In the Iowa Supreme Court

No. 25–2197

Submitted September 10, 2026—Filed October 2, 2026

State of Iowa,

Appellee,

vs.

Scott A. Belt,

Appellant.

Appeal from the Iowa District Court for Pottawattamie County, Roger L. Sailer, judge.

A member of the Pottawattamie County Board of Supervisors appeals his removal from office for intoxication. **District court judgment affirmed.**

Christensen, C.J., delivered the opinion of the court, in which all justices joined.

Gina Messamer (argued) of Parrish Kruidenier, L.L.P., Des Moines, for appellant.

Brenna Bird, Attorney General; Eric H. Wessan (argued), Solicitor General; and Patrick C. Valencia, Deputy Solicitor General, for appellee.

Christensen, Chief Justice.

We must decide whether an elected official's intoxication justifies his removal from office under Iowa Code section 66.1A(6) (2025). The defendant, a member of the Pottawattamie County Board of Supervisors (the Board), was serving as the Board's chair when he organized and agreed to serve as the emcee at a town hall meeting. This did not go according to plan because the defendant spent the hour before the meeting drinking alcohol at a local bar and then arrived at the town hall visibly and audibly under the influence. Other attendees and presenters had to intervene and transport the defendant home, while video and reports of the defendant's behavior became local news.

Following an investigation, the county attorney filed a petition to remove the defendant from office. The district court ordered the removal after a two-day trial. We retained the defendant's appeal, which challenges his removal in various ways. Because none of these challenges are persuasive, we affirm the judgment of the district court.

I. Background Facts and Proceedings.

In November 2022, the voters of Pottawattamie County re-elected Scott Belt to serve a fourth term of four years on the Board of Supervisors. This term began in January 2023 and expires December 31, 2026.[1] In 2025, Belt was serving as the Board's chair when he planned for the Board to hold an evening town hall meeting in Carson on November 5.

As the chair, Belt picked the town hall's location, decided who was going to speak, and designated himself the emcee. At Belt's direction, the Board's executive assistant posted an agenda for the meeting on November 4, which

[1]Belt ran for re-election in the June 2026 primary election but was not selected as one of his party's candidates for the November 2026 election.

listed department updates from various agencies and county officials, including the Board, the county auditor, and the sheriff's office. The agenda for the meeting, which was set for November 5 from 6:30 to 8:30 p.m. at the Carson Community Center, stated, "No deliberation or formal action will be taken at this meeting."

Around 5:30 p.m. on the evening of the town hall, Belt stopped at The Bar'N and Grill in Carson, where surveillance video captured him ordering a Budweiser and taking a seat at the bar next to Adam Houser, the mayor of Carson. Houser "was under the impression that [Belt] had had some drinks and was possibly intoxicated" when he arrived "based on his speech and actions." At one point, Belt left his barstool to stand behind Houser, where he gave Houser a pat on the back and massaged his shoulders before moving to stand in the bar's entryway, essentially placing himself directly behind the bar. Belt stood on a sign that said, "DO NOT FUCKING STAND HERE" and talked to patrons for a few minutes before returning to his seat.

Around 5:55 p.m., Belt ordered a vodka cocktail, then alternated his drinking between the Budweiser and the cocktail. He made his way across the bar to hand out business cards and introduce himself to others, often standing within their close proximity. One patron, whom Belt had poked in the back, was so upset about Belt's treatment of her that she messaged The Bar'N and Grill's owner about it. At some point, Houser asked Belt if he had to attend the town hall that evening out of concern that Belt had been drinking. Belt "said it was a meet and greet and that he would be fine." He later asked for a to-go cup of his cocktail and a straw, which he left with around 6:14 p.m.

Belt arrived at the town hall around 6:20 p.m. Approximately fifty people were in attendance. Kate Gerber, the county public relations (PR) manager,

approached Belt to outline the agenda and other relevant information. In doing so, she "was concerned about . . . the volume of [his] conversation as well as the fact that [she] could smell alcohol." Gerber approached the Board's executive assistant "and indicated that she could smell alcohol on [Belt's] breath and that . . . she felt that he was intoxicated." This prompted the executive assistant to call the county's human resources director to report Gerber's observations.

One attendee who interacted with Belt just before the meeting noticed "a heavy alcohol smell," and another one observed that Belt's "eyes looked funny." Doug Reed, the county emergency management director, noticed that Belt "was a little bit more loud and animated than normal" while he was "moving through the crowd and talking with people" to make his way to the stage. Reed and other attendees reported that Belt "appeared to be unsteady on his feet" and "had trouble getting up the steps [to the stage] a little bit." Nevertheless, others acknowledged that the stage setup was hard to maneuver, and everyone was "bumping and tripping as [they] got up on there."

On stage, Belt stood behind a Pottawattamie County–branded lectern and in front of a screen identifying him as "Scott Belt, Board Chair." He began the meeting by leading the Pledge of Allegiance before launching into an incoherent speech to introduce a moment of silence. This speech ranged from asking the attendees to "wish those people that are out there, you know, trying to make the best of themselves and serving our country," to declaring the county a "great place to live." He then asked the attendees to "take this time and, you know, if you've got to pray for your grandkids and pray for what's going on in your life or what's going on in the world, I'm going to ask you to just take probably just a minute here and we're going to, you know, just use that time to give thanks for

what we've got." A local reporter for *The Daily Nonpareil*, which covers the Council Bluffs area, captured a portion of Belt's opening remarks on video.

