



STORY COUNTY BOARD OF HEALTH

TENTATIVE AGENDA
WEDNESDAY, SEPTEMBER 9, 2020
6:00 PM

Originating From Story County Administration 900 6th Street – Nevada, Iowa

SPECIAL NOTE TO THE PUBLIC: Due to recommendations to social distance in order to help slow the spread of the COVID-19 virus, public access to the meeting will be provided via Zoom. **Members of the public can participate by using the information at the end of this agenda.**

1. CALL TO ORDER
2. APPROVAL OF AGENDA
3. APPROVAL OF MINUTES

Documents:

[080420 MINUTES.PDF](#)
[080720 MINUTES.PDF](#)
[081420 MINUTES.PDF](#)
[082120 MINUTES.PDF](#)
[082520 MINUTES.PDF](#)

4. PUBLIC FORUM
This is the time for members of the public to offer comments concerning matters not scheduled to be heard before the Board of Health.
5. PUBLIC HEARING
 - 5.I. Submitted Comments
 - 5.II. Public Comment Period
(TO SPEAK, PLEASE "RAISE HAND." WHEN CALLED ON, STATE YOUR NAME AND YOUR COMMENT. COMMENTS LIMITED TO TWO MINUTES)
6. Discussion And Consideration Of Face Covering Regulation Requiring The Use Of Face Coverings By Certain Individuals In Public Settings

Documents:

[FACE COVERING REGULATION FINAL DRAFT .PDF](#)

7. Discussion And Consideration Authorizing Chair To Recommend To The Board Of Supervisors Passage Of Resolution Implementing Board Of Health Face Covering Regulation Pursuant To Iowa Code §137.104(1)(B)(2).
8. COMMENTS
 - Staff
 - Board
9. ADJOURNMENT

10. INSTRUCTIONS TO PARTICIPATE IN ZOOM MEETINGS

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join. [https://zoom.us/j/99690021162?
pwd=bVg3ZUp4SG1PcEFxM3lzOG5jQkx1dz09](https://zoom.us/j/99690021162?pwd=bVg3ZUp4SG1PcEFxM3lzOG5jQkx1dz09)

Passcode: 822433

Or join by phone:

Dial(for higher quality, dial a number based on your current location):

US: +1 301 715 8592 or
+1 312 626 6799 or
+1 929 205 6099 or
+1 253 215 8782 or
+1 346 248 7799 or
+1 669 900 6833

Webinar ID: 996 9002 1162

Passcode: 822433

International numbers available: <https://zoom.us/u/azVXCuBTG>

- We ask that you mute your phone if possible.
- To request to speak when allowed on the agenda, participants must click “Raise Hand” if connected by smartphone or computer, or press *9 if connected by telephone. All participants will be muted by the meeting host when not actually speaking.
- Audio recordings of all Board meetings will be posted on the [STORY COUNTY WEBSITE](#) shortly after the meeting is concluded. You may access these recordings at any time by clicking on the Meetings and Agendas button on the home page.
- **How to Participate in Meeting Discussions**
If you would like to watch a meeting as it happens and participate in the discussion, you can do so via Zoom (www.zoom.us). Zoom is a videoconferencing platform that works across different internet-enabled devices and standard telephones. Meetings that are being held via Zoom will have information at the top of the agenda regarding how to find the meeting in Zoom. Each meeting is assigned a meeting ID (sometimes called a “webinar ID”) that you will need to use to access the meeting.
- **Zoom video conferencing** – You can access the meeting by either clicking the link in the agenda, or by opening the Zoom application and entering the meeting ID number found on the agenda. You will need to press the “unmute” button and provide your comments.
 - Meeting participants will be able to watch and hear the meeting as it takes place. For portions of the meeting where public input is accepted, participants interested in speaking can press the button called “Raise Hand.” This will notify the staff that you wish to speak. When it is your turn, staff will announce your name and notify you it is your turn to speak.
 - You will need to press the “unmute” button and provide your

comments.

Once you are complete, you will be muted again by the staff.

- **Zoom phone conferencing** – As an alternative to video conferencing, participants may call in to a phone conference using their touch-tone phone. Call-in telephone numbers are provided at the top of each meeting agenda (you can select from any of the phone numbers.) Unless otherwise indicated, the number is a long-distance phone number; charges may apply depending on your telephone provider. Once you have dialed the telephone number provided, you will be prompted to enter the Meeting ID number (found on the agenda).
 - During the meeting, you will be able to hear the discussion live, but will not be able to see any content (e.g., maps, text, or other visual materials) that may be displayed for video conference users. For portions of the meeting where public input is accepted, participants interested in speaking can press *9 on their phone.” This will notify the staff that you wish to speak. When it is your turn, staff will announce the last four digits of your phone number and notify you it is your turn to speak. You will hear an automated announcement that your line has been unmuted, then you can begin your comments. Once you are complete, you will be muted again by the staff.

Story County strives to ensure that its programs and activities do not discriminate on the basis of race, color, national origin, sex, age or disability. Persons requiring assistance, auxiliary aids or services, or accommodation because of a disability may contact the county's ADA coordinator at (515)382-7204.



**STORY COUNTY
BOARD OF HEALTH**
STORY COUNTY ADMINISTRATION
900 6TH STREET
NEVADA, IOWA 50201

Minutes

AN AUDIO RECORDING OF THE FULL MEETING MAY BE FOUND IN THE ENVIRONMENTAL HEALTH DEPARTMENT, OR BY VISITING WWW.STORYCOUNTYIOWA.GOV

DATE: August 4, 2020

CALL TO ORDER: 2:00 p.m.

