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Mayor Robert Green	<i>Sent via regular mail and email to Rob.Green@cedarfalls.com</i>
Council Member Mark Miller	<i>Sent via regular mail and email to markm@cfu.net</i>
Council Member Susan deBuhr	<i>Sent via regular mail and email to susan.debuhr@cedarfalls.com</i>
Council Member Daryl Kruse	<i>Sent via regular mail and email to KruseOnCouncil@aol.com</i>
Council Member Simon Harding	<i>Sent via regular mail and email to simonharding.cf4@gmail.com</i>
Council Member Frank Darrah	<i>Sent via regular mail and email to wfd@cfu.net</i>
Council Member Kelly Dunn	<i>Sent via regular mail and email to citizens4kellydunn@outlook.com</i>
Council Member Dave Sires	<i>Sent via regular mail and email to siresforiowa@gmail.com</i>

220 Clay St.
Cedar Falls, IA 50613

September 3, 2020

RE: Council Consideration of LeaAnn Saul's removal as Planning and Zoning Commissioner

Dear Mayor and City Council Members,

I have been retained by LeaAnn Saul regarding the letter sent by Mayor Robert M. Green on August 31, 2020. The letter discusses the Council's consideration of her removal as a member of the Planning and Zoning Commission.

Mayor Green cites the following two factors for Ms. Saul's removal as a Commissioner for just cause:

"I have determined that you have publicly made false statements against an elected official and about city operations by falsely claiming on your "LeaAnn for Cedar Falls" Facebook page that:

- (1) I have personally been working with two other activists to "push" a mask mandate petition on Cedar Falls residents; and



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(2) The Cedar Falls Police have been ordered to photograph youth activities and churches to determine who is and isn't wearing a mask."

Ms. Saul acknowledges that the following post was made on her "LeaAnn for Cedar Falls" Facebook page:

"FYI, the CF mask mandate is trying to get pushed through by Mayor Green, Joyce Coil, and Dee Vandeventer – who are sending out a petition via Facebook. The CFPD was asked to go out and take photos of youth sports practices and churches to prove, or disprove, they weren't wearing masks with the goal of shutting them down. ..."

Before I proceed into the merits of Mayor Green's allegations, I want to first address the impropriety of this proposed action by Mayor Green. I am personally aware from my practice that this is the second time that Mayor Green has used the authority of his office to attempt to force a political opponent from the planning and zoning commission. It has been well established in a long line of cases from the U.S. Supreme Court that the First Amendment to the U.S. Constitution guarantees a right of association as derivative of the rights of speech, assembly and petition. Furthermore, this right of association includes the right to advocacy of both public and private points of view, particularly controversial ones, and, therefore, the right to further political and social views is protected against unreasonable burdening. Mayor Green is approaching a slippery slope if he attempts to quiet all political opponents appointed to City positions if they dare to contest any of his actions. The Council and Mayor would be setting a dangerous precedent if they take such action against Ms. Saul.

With regard to the statements on Ms. Saul's Facebook page, the first issue raised by Mayor Green is that these statements are false. Ms. Saul emphatically denies that these statements are false. Ms. Saul was provided information from a credible source that statements made on her Facebook page are true. The question for Mayor Green is whether he denies such allegations. Ms. Saul is prepared to present evidence that these statements are, indeed, true.

The second issue is whether such allegations, even if false, rise to the level of "just cause" for Ms. Saul's removal from the Planning and Zoning Commission. While the "just cause" standard is an flexible standard, the primary definition used in various settings by the Iowa courts, as applied in this situation, is that "just cause" is cause which directly or indirectly significantly and adversely affects what must be the ultimate goal of the planning and zoning commission. The City of Cedar Falls website states that the purpose of the planning and zoning commission is as follows:

"This commission reviews and provides recommendations to the City Council on a variety of planning-related matters. These include: implementation of the Comprehensive Plan, changes to



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zoning and subdivision ordinances, review of preliminary and final plats for subdivisions, development site plans, rezoning requests, public right-of-way vacations, easement vacations, and facade change requests.”

There is absolutely nothing in the statements made on Ms. Saul’s Facebook page which in any way conceivable rise to the level of “just cause” for her removal. She simply shared that the Mayor and two other members of the City were attempting to push a mask mandate, and that the CFPD was asked to take photos of youth practices and church services. Again, even if not true (which Ms. Saul adamantly denies), this statement in no way significantly or adversely impacts her role as a member of the planning and zoning commission. Mayor Green’s allegation fails to meet the “just cause” standard. The only way a finding to the contrary can be made is if the Council is politically motivated to remove Ms. Saul from the Planning and Zoning Commission, which is unconstitutional.

Ms. Saul wants to be clear that she denies that the allegations are false, and that she intends to exercise all remedies available to her if any adverse action is taken against her as a member of the Planning and Zoning Commission. Please consider this letter while considering the Mayor’s recommendation on September 8, 2020. Ms. Saul and I will be present at that meeting to address any questions or concerns that you may have. Feel free to contact Ms. Saul or me in advance of the meeting to discuss this matter further. Thank you for the consideration of this letter.

Respectfully submitted,



Corey R. Lorenzen
for LORENZEN LAW FIRM, P.C.



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