The moment of silence abruptly ended when Belt dropped the microphone. He proceeded to give a rambling introduction of Reed as the first presenter. As one attendee explained, "[A] lot of us raised our hands and asked him to please hold [the microphone] up closer to his mouth so we could understand him. But it was still muffled; and, you know, we couldn't understand what he's saying." Another stated that Belt was "waving [the microphone] as he was talking" and that she "could not follow what he was saying." And another turned to her husband during Belt's speech and asked, "Is he drunk?" She also texted a board member to ask if Belt was drunk.

Belt briefly left the stage during Reed's presentation and sat down at a table where he began sifting through papers. County Auditor Mary Ann Hanusa was seated on stage and reported that Belt's actions at the table were "so loud that it drew [her] attention away from looking at Doug Reed over to where the sound was coming from." She texted someone during the meeting, saying, "SB drunk."

Belt returned to the stage during Reed's presentation and walked behind the table of waiting presenters. He stopped behind presenter Suzanne Watson and began patting and rubbing her back before trying to talk to her. "[B]y that time," an attendee remarked, "everybody was watching Mr. Belt. They w[ere not] listening to Mr. Reed." This attendee texted board member Brian Shea, saying, "SB is drunk. Embarrassing." Board member Susan Miller received a text from a different concerned citizen asking, "Is he drunk?"

In the meantime, county staff and other board members tried to formulate a plan for Belt's exit. Shea and board member Tim Wichman stepped into the

lobby to discuss next steps when they encountered Starlyn Perdue entering the building. Perdue, the chair of the county Republican Party, had already received a text from her husband in the meeting about Belt's behavior and joined the conversation when she overheard Wichman and Shea discussing Belt.

Perdue took the lead, approaching the stage and motioning for Belt. She asked Belt if she could ask him a question about the recent Council Bluffs City Council election, and Belt followed her out of the room. Reed expressed frustration with "try[ing] to grab control of the room" because "[e]verybody's attention was not on who was coming to present but who was leaving the stage."

Wichman subsequently approached Gerber, the PR manager, while Reed was presenting and told her to figure out how to keep Belt away from the microphone. She ultimately took over Belt's emcee duties for the rest of the meeting, which included conducting a question-and-answer session at the end of the meeting. Wichman retrieved Belt's phone from the stage, then returned to the lobby, where he found Belt calling Shea a "jackoff" and threatening to "kick [his] ass."

Perdue and Shea explained that this outburst was the result of Shea telling Belt that he could not go back into the meeting. The encounter was captured on surveillance video, but it is difficult to discern. Several attendees testified that they could hear loud voices. For instance, Gerber testified, "There's an audible, loud argument that takes place. I couldn't hear exactly what was being said, but I could certainly hear the voices." A Carson city employee with building keys left the meeting room to shut the doors and redirect the lobby conversation to a multipurpose room.

Perdue, Wichman, and Shea alternated in and out of the room with Belt as they tried to navigate how to handle the situation. Perdue audio-recorded

parts of their conversations while she was in the room. The first recording starts with someone telling Belt that he had had too much to drink, to which Belt responded, "I don't care what you say; there ain't nobody in that audience that said anything." Someone interrupted Belt to clarify that the attendees were "looking at us and wondering what's going on," and Belt replied, "Yeah, 'cause you guys are fuck ups." Belt asked, "Are you guys gonna test me?" and reiterated that he had "followed the agenda." At no point did anyone ask Belt to perform field sobriety testing.

Shea and Wichman left the room and relayed a message to Matt Wyant, the county director of planning and development, who was on stage waiting to present. Specifically, Wyant's deputy "ask[ed] [him] if [he] had notes on [his] presentation because she was going to take over and that [his] presence was being requested in the hallway." When Wyant told his deputy that he would not leave the stage unless it was an official request, the deputy informed him that it was at Wichman's request.

Meanwhile, Perdue was alone with Belt, who was complaining about Shea and Wichman policing his drinking. He is captured on the audio recording stating, "There ain't enough people out there; these two guys, they ain't got the best interests of the county; they've both got their own interests." Wichman and Shea returned to the room with Wyant to find Belt "sitting on a folding table . . . [with] his legs kicked straight out in the air."

Shea asked if everything was going all right, and Belt replied, "Yeah, except for you fuckin' nitwits," and the pair got into a brief argument before Perdue redirected the conversation. Wyant tried to persuade Belt to let him drive Belt home, and Wichman reiterated to Belt that he needed to leave. Belt initially

refused, discussing how the people had elected him and how he "could bury [Wichman] in an election."

Wyant continued attempting to persuade Belt to leave with him, telling Belt that others could inform attendees that Belt left due to a medical emergency. Belt replied, "I don't give a fuck," but Wyant was eventually able to get Belt to leave with him. Perdue retrieved her husband, Chris, and the group agreed that Wyant would drive Belt home to Council Bluffs in Belt's vehicle with Chris following so that Wyant would have a ride back to his own vehicle in Carson. Wyant testified that it took "about 45 minutes" to get to Belt's home from the town hall, amounting to around a ninety-minute round trip for him.

When he entered Belt's truck, Wyant noticed "a number" of prescription pills sitting on the passenger seat. "Some of them had just been picked up. Some of them . . . were bottles. Some of them were in bags." He also observed a tumbler cup in the cupholder. Wyant recalled that they "talked about kind of everything from 1975 on," and Wyant even asked Belt if he needed to see a doctor. Belt declined.

