fellow board members is attached.

BACKGROUND:

The board allowed a citizen to state supposed "points of order" during the "Approval of the Agenda" item of the December 5 meeting. Unfortunately, the citizen abused the opportunity by complaining about prior meetings, mis-characterizing recorded events, and making false accusations about the Chair's actions during the prior meeting. If attacked, the Chair prefers to be attacked with the truth.

FINANCIAL IMPACT:

n/a

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:

It is recommended to simply allow the Chair to correct the record by reading and accepting the letter into the record. If any supervisor or member of the public wishes to belabor the point by discussing or objecting to this correcting of the record, then the Chair will belabor the point further by reading the letter during the meeting.

ACTION REQUIRED / PROPOSED MOTION:

n/a

Fellow supervisors, you made a mistake when you overruled my determination and allowed citizen Doyle Turner to raise “points of order” during the *Approval of the Agenda* item on Dec. 5. You set a bad precedent that any citizens who simply walk to the podium and cry “objection!” can make their concerns known at the beginning of the meeting, rather than wait until the relevant agenda items, or wait until citizen concerns like everybody else.

Our bylaws say we also abide by (or we try to abide by) Robert’s Rules of Order. I need to improve on “controlling” some aspects of meetings as the citizen rightly pointed out, and I will endeavor to do so. But some things need to be made clear, including what a “Point of Order” is.

Points of order should be brought by members of the assembly, not audience members. The proper procedure would have been for the citizen to alert a board member, and for that board member to raise a point of order. Points of order are not debatable and should prompt immediate ruling by the Chair, not lead into several more grievances for several minutes. Points of order must cite the rule broken, not make irrelevant points, such as properly noticed items not being the same thing as emergency items. That is known as a “strawman argument,” not a point of order. Points of order that disagree with a recommended motion in a future item should be brought up during that item, not before. Finally, points of order must be raised at the time a rule is broken, not 7 days or 7 months later.

The fact that the supposed points of order were not vocally supported by any board member, parliamentarian, or legal counsel, and further that the vote to approve the agenda passed 5-0, is evidence that the citizen’s supposed points of order were really what he admitted they were at the beginning, simply objections. This is a rhetorical question for my fellow board members: Are you comfortable setting a precedent that allows citizen concerns at the beginning of each meeting if a citizen is too impatient to wait until citizen concerns? And are you comfortable with setting a precedent that allows citizens to approach the board under the guise of objecting to the CURRENT agenda instead calling for points of order based on “LAST WEEK”? What is the remedy you expect the Chair to rule on, the use of a time machine?

One of the citizen’s supposed “points of order” for the Dec. 5 agenda was to complain about the conduct of the Chair and Auditor during the citizen concerns item of the Nov. 28 meeting, in which Auditor Gill provided the board copies of a resolution he asked be considered at a subsequent meeting. Although Auditor Gill was allowed to speak during citizen concerns, the Chair did later send an email to all elected officials politely requesting they try to utilize posted agenda items more often than citizen concerns. Someone forwarded the contents of this email to ~~Supervisor~~ Citizen Doyle Turner (we can only speculate who). Auditor Gill responded to my email in agreement, as shown by the attached.

This is the email of which Doyle said “I have a real problem with the Chairman sending an email out to all the heads of the staff saying we shouldn’t do this anymore, when Mr. Chairman this lays right on you.” The point is well taken, and I am doing my best as the Chairman to apply the rules consistently. But I find it difficult when, just prior to that situation, there was a 20-minute citizen concern session where two supervisors, Doyle, and other citizens were discussing back-and-forth what time and place and manner some drainage district concerns should be handled. Doyle was even inviting another citizen up to the podium to answer a question he posed to the citizen on legal processes. I would ask Doyle and any other “backseat parliamentarians” to likewise be CONSISTENT in applying the same criticisms regarding timeliness, deliberation, and leading questions to any public citizen, Auditor, or Supervisor who bends the rules.

I did not bang my gavel during discussion on the drainage district process because I prefer to err on the side of relaxed rules which allow maximum citizen involvement. And I am happy to admit that I did not run the citizen concerns portion of the Nov. 28 meeting perfectly, but I need your help to do that.

But worse than false points of order, the citizen's comments contained false accusations against the Chair which, because they were spoken into the public record, will now be corrected in the public record.