PLACE: Zoom Meeting

Dr. John Paschen, Chair
Mark Speck, Vice-Chair
Dr. John Kluge
Dr. Louisa Tabatabai
Dr. Molly Lee
Lisa Heddens (Ex-officio)
*Absent

STAFF PRESENT: Stephanie Jones, Recording Secretary; Margaret Jaynes, Environmental Health Director; Cathy Bazylnski, Environmental Specialist; Matt Cory Environmental Specialist

OTHER PEOPLE PRESENT:

1. CALL TO ORDER

Dr. John Paschen called the meeting to order at 2:00 p.m.

Paschen read the special note to public: Due to recommendations to social distance in order to help slow the spread of the COVID-19 virus, public access and participation to the meeting will be provided via Zoom. Board of Health members are also present via Zoom.

2. APPROVAL OF AGENDA MCU

Motion by Kluge, Second by Speck to approve agenda with Ferrari giving a COVID-19 update before the face covering letter discussion.

Ayes: Paschen, Tabatabai, Speck, Lee, Kluge

Nays: None

3. APPROVAL OF MINUTES

June 2, 2020

June 8, 2020

June 22, 2020

June 25, 2020

Motion by Speck, Second by Tabatabai to approve minutes with amendment to June 22, 2020 minutes showing Tabatabai was present.

Ayes: Paschen, Tabatabai, Speck, Lee, Kluge

Nays: None

4. APPROVAL OF CONSENT AGENDA



STORY COUNTY BOARD OF HEALTH

STORY COUNTY ADMINISTRATION
900 6TH STREET
NEVADA, IOWA 50201

Motion by Kluge, Second by Lee to approve the consent agenda item consisting of: Personnel action for pay adjustment for merit plus longevity for Margaret Jaynes.

Ayes: Paschen, Tabatabai, Speck, Lee, Kluge

Nays: None

5. PUBLIC FORUM

Galen Wilke stated that he is concerned about contract tracing and preparedness. Wilke would like to see additional readiness taking place for contact tracing due to the number of ISU students coming back to town. Secondly, transparency issues of contact tracing being done in the county. Treasa Ferrari stated the contact tracing was turned over to Iowa Department of Public Health because Public Health only has two nurses and could no longer keep up with the responsibility. Paschen asked Ferrari if Public Health could simply re-address the issue with contact tracing even though it may not be obtainable. Kluge stated that there are many veterinary students that would make good contact tracers.

6. ADDITIONAL ITEMS:

Food Truck Inspection Presentation

Samuel Pang, Iowa Department of Inspections and Appeals gave a brief presentation of how food truck vendors obtain licensing and what to expect at a preopening inspection and food safe sanitation. Paschen asked about the water source. Pang stated that the water has to come from an approved source. If using well water, test results will need to be available to show the water supply is adequate, as well as food grade hoses are being used. Tabatabai asked who completes food truck inspections. Pang stated that the Iowa Department of Inspections and Appeals do most inspections, and a few counties are contracted to do inspections, but Story County is inspected by the state. Heddens asked how often mobile food operations are inspected. Pang stated that depends on the class of a mobile unit, and a standard mobile unit or full service restaurants are inspected yearly or immediately if a complaint is received. Speck asked if tables could be set up to allow customers to sit and eat. Pang stated they are not allowed to have seating and everything must be self-contained in the mobile unit.

Scott Wall, Ames Velo Race Director, provided information on The Crushed Rock Classic bicycle race, which consists of paved and gravel roads in Story County and trails in McFarland Park. Between 100 and 120 competitors plus another 25-50 spectators and volunteers are expected. Due to the current COVID-19 pandemic a time trial format has been adopted to allow one rider to start every 30 seconds and riders are not allowed to work together. With the 30 seconds between riders, they expect there will be no more than 8 riders in any given mile of the course at any one time. Face coverings will be required in all situations where staff and riders interact. Face coverings will not be required for riders while racing. There will be handwashing and hand sanitizer stations available. Wall stated that USA Cycling requires that race promoters have written authorization from local health authorities to hold an event.

Paschen asked if there is anything in place to stop people from congregating. Wall stated that volunteers will do their best to not allow congregating and the rules will be posted on social media prior to the race. Tabatabai stated it looks like precautions are in place. Lee said she is concerned about congregating after



STORY COUNTY
BOARD OF HEALTH
STORY COUNTY ADMINISTRATION
900 6TH STREET
NEVADA, IOWA 50201

the race and suggested that there be signage indicating social distancing and where hand-sanitizing stations are located. Wall stated there will be a sound system and reminders can be given to not congregate. Heddens asked Wall specifically what he is asking of the Board of Health or Public Health.

Motion by Kluge, Second by Tabatabai that the Board of Health discussed the Crushed Rock Classic. COVID-19 mitigation procedures are acceptable as presented. MCU

Ayes: Paschen, Tabatabai, Speck, Lee, Kluge

Nays: None

Ethan Anderson agreed that a simple letter that the Board of Health was made aware of the race, informed of mitigation procedures, and are ok with the race should be sufficient.

Letter Encouraging Universal Face Covering Requirement

Paschen stated he feels that the letter is good but would like to add that the Board of Health strongly recommends that face coverings are worn, rather than recommending that municipalities adopt a face covering policy. He would like the recommendation from the Board of Health and then to have another discussion take place on a recommendation to the Board of Supervisors to mandate face coverings.