Wyant did not smell alcohol on Belt, though he acknowledged that he is a former smoker who routinely uses gum and nicotine pouches that could affect his smell. As they were approaching Belt's house, a police officer was coincidentally conducting a traffic stop near his driveway, and Belt exclaimed, "They called the cops on me. They are here to arrest me." Wyant dropped Belt off without issue.

News of Belt's behavior at the town hall quickly spread, as *The Daily Nonpareil* uploaded its reporter's video of Belt's opening remarks on its website and YouTube channel. The day after the town hall, Belt spoke with Andrew Smith of *The Daily Nonpareil* for a news article titled "Supervisor Scott Belt left a town

hall early after speaking and moving erratically." The article described how Belt introduced the meeting "with rambling, slurred speech and uncoordinated body movements" as he "bounced between a couple remarks before asking the room to pray for the troops, their grandkids and whatever is going on in their lives."

Belt told *The Daily Nonpareil* "that his behavior was caused by medication, as he has undergone medical procedures recently" and that "he visited the doctor [the morning after the town hall] to 'figure out what was going on.' " However, "Belt did not elaborate any further on his medical history, describing it as a 'HIPAA deal.' "[2] He did not admit to being drunk, responding, "I don't know that that would be accurate."

The article also quoted a Carson resident who attended the meeting and stated of Belt, "He was drunk. That guy was drunk. He got escorted out." It discussed how "Belt loudly flipped through papers," drew attention from Reed's presentation by returning to the stage to stand behind the presenters, and "was escorted into a hall outside the event alongside Supervisors Brian Shea and Tim Wichman," where "[a] few brief loud noises could be heard from the hall before doors were shut."

As word of the town hall spread and the county investigated, it discovered other allegations against Belt. On November 14, nine days after the town hall incident, the county attorney petitioned to remove Belt from office under Iowa Code section 66.1A(6).[3] Attached to the petition was an affidavit from Jasmine

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[2]HIPAA is the Health Insurance Portability and Accountability Act of 1996. Pub. L. No. 104-191, 110 Stat. 1936 (codified as amended in scattered sections of 18, 26, 29, and 42 U.S.C.). Under HIPAA regulations, a covered entity generally is not permitted to use or disclose protected health information to others. 45 C.F.R. § 164.502(a) (2025). Nothing in HIPAA prevents an individual from disclosing their own health information to others.

[3]Iowa Code section 66.3(5) authorizes "the county attorney of the county where the duties of the office are to be performed" to file a removal petition against county officers.

Elmore, the county's human resources director since October 6, 2025. Elmore's affidavit stated she had "received recent complaints from several county employees about alleged verbally abusive and bullying conduct by Supervisor Scott Belt" leading up to the town hall.

Elmore reported in her affidavit:

> On the morning of November 7, 2025, I went to the Pottawattamie County Courthouse and fielded concerns from multiple employees who were concerned about their physical and psychological well-being should Supervisor Belt come back to the Courthouse. In response to concerns about one employee's well-being, I temporarily relocated that employee's workplace to another county building.

Upon consultation with the county attorney and sheriff, Elmore temporarily disabled Belt's badge access to the courthouse. Elmore's affidavit also noted that Belt's threats to Shea at the town hall "became common knowledge almost immediately and this has added to the sense of stress for employees of Pottawattamie County."

In addition to alleging Belt's intoxication during the November 5 town hall, the petition alleged five other instances of intoxication "while acting in his official capacity as a member of the Pottawattamie County Board of Supervisors." The State later dismissed one of those allegations from the petition, leaving the district court to consider allegations of Belt's intoxication at the town hall and on five different occasions.

Here are the additional allegations:[4]

- **November 2, 2025:** Belt was intoxicated at the Smith Wildlife Refuge in Garner Township, where the county maintains the parking lot. While driving, Belt approached Mark Webb, who was walking his dog, and asked if he was happy about the location's maintenance because Belt

[4]These allegations do not include one allegation that the State dismissed.

had ensured that lights were installed there. Belt told Webb about his role on the Board, which prompted Webb to ask if Belt was one of the board members who voted to fire the former county engineer. Belt replied affirmatively, telling Webb that the former county engineer was a "fucking asshole." After Webb tossed Belt's business card back into his truck, Belt "began directing profanities at Webb" and "kept berating Webb who asked [Belt] if he wanted to be on video showing how he treats constituents." Belt "drove rapidly out of the parking lot all while continuing to direct profanities at Webb." Webb observed a cooler in Belt's back seat.

- **September 24, 2025:** Belt attended an event at the Hoff Center in Council Bluffs, "where [the] Iowa West [Foundation] was releasing the results of its recent Community Survey to community leaders prior to its release to the general public." He "had a stained shirt, was slurring his words, had two drinks simultaneously in his hands at the bar, and smelled of alcohol."
- **March 2025:** Belt and Shea attended a National Association of Counties (NAC) conference in Washington, D.C., where Belt "had two double-shots of Bailey[']s Irish Cream (an alcoholic liqueur) in his coffee at breakfast before heading into classes" at the conference. "Just prior to ordering the first round of alcohol at breakfast, [Belt] told Supervisor Shea, 'Your problem is that you don't know how to drink.' "
- **October 9, 2024:** Belt attended the Metropolitan Area Planning Agency's annual meeting in Council Bluffs because the County Conservation Board was receiving an award. Belt helped welcome participants and was "obviously intoxicated," as he "smelled of alcohol,

> repeatedly dropped his silverware, and was visibly agitated." Belt "confronted the Conservation Board member about traffic at the recent Chappell Roan concert, called event organizers and Westfair Board members names, and said that he was going to start limiting attendance at Westfair Amphitheater events in the future." The Conservation Board member tried to inform Belt that he was not on the Westfair Board, but Belt "merely continued on his rant."