Doyle emphatically stated "**IN FACT**, the Chair attempted to – they deliberated back and forth with the Auditor and the Chair and the Chair tried to deliberate and make a decision during citizen – take action during citizens concerns. None of this follows our rules, it is completely out of the bounds of what we've ever done before, or should do, I guess I should say."

I rewatched the Nov. 28 meeting several times, thinking that if I continued to replay it, then Doyle's claims about me would come true. I also called Doyle on the phone and spoke to him for an hour, wondering if he could convince me that I said something I didn't, and in the vain hopes he might just believe me and give me the benefit of the doubt. But no. Here's what I saw from the recording instead:

- 1) On the Auditor's proposed resolution, the board received it into the record as we have received hundreds of things into the record during citizen concerns, whether they be pictures of a tree-stump mailbox a rural resident alleges violates code, or stacks of pie graphs about pipelines and wind turbines. We receive things into the record in order to publish in the minutes (for public information) the materials we reference during board consideration or discussion. It was not "taking action" or "making a decision" to receive the resolution. At no time did I—as I'm being accused of—promise that the resolution would be on the next week's agenda. My response following the reading of the resolution was two words: "Thank you." It is amazing that from those two words such embellishment can happen in someone's head. Doyle has seen us receive hundreds of pages into the record over the last several months, and it is interesting that the one time he objects to it is when the materials are critical of Supervisor Taylor.
- 2) During board concerns, Supervisor Taylor was first to mention resigning the Vice Chairmanship, stating "I will step down from that role." He inquired if that was still desired because he had only heard those opinions from three board members through media reporting. I said "We can settle that right now," and members of the board indicated that they still held their previously stated opinions. Supervisor Taylor then initiated a question to Auditor Gill asking if the item should be on the following week's agenda, by saying "I still respect the Auditor as the Auditor in his role and that's why I'm deferring to you. Is that right, Pat?" Pat says "Sure." After all of this, I say "If there is a willing resignation, then that will be on the agenda." So it is a complete butchering of the record for Doyle to publicly accuse "the Auditor and the Chair" for making a decision during citizen/board concerns when Supervisor Taylor was the one initiating every point of this matter. Once again, it's strange Supervisor Taylor is left out of the criticism here.

I appreciate a lot of things Doyle Turner has to say, and I believe we all wish more citizens were as engaged as he is. But when he shows up to meetings with so many words that he starts shoving them in other people's mouths, that needs to be discouraged.

And if anyone disagrees with these corrections to the record, please, check the receipts.

-Chairman Ung

Matthew A. Ung

From: Pat Gill
Sent: Thursday, November 30, 2023 12:32 PM
To: Matthew A. Ung; James Loomis; Chad Sheehan; Tina Bertrand
Subject: RE: Citizen Concerns

Matthew,

This is a reasonable request; I will do my best as much as possible/practical to honor it.

Thanks,

Pat

From: Matthew A. Ung <matthewung@woodburycountyiowa.gov>
Sent: Thursday, November 30, 2023 8:47 AM
To: James Loomis <jloomis@woodburycountyiowa.gov>; Pat Gill <pgill@woodburycountyiowa.gov>; Chad Sheehan <csheehan@woodburycountyiowa.gov>; Tina Bertrand <tbertrand@woodburycountyiowa.gov>
Subject: Citizen Concerns

County Attorney, Auditor, Sheriff, and Treasurer:

As much as possible/practical, please try to utilize published agenda items over sharing your thoughts during citizen concerns. I completely understand there are circumstances where timing makes that difficult, or where you might feel whoever is approving the agenda wouldn't publish something you have to say, but I still think trying that route first is most helpful, especially if there is reason to believe your comments will result in board discussion. I obviously try to give deference to elected officials if/when they go beyond 3 minutes, but every time that happens it makes it harder for me to request citizens follow that rule. Within reason, there is more time allotted for informational agenda items, and back-and-forth discussions are much more appropriate for agenda items as opposed to citizen concerns.

Please don't take offense; I'm not going to publicly slam you if you feel the need to speak during citizen concerns for whatever reason, I just wanted to make this personal request that you try to plan them in the context of an orderly agenda, especially as our meetings come under more scrutiny. Thank you.

(bcc'ed: Board Members)

Matthew Ung, M.B.A., M.Th.
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