Much discussion took place on possible changes including:

- Change first paragraph to say the Story Co BOH strongly recommend... and to send to the BOS to mandate face coverings.
- The letter could serve two purposes which would include strongly encouraging the face coverings, and as the recommendation that municipalities support and adopt a mandate.
- The legal appropriateness of mandating face coverings.
- Whether the word mandate or recommend should be used.

Ethan Anderson stated that he understands making the document official, but strongly cautions going against the opinion of the Attorney General in that it would not be legal to mandate the use of face coverings. Anderson stated that a mandate without an enforcement option is not recommended.

Paschen stated to keep in mind that the Board of Health is an advice and consent board and approval needs to be made by the Board of Supervisors. Paschen stated he feels that using the language recommend or strongly encouraged should be used and then to recommend to the Board of Supervisors requesting that a mandate be approved. Paschen stated that the Board of Health does have the power to require certain things during a health emergency, but since the Governor has declared a statewide emergency, the state emergency supersedes. Paschen asked if approval from the Board of Supervisors would still be needed in this emergency. Anderson stated that the Governor can enforce the emergency proclamation and without doubting anyone's sincerity in this matter, that he is advising the Board of Health to not flaunt any legal authority which would create a potential for litigation. That would not be a situation that should be taken lightly or be encouraged by others to do. Paschen stated there is a lot of fear about students and school starting and that the caution from Anderson is very reasonable. Paschen asked



STORY COUNTY BOARD OF HEALTH

STORY COUNTY ADMINISTRATION
900 6TH STREET
NEVADA, IOWA 50201

Heddens for her thoughts. Heddens stated that her comments are limited since the next item is to decide whether to send the item to the Board of Supervisors. Heddens feels the letter is good and that further emphasizing face covering usage and social distancing is good. Heddens shares a concern with school starting and that it is a good idea to continue encouraging the public to practice safety precautions.

Discussion took place on whether or not the City of Ames has a Board of Health. Margaret Jaynes stated that the City of Ames does not have their own Board of Health so therefore the Story County Board of Health has jurisdiction for the entire county.

Ferrari stated that the daily positive total has slowed down and discussion took place about the positivity percentage within the county for daily vs weekly.

Additional discussion took place about the following changes to the letter:

- For the first paragraph to read that it is strongly recommend for face coverings to be worn in public.
- Keeping 6' distancing.
- Recommending that municipalities mandate face covering.
- The previous recommendation letter provided COVID-19 recommended guidance and the next step being targeted towards municipalities.
- Targeting the previous recommendations by the Board of Health could be added in the letter.

Public Comments:

David Martin provided a suggestion about wording. If the last paragraph were saying that in the event that sub delegation of authority to implement a mandate is communicated from the Attorney General's office then the resolution in the appendix would be an available legal option to municipalities. Currently the understanding by the City of Ames is that there is not a legal authority to pass a mandate. Martin asked if the letter is asking municipalities to pass a resolution for face coverings and that if the idea is for municipalities to pass a resolution it would be helpful to provide a template to be used.

Lauris Olson provided guidance on the job of the Board of Health being to provide health advice. Olson feels that the Board of Health should not worry about legality issues, and rather leave that to the Board of Supervisors and city councils.

Additional discussion took place on the following:

- Wording being changed from resolution to something else.
- Language used was modeled from Johnson County.
- Determining if the the meaning of the language is for municipalities to take action immediately or only when the Attorney General has advised an appropriateness for mandates by municipalities.
- Keeping the word resolution and appendix in place or removing the last paragraph and using resolution instead of mandate.



**STORY COUNTY
BOARD OF HEALTH**
STORY COUNTY ADMINISTRATION
900 6TH STREET
NEVADA, IOWA 50201

Appendix Discussion

David Martin stated that he feels keeping the appendix would create confusion since it is being used as a sample resolution that sounds like a mandate.

Lauris Olson again stated that suggestions are fine, but is concerned that the Board of Health is trying to jump ahead of the process and do things that the City Councils and the Board of Supervisors should be handling. Olson urged the Board of Health to say what is recommended from a health standpoint.

Lisa Heddens agreed that suggestions could be made for municipalities to do resolutions but to leave that up to the individual municipalities.

Much discussion took place on keeping the letter as written and taking out the last paragraph and appendix.

Lee stated she is ok with taking out the last paragraph but feels the appendix is an important part of the health guidance and suggested rewording to allow more clarity that it is meant as guidelines from the Board of Health as to what jurisdictions could consider.

Tabatabai asked if appendix 1 is verbatim from the Attorney General's office. Lee stated that she created it using CDC recommendations, and from Johnson County.

Paschen asked Lee if she could update the letter and work on the changes to the appendix with Tabatabai, leaving out the last paragraph and changing title to recommended guidance to local officials. Once the changes have been made, then additional discussion could take place at a future special meeting. Kluge stated that the wording does need to be strong enough to let municipalities know what the Board of Health feels they should do.

Recommendation To The Board Of Supervisors To Require Universal Face Coverings In Public

Paschen asked if the Board of Health should ask the Board of Supervisors to require face coverings.

Paschen stated it is important to keep in mind that the Board of Supervisors might not be able to legally mandate face coverings, but the Board of Health strongly feels it is important for this to be done.