The petition asked the district court to "immediately suspend Scott A. Belt from office pending the final resolution of this matter as authorized by Iowa Code § 66.7." The district court granted the immediate suspension request that same day. Belt subsequently applied for the appointment of a judge from outside the Fourth Judicial District to preside over these proceedings under Iowa Code section 66.13, which we granted on November 18.

A two-day trial occurred on December 3 and 4. Belt did not attend the second day of trial and offered no reason for his absence. Twenty-five witnesses testified for the State about what occurred at The Bar'N and Grill and the town hall, the additional allegations of intoxication against Belt, and the fallout from Belt's town hall behavior.

For instance, PR manager Gerber testified that the town hall situation was "a PR nightmare" and detailed how it overshadowed positive county events. She lamented, "[W]hen launching these positive initiatives and trying to get this positive information out there, ultimately the things that are going to still end up on the front page of the paper are things about this case." Reed testified that "[j]ust about every conversation" at his first Iowa State Association of Counties Board of Directors meeting involved Belt, as his town hall behavior "was alluded to, joked about, discussed, [and] asked about." Carson resident Lori Crum

attended the meeting to "put names with faces," but she testified, "I wouldn't be able to tell you who was who now because the meeting was so -- the beginning was so distracting."

Eric Hough, who testified about his encounter with Belt at the October 9, 2024 awards banquet, explained why he did not come forward about it until after the town hall. Hough testified,

> Mr. Belt is a very powerful individual. He likes to wield his authority. Taking a tongue lashing and him having maybe a few too many to drink or a lot too many [to] drink was not something that I felt would gain any traction if I had brought it up at the time of the event.

Several others testified that Belt's personality had become more "aggressive" over the past fifteen months, coinciding with his time as the Board's chair. This included Council Bluffs Mayor Matthew Walsh, who testified that Belt had become "very outspoken, very aggressive, very opinionated." Likewise, board member Miller remarked, "[Belt's] become aggressive, kind of argumentative, difficult to have a conversation with." Perdue also echoed this characterization of Belt.

Belt called five witnesses, each of whom discussed their positive experiences working with Belt in different capacities and claimed they never had reason to believe he was intoxicated or unprofessional. During closing, the State dismissed one of its allegations of intoxication against Belt for lack of evidence, submitting five allegations of intoxication to the district court.

In an oral ruling, the district court found that "[t]he evidence shows clearly, satisfactorily, and convincingly" that Belt was voluntarily intoxicated and acting in his official capacity as a board member during the town hall. Regarding the other four allegations, it found that the State failed to meet its burden of proving intoxication but opined, "That finding might be different for one or more of those

events if the standard here were preponderance of the evidence, but it is not." Nevertheless, the district court determined that Belt's intoxication at the town hall alone was sufficient to justify his removal from office. We retained Belt's timely appeal.

II. Standard of Review.

"There is essentially but one question before us as triers [d]e novo on this appeal: Does the record compiled below contain sufficient evidence of [Belt's intoxication] to necessitate [his] removal from office under the provisions of Chapter 66." *State v. Bartz*, 224 N.W.2d 632, 634 (Iowa 1974). To answer this question, "we give weight to findings of the trial court, but nonetheless assume the responsibility of reviewing the entire record in determining the case anew on appeal." *Id.*

III. Analysis.

Belt begins by challenging the sufficiency of the evidence to prove his intoxication at the town hall. Moreover, he maintains that the district court erred in concluding that he was acting in his official capacity as a member of the Board during the town hall. Belt offers alternative grounds for reversal if we agree with the district court's conclusions on these two issues.

First, he asks us to reverse and remand the case for further consideration because the district court failed to recognize its discretion not to remove Belt from office. Second, Belt asserts that on our de novo review, we should not exercise our discretion to remove Belt from office for this single instance of intoxication, and reversal is required so that he can be reinstated to his term. We address these issues in turn, as necessary.[5]

[5]Although Belt initially argued that he was entitled to attorney fees on the dismissed counts, he later conceded in his reply brief that he failed to preserve error on this issue. Thus, we consider it waived and do not address it on appeal.

A. The State Presented Sufficient Evidence of Belt's Intoxication at the Town Hall. Belt argues that the State failed to establish "by clear, convincing, satisfactory evidence" that he was intoxicated at the town hall. *State v. Watkins*, 914 N.W.2d 827, 837 (Iowa 2018) (quoting *State ex rel. Crowder v. Smith*, 4 N.W.2d 267, 268 (Iowa 1942) (per curiam)). This standard requires proof "by more than a preponderance of evidence, but something less than establishing a factual situation beyond a reasonable doubt." *Id.* (quoting *Bartz*, 224 N.W.2d at 638). Removal proceedings are equitable in nature, *see* Iowa Code § 66.18, and our duty in equitable cases on de novo review is "to examine the whole record and adjudicate rights anew on those propositions properly presented, provided issue has been raised and error, if any preserved in the course of trial proceedings." *In re Est. of Cory*, 184 N.W.2d 693, 695 (Iowa 1971). In doing so, "we give the trial court's findings weight 'but nonetheless assume the responsibility of reviewing the entire record in determining the case anew on appeal.' " *Watkins*, 914 N.W.2d at 838 (quoting *Bartz*, 224 N.W.2d at 634).

Essentially, the "question before us as triers [d]e novo on this appeal" is whether the record compiled below contains sufficient evidence of Belt's intoxication to justify his removal from office under Iowa Code section 66.1A(6). *Bartz*, 224 N.W.2d at 634. Here, the district court removed Belt from office for his intoxication at the town hall and concluded the State failed to prove its other allegations of intoxication. The State does not argue on appeal that any of those other grounds should have been sustained, so we review only whether the record compiled below contains sufficient evidence of Belt's intoxication at the town hall.

A person is intoxicated within the meaning of Iowa Code section 66.1A(6) "when he is so far under the influence of intoxicating liquors that his passions are visibly excited or his judgment impaired." *State ex rel. Cosson v. Baughn*, 143 N.W. 1100, 1101 (Iowa 1913) (per curiam) (quoting *State v. Pierce*, 21 N.W. 195, 197 (Iowa 1884)). This includes when his alcohol use has altered his reason or faculties, caused him to lose control of his person or body, or rendered him incoherent. *Id.*; *see also Smith v. Shagnasty's, Inc.*, 688 N.W.2d 67, 72 (Iowa 2004) (listing the same or comparable factors to define "intoxication" in suits brought under Iowa's dramshop statute, Iowa Code § 123.92 (2001)). The State presented ample evidence that Belt was intoxicated at the town hall—despite the absence of any law-enforcement sobriety tests.

The audio and video recordings of Belt perhaps best depict his intoxication. They capture Belt threatening to assault Shea, swearing at fellow board members, slurring his words, and incoherently rambling, along with his dropping the microphone and distracting behavior on stage during Reed's presentation. The State also presented several witnesses to corroborate its claim that Belt consumed alcoholic beverages at The Bar'N and Grill before attending the town hall. Likewise, multiple witnesses from the town hall testified that they noticed "a heavy alcohol smell," that his "eyes looked funny," and that his behavior "was a little bit more loud and animated than normal." Many reported texting others during the town hall with their belief that Belt was intoxicated.

Contrary to Belt's argument, the State was not required to rule out that his behavior was due to a medical issue. *Cf. State v. Schories*, 827 N.W.2d 659, 665 (Iowa 2013) ("Once a defendant has presented evidence sufficient to show the prescription drug defense applies [to a charge of operating a vehicle while under the influence of a controlled substance], the State has the burden of

disproving each element of the defense beyond a reasonable doubt."). Notably, despite telling *The Daily Nonpareil* "that his behavior was caused by medication," Belt never introduced evidence about any medications that he was on or how those might have affected him independent of alcohol. In any event, the State presented "clear, convincing, satisfactory" evidence of Belt's intoxication at the town hall, so we affirm the district court's intoxication finding. *Watkins*, 914 N.W.2d at 837 (quoting *Smith*, 4 N.W.2d at 268).

B. The State Was Not Required to Prove That Belt Was Acting in His Official Capacity During the Town Hall. Belt challenges the district court's conclusion that he was acting in his official capacity as a Pottawattamie County supervisor during the town hall, arguing that he was not performing a statutory duty at the time.[6] The State maintains that this limitation is not found in the plain text of Iowa Code section 66.1A(6), which is where the analysis of Belt's argument should begin and end. We review questions of statutory interpretation "for correction of errors at law." *Watkins*, 914 N.W.2d at 837.

Iowa Code section 66.1A provides:

> Any appointive or elective officer, except such as may be removed only by impeachment, holding any public office in the state or in any division or municipality thereof, may be removed from office by the district court for any of the following reasons:
>
> 1. For willful or habitual neglect or refusal to perform the duties of the office.
>
> 2. For willful misconduct or maladministration in office.
>
> 3. For corruption.

[6]The State contends that Belt waived this argument because he "challenges the district court's statutory interpretation but does not challenge the court's finding that Belt acted in his official capacity at the townhall." We agree with Belt that "[t]his is splitting hairs," as the district court's conclusion that Belt was acting in his official capacity depends on the district court's interpretation of the removal statute.

> 4. For extortion.
>
> 5. Upon conviction of a felony.
>
> 6. For intoxication, or upon conviction of being intoxicated.
>
> 7. Upon conviction of violating the provisions of chapter 68A.
>
> 8. For failure to pay a fine imposed pursuant to section 39A.6 and not dismissed pursuant to chapter 17A.

Our statutory interpretation analysis begins by determining whether the statute is ambiguous. *Murillo v. State*, 13 N.W.3d 800, 808 (Iowa 2024). "We will not resort to our rules of construction when the statutory text and meaning are clear." *Hines-Miller v. Teter*, 35 N.W.3d 321, 329–30 (Iowa 2026). That is the case here, as the statutory language in Iowa Code section 66.1A(6) is clear in allowing for the removal of an elected official "[f]or intoxication" regardless of whether it was in the performance of an official duty.