Motion by Kluge, Second by Lee to recommend the Board of Supervisors to mandate face covering in public. MCU

Voting Aye: Paschen, Tabatabai, Speck, Lee, Kluge

Voting Nay: None



STORY COUNTY BOARD OF HEALTH

STORY COUNTY ADMINISTRATION
900 6TH STREET
NEVADA, IOWA 50201

Supplementing And/Or Changing The Iowa Department Of Public Health And Iowa Department Of Education Guidelines For Returning To School

Paschen stated that he would like the Board of Health to make a statement that face coverings should be worn by all staff and required in children junior high and up, and encouraged strongly in the younger aged children. Discussion took place about the following:

- Some school districts are not requiring face coverings.
- Supporting the teachers by asking schools to require face coverings.
- Whether or not the age for face coverings should be required for younger than junior high.
- How the recommendation would be passed on to school districts.
- Allowing flexibility for younger children.
- Families helping to teach children about the importance of wearing face coverings.
- Face shields as an option for younger children.

**Motion by Tabatabai, Second by Kluge to supplement the Iowa Department of Public Health's recommendations for return to learn with the requirement of face coverings for all staff and children in junior high or above, and to be encouraged strongly for younger children. MCU Voting Aye: Paschen, Tabatabai, Speck, Lee, Kluge
Voting Nay: None**

Septic System Ordinance

Margaret Jaynes stated the last time this was brought to the Board of Health; it was approved and recommended to go before the Board of Supervisors. However, right before it was scheduled for public hearing, the pandemic started so it was decided to place it on hold at that time. Discussions have begun about placing the ordinance on the Board of Supervisor agenda again for public hearing, but Jaynes first would like to change a few additional issues consisting of:

- 65.08 Edge of drainage district ditch setbacks increased to match stream setbacks.
- 65.12 Renamed repair permit to alteration permit to allow a new house to hook up to an existing system.
- 65.17 Sanitarian to continue to do site evaluations due to insufficient number of soil professionals in the area.
- 65.18 Site evaluation report.
- 65.21 Number of lots required in a major subdivision to require a paid professional evaluator.
- 65.21 Requirement for septic location to be identified.
- 65.35 Requirements for discharging systems.



STORY COUNTY BOARD OF HEALTH

STORY COUNTY ADMINISTRATION
900 6TH STREET
NEVADA, IOWA 50201

Tabatabai asked about annual sampling not being required. Jaynes stated it is not a change and samples can be suggested. Speck asked what counties require pumping every 5 years. Jaynes stated no other counties in Iowa require pumping, but other states do. Speck asked why Jaynes feels it should be required. Jaynes stated the maintenance requirement to pump is an added security to not pollute ground water. Speck asked about tracking and informing the community. Jaynes stated an education campaign would be started, and Matt will develop a way for the pumpers to report to Environmental Health and the information to be added to software for the department to track.

Motion Kluge, Second by Speck to approve changes as presented. MCU

Voting Aye: Paschen, Tabatabai, Speck, Lee, Kluge

Voting Nay: None

AGENCY AND DEPARTMENTAL REPORTS

a. Story County Public Health

Treasa Ferrari provided an update about COVID-19 testing and hospitalizations. Fit testing for school nurses will be taking place for N95 masks and Ferrari plans to mention the face covering recommendation to the school nurses. To date there has only been a need to house one homeless individual in a motel due to COVID-19. The contract with Microtel has expired and due to their business picking up, the motel decided not to renew the contract. Test Iowa location details are still being worked on. One possibility is the ISU Research Park and hiring staff has begun. ISU began testing last week for students in the dorms, and out of 50 the first day there were three positives, and 300 did not show up to be tested. There are currently three active TB cases in the county. The school districts will be conducting contact tracing. Paschen asked about the possibility to lower the social distancing spacing amount in schools. Ferrari stated it is being discussed, but no decisions have been made. Ferrari stated that flu shot clinic locations are beginning to be discussed, with a possibility of a drive up location. There will be 350 flu shots available this year for those without insurance.

b. YSS

Denis Denton talked about alternatives to opioids being prescribed when leaving hospitals. Denton provided an example about how important it is for the Board of Health to set expectations with face coverings even when it cannot be enforced. Denton announced she is leaving YSS in September and Ryan Doyle will replace her. Denton applauded the BOH for what they do.

c. Story County Environmental Health

Margaret Jaynes stated that she would not take up any additional time, but that she had provided a written report and asked if there were any questions. The written report provided department information that the Environmental Health staff had returned to the office on June 3, 2020. The administration building continues to be closed to the public until at least after August, as per the Board of Supervisors. Business has remained as usual except for walk-in customers who are now calling or emailing instead. The offices are equipped with partitions and cleaning



STORY COUNTY BOARD OF HEALTH

STORY COUNTY ADMINISTRATION
900 6TH STREET
NEVADA, IOWA 50201

supplies. Face coverings are mandatory unless in own office by self. Fieldwork has continued and it has been noted that very few construction workers and developers wear face coverings and sometimes encroach the 6' recommended distancing. Jaynes report also included a summary of the following main programs:

- 61 applications, 57 permits issued to date.
- 52 TOT inspections/binding agreements
- 8 repair permits
- Pumper inspections completed.
- 7 water wells permitted for calendar year
- 23 water samples for calendar year.
- 17 wells plugged for calendar year.
- FY 2021 Grants to Counties contract for \$30,300 is in the process of being reviewed and signed.
- 6 pool inspections. Most pools closed due to the COVID-19 pandemic.
- Complaints.
- CAFO – Maxwell North Master Matrix and assisting with preparing an ISAC legislative request to evaluation and strengthen the master matrix process.

7. COMMENTS

Kluge stated that a former Board of Health member, Kristin Obbink is now the Iowa State University Public Health Coordinator for COVID-19, and that it might be helpful to invite her to a future meeting.

8. ADJOURNMENT 4:56 p.m.

Approval of Minutes

Title and Date



**STORY COUNTY
BOARD OF HEALTH**
STORY COUNTY ADMINISTRATION
900 6TH STREET
NEVADA, IOWA 50201

Minutes

AN AUDIO RECORDING OF THE FULL MEETING MAY BE FOUND IN THE ENVIRONMENTAL HEALTH DEPARTMENT, OR BY VISITING WWW.STORYCOUNTYIOWA.GOV

DATE: August 7, 2020

CALL TO ORDER: 4:04 p.m.

PLACE: Zoom Meeting

Dr. John Paschen, Chair

Mark Speck, Vice-Chair

Dr. John Kluge

Dr. Louisa Tabatabai

Dr. Molly Lee

Lisa Heddens (Ex-officio)

*Absent

STAFF PRESENT: Stephanie Jones, Recording Secretary

OTHER PEOPLE PRESENT: Jerry Holtan, Lauris Olson

1. CALL TO ORDER

Dr. John Paschen called the meeting to order at 4:04 p.m.

Paschen read the special note to public: Due to recommendations to social distance in order to help slow the spread of the COVID-19 virus, public access and participation to the meeting will be provided via Zoom. Board of Health members are also present via Zoom.

2. APPROVAL OF AGENDA MCU

Motion by Tabatabai, Second by Lee to approve agenda (MCU)

3. PUBLIC FORUM

Stephanie Jones stated that the FY21 Grants to Counties contract would soon be ready for approval and asked on behalf of Margaret Jaynes that a special meeting be held to approve that once the contract is obtained.

Jerry Holtan started to speak but due to technical difficulties with his Wi-Fi connection, he was not able to be heard clearly and stated that he would pass at this time.

4. ADDITIONAL ITEMS:

Resolution Letter Encouraging Universal Face Covering Requirements

Paschen stated that there is a corrected draft being discussed tonight. Lauris Olson stated that



STORY COUNTY BOARD OF HEALTH

STORY COUNTY ADMINISTRATION
900 6TH STREET
NEVADA, IOWA 50201

Heddens had updated the Board of Supervisors that a face covering letter would be going to the BOS with a recommendation to pass a countywide face-covering ordinance. Olson stated she has been working on a draft resolution and since she was aware of an alternate opinion being available, she spent private funds and paid for a second legal opinion. Olson stated that based on the assessment from the privately paid for second opinion, as well as the way that Johnson County was able to mandate mask usage, that the Board of Health would need to be the ones to initiate an ordinance and forward to the Board of Supervisors for approval.

Ethan Anderson stated that what Olson is referring to is the way that the Johnson County Attorney interpreted the code section allowing them to adopt the mandate. Anderson has a different interpretation, which is more in line with the Iowa Attorney General's interpretation giving the power to the governor. Anderson stated that it is not appropriate to discuss today in any depth since it is not on the agenda.

Paschen asked if it is still necessary to approve the resolution letter requesting that all municipalities within the county adopt a resolution requiring face coverings. Anderson stated that the letter is a good letter and has no issue with the letter being approved and published for the public to see and take action.

Paschen read the Face Covering Resolution letter for the record and asked for discussion.

Tabatabai stated she likes the letter and feels it is ready to be adopted and sent on.

Speck asked if each municipality would need to individually take action. Paschen stated that the letter provides guidance and support for cities that wish to adopt a face-covering requirement.

Motion by Kluge, Second by Tabatabai to approve the Resolution Letter Encouraging Universal Face Covering Requirements. (MCU)

5. COMMENTS

- Deb Schildroth stated that the Ames City Council would be discussing at the next meeting information about determining what factors that would need to be considered to implement a mask mandate if given the authority from the Governor.
- Paschen thanked Lee for her assistance with writing the letter.
- Kluge stated that he had seen information about approval being required from the Board of Health for the NCAA sports. Paschen asked Kluge to look for additional information and a special meeting could be called if approval is required.
- Jones stated that if Jerry Holtan had a comment that he would like the Board of Health to hear that he could contact her and she would forward the message on to the Board. Speck stated that Jerry Holtan contacted him and he had planned to ask for information about contact tracing. Speck is going to contact Les White for further information about contact tracing and will share with Holtan.



STORY COUNTY
BOARD OF HEALTH
STORY COUNTY ADMINISTRATION
900 6TH STREET
NEVADA, IOWA 50201

6. **ADJOURNMENT** 4:48 p.m.

Approval of Minutes

Title and Date



**STORY COUNTY
BOARD OF HEALTH**
STORY COUNTY ADMINISTRATION
900 6TH STREET
NEVADA, IOWA 50201

Minutes

AN AUDIO RECORDING OF THE FULL MEETING MAY BE FOUND IN THE ENVIRONMENTAL HEALTH DEPARTMENT, OR BY VISITING WWW.STORYCOUNTYIOWA.GOV

DATE: August 14, 2020

CALL TO ORDER: 9:07 a.m.

PLACE: Zoom Meeting

Dr. John Paschen, Chair
Mark Speck, Vice-Chair
Dr. John Kluge
Dr. Louisa Tabatabai (Joined at 9:20)
Dr. Molly Lee
Lisa Heddens (Ex-officio)
*Absent

STAFF PRESENT: Stephanie Jones, Recording Secretary; Matt Cory, Environmental Specialist

OTHER PEOPLE PRESENT: Jerry Holtan, Lauris Olson, Les White, Teresa Ferrari, Linda Murken

1. CALL TO ORDER

Dr. John Paschen called the meeting to order at 9:00 a.m.