The other subsections of the statute further support that conclusion. *See Doe v. State*, 943 N.W.2d 608, 610 (Iowa 2020) ("In determining the ordinary and fair meaning of the statutory language at issue, we take into consideration the language's relationship to other provisions of the same statute and other provisions of related statutes."). Unlike section 66.1A(6), other subsections authorizing removal are expressly tied to the official's performance of official duties. This includes removal "[f]or willful or habitual neglect or refusal *to perform the duties of the office*" under section 66.1A(1) and "[f]or willful misconduct or maladministration *in office*" under section 66.1A(2). (Emphases added.) We confirmed in *State v. Watkins* that "the phrase 'in office' modifies both 'willful misconduct' and 'maladministration,' " thereby requiring the State to show "that the alleged wrongdoer's acts were committed within the scope of his or her official responsibilities." 914 N.W.2d at 840.

Belt relies on similar language in *State v. Welsh*, 79 N.W. 369, 371 (Iowa 1899), in arguing that the State had to prove he was acting in his official capacity while intoxicated at the town hall. There, we reversed a directed verdict for a sheriff facing removal, holding that a jury could find willful misconduct in his voluntary intoxication while transporting a prisoner and willful neglect of duty in allowing the prisoner about thirty hours of freedom. *Id.* at 371–72. We explained, "Intoxication, when not occurring while in the discharge of an official duty, is not a ground of removal from office." *Id.* The differences are that intoxication was not an enumerated ground for removal then and that, unlike the officials in *Watkins* and *Welsh*, Belt faces removal solely "[f]or intoxication" under Iowa Code section 66.1A(6).

The legislature chose to limit certain grounds for removal through language explicitly connecting them to official responsibilities, and removal for intoxication is not one of them. *See* Iowa Code § 66.1A. "A material variation in terms suggests a variation in meaning." *Bribriesco-Ledger v. Klipsch*, 957 N.W.2d 646, 650 (Iowa 2021). If the legislature had wanted to limit removal for intoxication to situations in which an official is intoxicated while acting in their official capacity, it would have used the same modifiers that it used in Iowa Code section 66.1A(1) and (2). *See Bribriesco-Ledger*, 957 N.W.2d at 650 ("If the legislature meant the same thing, we expect it would have said the same thing.").

This interpretation aligns with our precedent governing the removal of a public official for intoxication. For instance, in *State ex rel. Kirby v. Henderson*, 124 N.W. 767, 769 (Iowa 1910) (per curiam), we rejected the public official's argument that his intoxication during business hours was not "official misconduct" because "he undertook no official duties during the period of intoxication." We explained, "The fallacy of the argument is that it is purely

theoretical, and not practical." *Id.* And in *State ex rel. Cosson v. Baughn*, we held that the Harlan mayor should be removed for intoxication after he drank whiskey, went downtown one evening, and drew a crowd—large enough to obstruct the streets—with his loud, profane, and slurred speech until the city marshal dispersed it. 143 N.W. at 1102–03.

In reaching this conclusion, we recognize Belt's concern that authorizing the removal of an elected official from office for intoxication regardless of whether it occurred during the performance of an official duty "risks unintended consequences." As Belt notes, "Elected officials may be approached by the public at any time, in any place, because of the office they hold." But "unambiguous statutory language is the strongest evidence of the legislature's intent," *In re J.C.*, 857 N.W.2d 495, 500 (Iowa 2014), and we cannot read a limitation into Iowa Code section 66.1A(6) that is not written in the statute, *see Hines-Miller*, 35 N.W.3d at 330.

Plus, we think the statutory scheme under Iowa Code chapter 66 is built to deter removal from becoming a political weapon or regular legal action. These deterrents include limitations on who may file a removal petition, bond requirements for filing a removal petition, and witness fees. *See* Iowa Code §§ 66.3, .4, .10, .28. Additionally, if the petition is dismissed, the government is responsible for reimbursing the defendant "for the reasonable and necessary expenses incurred by the defendant in making a defense, including reasonable attorney's fees, as determined by the court." *Id.* § 66.23. Finally, judicial involvement is intended to guard against politicization of the remedy. In exercising its discretion, the district court here found an absence of political motivation for the proceedings against Belt, and we do the same on our de novo

review. In sum, the removal process contains ample safeguards that reflect its "penal or quasi-criminal" character. *Watkins*, 914 N.W.2d at 839.

We agree with the State that it was not required to connect Belt's intoxication to the exercise of an official duty for his removal under Iowa Code section 66.1A(6). Nevertheless, whether a public official was acting in their official capacity while committing misconduct is an equitable consideration for the district court in ruling on the removal petition.

C. The District Court Recognized and Exercised Its Discretion in the Removal Decision. Belt asks us to reverse his removal and remand his case to the district court because the district court failed to recognize and exercise its discretion in reaching its removal decision. The State maintains that Belt failed to preserve error on this claim because he never filed a motion for reconsideration under Iowa Rule of Civil Procedure 1.904(2) to bring the issue to the district court's attention.[7] But "[w]hen we speak of error preservation, all we mean is that a party has an obligation to raise an issue in the district court and obtain a decision on the issue so that an appellate court can review the merits of the decision actually rendered." *State v. Crawford*, 972 N.W.2d 189, 198 (Iowa 2022); *see also Segura v. State*, 889 N.W.2d 215, 220 (Iowa 2017) (holding that error was preserved because the district court's ruling established that it had considered and decided the argument at issue on appeal); *Lamasters v. State*, 821 N.W.2d 856, 864 (Iowa 2012) ("If the court's ruling indicates that the court *considered* the issue and necessarily ruled on it, even if the court's reasoning is

[7]Belt's brief contains a section titled "Error Preservation & Standard of Review," but he never explains how he preserved error on his appellate claims in this section or elsewhere in his brief. It is only after the State challenged error preservation that Belt addressed the issue in his reply brief. This is contrary to Iowa Rule of Appellate Procedure 6.903(2)(*a*)(8)(1), which states that an appellant's brief "must contain . . . [a] statement addressing how the issue was preserved for appellate review, with references to the places in the record where the issue was raised and decided in the district court."