Paschen read the special note to public: Due to recommendations to social distance in order to help slow the spread of the COVID-19 virus, public access and participation to the meeting will be provided via Zoom. Board of Health members are also present via Zoom.

2. APPROVAL OF AGENDA

Motion by Kluge, Second by Speck to approve agenda (MCU)

3. APPROVAL OF CONSENT AGENDA

Motion by Lee, Second by Kluge (MCU) to approve the consent agenda items consisting of:

FY21 Grants to Counties Contract

FY21 Local Public Health Services Contract

FY21 Local Public Health Contract Amendment

FY21 Public Health Home Care Services Agreement

VOTE:

Ayes: Tabatabai, Kluge, Lee, Speck, Paschen

Nays: None

4. PUBLIC FORUM

Jerry Holtan stated that he is interested in volunteering to do contact tracing work in the county. Les White stated that at this time, contact tracing is being done by the Iowa Department of Public Health.



STORY COUNTY
BOARD OF HEALTH
STORY COUNTY ADMINISTRATION
900 6TH STREET
NEVADA, IOWA 50201

5. ADDITIONAL ITEMS:

Going Forward With A County Wide Ordinance For Facial Coverings

Paschen summarized that the Board of Supervisors decided that they did not feel they could pass an ordinance requiring face coverings and that the best option would be for the Board of Health to begin the process of drafting an ordinance, holding a public hearing, and then moving the ordinance forward to the Board of Supervisors for approval.

Heddens clarified that the Board of Supervisors passed a resolution asking the Governor to give the locals authority to mandate face coverings.

Ethan Anderson stated that the discussion at the Board of Supervisors meeting was clear that the process is to start thinking about drafting an ordinance to have ready for such time as when the Governor allows local authority to adopt such an ordinance or when the state Emergency Proclamation is lifted.

Paschen asked how input would be received from cities.

Lauris Olson stated that beginning the process of drafting an ordinance so that it is ready to go is what the County Attorney is most comfortable with at this time until such time that the Governor either allows or lifts the Emergency Proclamation. Olson stated that her understanding is that the Board of Health can go ahead and hold a public hearing, but that the County Attorney would not be participating in enactment of the ordinance until such time that the Governor allows or lifts the proclamation. Anderson clarified that his legal advice is that the Board of Health can begin the process of drafting an ordinance but he would not recommend sending to the Board of Supervisors until such time that the Governor either delegates authority or lifts the emergency proclamation.

Discussion took place on the following:

- Whether or not fast tracking an ordinance is possible if the Governor lifts the emergency proclamation.
- Types of face coverings and their effectiveness.
- Requirements for publishing the ordinance
- States that are currently mandating face coverings.
- Enforcement of face coverings.
 - Warnings or citations could be given by law enforcement.
- Whether input from local municipalities while constructing the ordinance is possible before the public meeting. Anderson stated that involving cities in the process of an ordinance being passed from the Board of Health and approved by the Board of Supervisors would be possible from his initial research. How to obtain the input could come through public comment and that providing a copy of the ordinance prior to the public hearing would be helpful.
- Olson reminded the board that many of the city councils only meet monthly and also of the coming Labor Day Holiday



**STORY COUNTY
BOARD OF HEALTH**

STORY COUNTY ADMINISTRATION
900 6TH STREET
NEVADA, IOWA 50201

Motion by Kluge, Second by Lee to move forward with drafting a countywide face-covering ordinance.

Additional discussion took place on the following:

- Enforcement capabilities.
- Pros and cons of using face coverings.
 - Paschen stated that from a medical standpoint there are no issues with wearing face coverings. The American Academy of Pediatrics released yesterday that virtually all children over the age of 2 can wear face coverings. As research has been completed, wearing a face covering is how to stop this disease.
- Heddens stated that individually information could be elicited, but not collectively as that would go against open meetings. There is an ability to hold a public hearing safely via Zoom.

VOTE:

Ayes: Paschen, Lee, Speck, Kluge, Tabatabai

Nays: None

Paschen stated there should be an ordinance draft prepared before going to various communities and that the Board should meet again before holding a public hearing. Anderson stated that he would assist with drafting an ordinance and that it could then be brought before the Board of Health.

Speck asked if the number of cases have gone down in Johnson County. Olson stated that their mask mandate just began on Monday because of public notice requirements.

6. COMMENTS

None

7. ADJOURNMENT 9:58 a.m.

Approval of Minutes

Title and Date



**STORY COUNTY
BOARD OF HEALTH**

STORY COUNTY ADMINISTRATION
900 6TH STREET
NEVADA, IOWA 50201

Minutes

AN AUDIO RECORDING OF THE FULL MEETING MAY BE FOUND IN THE ENVIRONMENTAL HEALTH DEPARTMENT, OR BY VISITING WWW.STORYCOUNTYIOWA.GOV

DATE: August 21, 2020

CALL TO ORDER: 6:18 p.m.

PLACE: Zoom Meeting

Dr. John Paschen, Chair
Mark Speck, Vice-Chair
Dr. John Kluge
Dr. Louisa Tabatabai
Dr. Molly Lee
Lisa Heddens (Ex-officio)
*Absent

STAFF PRESENT: Matt Cory, Environmental Specialist

OTHER PEOPLE PRESENT: Lauris Olson

1. CALL TO ORDER

Dr. John Paschen called the meeting to order at 6:18 p.m.
Paschen read the special note to public: Due to recommendations to social distance in order to help slow the spread of the COVID-19 virus, public access and participation to the meeting will be provided via Zoom. Board of Health members are also present via Zoom.

There were difficulties with joining the scheduled Zoom meeting. Under the circumstances and due to the importance of the meeting, it will be rescheduled for Tuesday, August 25, 2020 at 6:30 p.m.

2. ADJOURNMENT 6:20 p.m.

Approval of Minutes

Title and Date



**STORY COUNTY
BOARD OF HEALTH**
STORY COUNTY ADMINISTRATION
900 6TH STREET
NEVADA, IOWA 50201

Minutes

AN AUDIO RECORDING OF THE FULL MEETING MAY BE FOUND IN THE ENVIRONMENTAL HEALTH DEPARTMENT, OR BY VISITING WWW.STORYCOUNTYIOWA.GOV

DATE: August 25, 2020

CALL TO ORDER: 6:32 p.m.

PLACE: Originating via Zoom

Dr. John Paschen, Chair

Mark Speck, Vice-Chair

Dr. John Kluge

Dr. Louisa Tabatabai

Dr. Molly Lee

Lisa Heddens (Ex-officio)

*Absent

STAFF PRESENT: Margaret Jaynes, Environmental Health Director, Matt Cory Environmental Specialist, Stephanie Jones, Recording Secretary

OTHER PEOPLE PRESENT: Lauris Olson, Les White, Heather Bombei, Ethan Anderson

1. CALL TO ORDER

Dr. John Paschen called the meeting to order at 6:32 p.m.

Paschen read the special note to public: Due to recommendations to social distance in order to help slow the spread of the COVID-19 virus, public access and participation to the meeting is being provided via conference. Board of Health members are also present via Zoom.

2. APPROVAL OF AGENDA

Motion by Kluge, Second by Lee to approve agenda (MCU)

3. PUBLIC FORUM

None

4. ADDITIONAL ITEMS:

Watershed Awareness Month, October 2020

Margaret Jaynes asked the Board of Health to consider proclaiming October as Watershed Awareness Month and that there would then be a proclamation read at the next regular meeting. Jaynes stated this is a kickoff for water monitoring being worked on in Story County.

Motion by Kluge, Second by Speck to proclaim October 2020 as Watershed Awareness Month

VOTE:

Ayes: Paschen, Kluge, Speck, Tabatabai, Lee

Nays: None



STORY COUNTY
BOARD OF HEALTH
STORY COUNTY ADMINISTRATION
900 6TH STREET
NEVADA, IOWA 50201

Draft Face Covering Regulation

Dr. Paschen stated that he had worked with Ethan Anderson drafting a face covering regulation using Johnson County ordinance as a template. Paschen stated that the regulation should be as easy as possible for the public to follow. Paschen asked each member for thoughts.

Kluge felt that since the Governor has not given authority to counties, keeping the regulation, as close to another county is beneficial in case it ends up in litigation. Ethan Anderson stated that having the regulation like another county does not necessarily matter, but to keep in mind that there is a risk of potential legal liability. Anderson stated that changing the definition of an outdoor space would make the regulation more effective for enforcement. Anderson recommended deleting Section 2.7 and changing the outdoor space definition to the following: “an indoor or outdoor area, whether privately or publicly owned, to which the public have access by right or by invitation, expressed or implied, whether by payment of money or not, but not a place when used exclusively by one or more individuals for a private gathering or other personal purpose”.

Discussion took place about enforcement for a party on private property. Anderson stated if there is an exclusive use of private property, then that individual would then assert that to a judge that it was a private party, and not open to the public. Various party scenarios were discussed including noisy and disorderly situations. Anderson felt that claiming a party was not open to the public would be difficult for college parties.

Much discussion took place about the possibility of cities within the County passing their own ordinance and how that would affect the Story County Board of Health Regulation. Anderson felt that under the home rule, the cities’ regulation would trump that of the counties’ restriction.

Lauris Olson stated that resolutions for action had been sent to the Governor by various local cities asking the Governor for action to allow jurisdictions the authority to make decisions.

Paschen feels it is important to keep in mind that if the Board of Health passes a face covering regulation, that it would be a model for cities.

Heddens asked if this passes tonight and moves forward to a public hearing, what the process would be in the event the Board of Supervisors wanted to make changes. Anderson stated that a public hearing is required and a finalized document would need to come from the Board of Health. If major editing was to take place, there would need to be another public hearing held. Minor editing would be ok as far as spelling errors, but there could be no substantive changes.

Discussion took place on the following:

- How the regulation would affect churches, county parks, beaches, and pools.
 - ❖ Paschen clarified keeping in mind that someone walking in a park would not need a face covering if social distancing is observed.



STORY COUNTY BOARD OF HEALTH

STORY COUNTY ADMINISTRATION
900 6TH STREET
NEVADA, IOWA 50201

- ❖ Matt Cory stated that many hotel pools allow members of the public to pay a fee and swim without being a hotel guest. The Iowa Department of Public Health recommendation was that while swimming, a mask is not required, but when not in the water the mask should be worn.
- Expiration for a face-covering mandate.
- Retraction of the face covering regulation would be easier than putting it into place.
- Until a vaccine is available and in widespread use, it would be difficult to determine a timeframe for expiration of a mandate.
- Paschen stated a sunset clause possibility could be used in determining when to end the regulation, as long as there was an ability to extend or end sooner.
- Enforcement – fine amounts.
 - ❖ First offense would be punishable by the minimal fine of \$65; second or subsequent offence would be up to the maximum simple misdemeanor fine, which is \$625.
- Additional discussion about the process.
 - ❖ Public Hearing – input would be taken and then the Board of Health would vote on whether or not to send the Regulation to the Board of Supervisors.
- Whether or not the number of cases are decreasing in areas where mask mandates have been made.
 - ❖ Other states' case numbers are decreasing, but Iowa is not.
- Les White provided an update on the number of positive cases in the County.
 - ❖ Typically, there have been 2-3 a day outside of the college student age range.
 - ❖ Nevada company recently had 16 positive cases out of 50 employees after an individual who came from Nebraska to provide training ended up positive
 - ❖ Daycare recently had a 19-year-old worker that exposed 7 infants.
- Responsibility for enforcement.
 - ❖ Law enforcement would be responsible, although there is some reluctance for doing so. Enforcement would be similar to speeding tickets and would be at the law enforcement officer's discretion- warnings or citations could be given.