'incomplete or sparse,' the issue has been preserved." (quoting *Meier v. Senecaut*, 641 N.W.2d 532, 540 (Iowa 2002))). And the record shows that the district court was aware of its discretion and exercised it, so we can review Belt's claim on the merits.

The discretionary nature of these proceedings was evident throughout, beginning with the State's opening statement declaring that the district court needed to address three issues—one each of fact, law, and equity. The State explained,

> The issue of fact is whether Mr. Belt was intoxicated on the occasions that have been alleged in the petition. The issue of law is whether or not these are official activities such -- or whether that even matters, whether these are official activities that were related to his job as county supervisor. The issue of equity is that, assuming that the Court answers those questions in the affirmative, does justice demand his removal from office.

Belt's counsel "agree[d] with [the State's] summation," and both sides reiterated the equitable nature of the proceedings in closing, with the State emphasizing, "This is a case of equity. What is full and complete justice in this case?" Belt, too, stated, "[W]e look at the equity issue, and that is is the town hall enough? . . . [G]iven the totality of the evidence and the circumstances, this just does not meet the equitable requirement for removing someone from office."

The district court's oral ruling acknowledged the equitable, and thus discretionary, nature of its removal decision. After concluding that Belt was voluntarily intoxicated at the town hall, the district court declared,

> [T]he defense urges the Court to give careful consideration to what it terms, quote, the equity issue, end quote, which it frames by asking "Is just the town hall enough?" The Court does give that question careful consideration. In fact, the Court finds this to be the closest decision in this case. The Court believes that the question is rightly posed.

The district court further stated that "Chapter 66 places significant authority in the hands of the judiciary," and that "it cannot be said that the legislature did not intend to *allow* courts to remove an elected official on that basis [of intoxication]." (Emphasis added.) Finally, the district court used its discretion in considering Belt's claim that the removal petition was politically motivated, concluding that claim was "nothing more than a specter and is devoid of any proof in these proceedings, and the Court does not find such a political motivation at play in this case." It ruled, "*upon careful consideration* . . . that the petition should be and hereby is granted." (Emphasis added.)

That the district court did not explicitly discuss "Belt's positive contributions to the community or his character as a public official" in explaining its decision, as Belt maintains it should have, does not amount to a failure to exercise discretion. "A review of the record . . . reveals that the court had before it several sources of information and that it considered other relevant factors . . . ." *State v. McKeever*, 276 N.W.2d 385, 388 (Iowa 1979). Consequently, remanding for the district court to reweigh the evidence and exercise its discretionary authority is unnecessary.

D. Belt's Intoxication and Corresponding Behavior Were Sufficient to Justify His Removal. Belt argues in any event that his removal is not in the public interest, characterizing his removal as "an injustice both to him and voters of Pottawattamie County who elected him to serve." Belt asserts that removal is appropriate only in exceptional cases when the public official's action "is marked by such grave misconduct or such flagrant incompetency as demonstrates his unfitness for the position." *State ex rel. Barker v. Meek*, 127 N.W. 1023, 1026 (Iowa 1910). Again, he relies on our analysis of cases in which the public official

was facing removal for willful misconduct as opposed to intoxication under Iowa Code section 66.1A(6).

Those cases required the State to prove that the public official acted with "willful intent to do wrong [and] an evil purpose . . . by clear, convincing, satisfactory evidence." *Watkins*, 914 N.W.2d at 837 (alteration in original) (quoting *Smith*, 4 N.W.2d at 268). In that context, we explained, "Conduct may be voluntary, thoughtless, or even reckless, yet not necessarily willful. Nor does unlawfulness necessarily imply willfulness." *Meek*, 127 N.W. at 1024 (citation omitted).

Unfortunately for Belt, that heightened standard does not apply to cases of removal for intoxication under Iowa Code section 66.1A(6) because "willful" is the dispositive word to trigger that standard. This has long been the case. For example, in 1910, we examined the meaning of "willful misconduct in office" under the removal statute and concluded that "willful," when used in statutes of a penal nature, "is held with but few exceptions to imply an evil or corrupt motive or intent." *Id.*

Shortly thereafter, we considered whether public officials facing removal for willfully neglecting to perform specific duties of their office "acted in good faith or whether they acted willfully." *State v. Roth*, 144 N.W. 339, 345 (Iowa 1913) (en banc). This was because the alleged duties at issue had not been settled under the law, and "[t]o hold that defendants should be removed for this would be to hold that such officers must correctly interpret the laws in advance of decisions by the courts, at the peril of removal if they fail to do so." *Id.* at 344. We stressed these principles again most recently in *Watkins*, reaffirming that the removal of a public official for "willful misconduct or maladministration in office" requires "evidence that the official committed the charged acts 'intentionally,

deliberately, with a [subjectively] bad or evil purpose, contrary to known duty.' " 914 N.W.2d at 842 (alteration in original) (quoting *Roth*, 144 N.W. at 344).

As we have explained in addressing Belt's argument regarding official capacity, the legislature chose to limit certain grounds for removal through language explicitly connecting them to "willful" misconduct. *See* Iowa Code § 66.1A. It did not do that for intoxication, and it is not our role to do so now. *See, e.g.*, *State v. Rhodes*, 6 N.W.3d 741, 752 (Iowa 2024) ("We cannot give effect to Iowa Code section 724.25(2) by reading out the language the legislature chose—'as used in this chapter'—while reading in language—'antique firearm'—that does not appear in section 724.26."); *Bribriesco-Ledger*, 957 N.W.2d at 650 ("A material variation in terms suggests a variation in meaning."). The same goes for our ability to address Belt's misdirected policy concern that authorizing removal for intoxication absent a finding of willfulness "would expose untold numbers of elected officials to removal" because "the number of elected officials who have been intoxicated at a public function is not insignificant." *See In re Guardianship & Conservatorship of Radda*, 955 N.W.2d 203, 214 (Iowa 2021) ("Policy arguments to amend the statute should be directed to the legislature." (quoting *In re Est. of Whalen*, 827 N.W.2d 184, 187 (Iowa 2013))).

Regardless of willfulness, Belt concedes "that a single instance of intoxication *could* be sufficient to establish removal, under the right set of facts," though he does not hypothesize what those facts might be. He simply disagrees with the district court's conclusion that his single instance of intoxication was sufficient for removal. In legal terms, Belt is arguing that the district court failed to properly balance the equities on both sides in deciding to remove him from office. *See Petty v. Mut. Benefit Life Ins.*, 15 N.W.2d 613, 618 (Iowa 1944) ("A court

of equity seeks to do justice between the parties by penetrating to the very substance of the matter.").

On our de novo review of the record, we disagree because we conclude that Belt's removal best protects public interests. *See Watkins*, 914 N.W.2d at 839 ("[Removal proceedings] are meant to protect public interests," and they "exist to provide a remedy when the misconduct is serious enough that waiting until the next election is inadequate."). According to Belt, his history of being "a capable, hard-working public servant for over 20 years" outweighs his "10 minutes of awkwardness at the town hall," which he maintains is "lightweight" compared to the conduct of the intoxicated public officials in *Henderson* and *Welsh*. Frankly, Belt downplays the situation. He made a mockery of the town hall, and that "10 minutes of awkwardness" extended well beyond that time frame when the story became news.

As the county attorney aptly summarized during closing argument,

> [Belt] brought shame to his office and to the county. He has put co-workers, department heads, elected officials, private citizens through this entire process. He has a right to do that, but he's taken no responsibility for his actions.
>
> If Scott Belt the day after the town hall would have said, "I made a mistake. I had a bad day. I've had some family stress. I've had some mental health problems. I'm going to get some help, but I would really like to continue to serve the Pottawattamie County citizens," that would have made my job tougher. I would have had to have a hard swallow about whether this petition for removal gets filed, but that's not what happened.
>
> I mean, he's not taken responsibility for his actions. He has disrupted county operations. He has distracted from a lot of the good work of the county and the good events. He didn't care enough to show up today to half of his trial.

Moreover, we agree with the district court that he was acting in his official capacity while he was intoxicated at the town hall. This is an aggravating factor

for Belt. And though the district court concluded that the State failed to prove its four additional allegations of intoxication by "clear, convincing, satisfactory" evidence, the unrebutted testimony from the witnesses regarding these allegations indicates to us that Belt's intoxication at the town hall was not an isolated event. Several witnesses testified that Belt had become more aggressive and difficult to work with in the time aligning with those other allegations. An affidavit from the county human resources director that was filed with the removal petition stated that she had "received recent complaints from several county employees about alleged verbally abusive and bullying conduct by Supervisor Scott Belt" leading up to the town hall.

Additionally, the record is unrebutted that Belt consumed two double shots of Bailey's at breakfast before heading into class sessions of the NAC conference in Washington, D.C., a conference that the taxpayers of Pottawattamie County were presumably paying him to attend. While there may be debate about whether Belt was intoxicated at the time, the behavior was inappropriate and consistent with that of someone who had an unaddressed drinking problem. Likewise, Belt's behavior during the September 2025 event was such that one witness who attended the event "flippantly remarked" to his colleague upon leaving, " 'Hey, let's get in the car before [Belt] is out there,' because, obviously, we would be heading to the same [area]" and did not want to be on the road at the same time as Belt.

Removal "is heroic in nature and relatively drastic in a system where the usual method of removing officeholders is by resort to the ballot." *Watkins*, 914 N.W.2d at 839 (quoting *Bartz*, 224 N.W.2d at 638). It should be used only "when the misconduct is serious enough that waiting until the next election is inadequate." *Id.* For the reasons explained above, the record in this case meets

that high standard necessary for the removal of Belt from his elected office for intoxication under Iowa Code section 66.1A(6). Accordingly, we affirm the judgment of the district court.

IV. Conclusion.

We affirm the district court's removal of Belt from his position on the Pottawattamie County Board of Supervisors.

District court judgment affirmed.