Motion by Kluge to adopt the ordinance with the modifications to the public space definition.

Molly Lee stated that she would like to add face shields as being acceptable, and adding an ending date with language to allow for an extension if necessary.

Motion died for lack of support.

Additional discussion took place about the definition of a face covering. Lee stated that she thought it might be too open ended and would like to change to: “ means a particulate mask or cloth covering that securely covers a person's nose and mouth and is secured to the face with ties, loops, or elastic, or a clear plastic shield that extends from a headpiece above the eyes to below the chin and curves around to the ears, and does not include masks, coverings, or shields with openings, holes, visible gaps in the design or material, exhalation valves or vents”.



**STORY COUNTY
BOARD OF HEALTH**

STORY COUNTY ADMINISTRATION
900 6TH STREET
NEVADA, IOWA 50201

Motion by Kluge, Second by Tabatabai to approve the Face Covering Regulation with the modifications discussed to definitions of face covering and public setting, and allowing the regulation to be lifted by resolution at the earliest date as determined by the Board of Health using data and statistics available.

VOTE:

Ayes: Paschen, Kluge, Lee, Speck, Tabatabai

Nays: None

Additional discussion occurred on the following:

- Process for public hearing
 - ❖ Time frame possibilities it could be held after publication.
 - ❖ Various ways to get the word out to the public and cities.
- Novel coronavirus, also referred to as COVID-19 is being used interchangeably.

5. COMMENTS

None

6. ADJOURNMENT 8:20p.m.

Approval of Minutes

Title and Date

FACE COVERING REGULATION

Section 1. Authority and Applicability

- 1.1. Iowa Code 137.104 provides that, "a local board of health shall... make and enforce such reasonable rules and regulations not inconsistent with law and the rules of the state board as may be necessary for the protection and improvement of the public health."
- 1.2. The novel coronavirus, SARS-CoV-2, also referred to as COVID-19, is a virus that primarily spreads from person to person and can result in serious illness, long-term negative health impacts or death.
- 1.3. The Story County Board of Health finds that COVID-19 poses a continuing and immediate threat to the public health of Story County, Iowa residents and visitors.

Section 2. Definitions

- 2.1. "ADMINISTRATIVE AUTHORITY" means the local board of health as authorized by Iowa Code Chapter 137, or its appointed representative.
- 2.2. "THE BOARD" means the Story County Board of Health.
- 2.3. "THE COUNTY" means Story County, Iowa.
- 2.4. "FACE COVERING" means a particulate mask or cloth covering that securely covers a person's nose and mouth and is secured to the face with ties, loops, or elastic, or a clear plastic shield that extends from a headpiece above the eyes to below the chin and curves around to the ears, and does not include masks, coverings, or shields with openings, holes, visible gaps in the design or material, exhalation valves or vents.
- 2.5. "HOUSEHOLD MEMBER" means a person who lives a majority of time with the person in their apartment, house, mobile home, or other structure intended for residential occupancy.
- 2.6. "PUBLIC SETTING" means an indoor or outdoor area, whether privately or publicly owned, to which the public have access by right or by invitation, expressed or implied, whether by payment of money or not, but not a place when used exclusively by one or more individuals for a private gathering or other personal purpose.

Section 3. General Regulations

Therefore, pursuant to Iowa Code 137.104, be it hereby ordered and enforced by the Board as the Administrative Authority, as follows:

- 3.1. Every person in Story County shall wear a face covering when:
 - A. In public as opposed to being in one's place of residence, when one cannot stay six (6) feet away from others.

- B. Inside of any indoor public settings, for example, but not limited to:
 - 1. Grocery stores.
 - 2. Pharmacies.
 - 3. Hardware stores.
 - 4. Retail stores.
 - 5. Schools.
 - 6. Other public settings that are not one's place of residence and when you are with persons who do not live in the household.
 - C. Outside, if keeping six (6) feet away from others is not possible.
 - D. Using public transportation or private car service (including taxis, ride share or carpooling).
- 3.2. Exemptions. Places and times where persons are exempt from wearing a face covering:
- A. While traveling in a personal vehicle alone or with household members.
 - B. While a person is alone or is in the presence of only household members.
 - C. While exercising at moderate or high intensity e.g. jogging or biking.
 - D. While seated at a bar or food establishment in the process of eating or drinking.
 - E. While obtaining a service that would require temporary removal of the persons face covering.
 - F. When federal or state law prohibits wearing a face covering or requires the removal of the face covering
- 3.3. Exemptions. Persons who are exempt from wearing a face covering:
- A. Persons younger than two (2) years old due to the risk of suffocation.
 - B. Anyone who has trouble breathing, on oxygen therapy or ventilator.
 - C. Anyone who is unconscious, incapacitated, or otherwise unable to remove the face covering without assistance.
 - D. Anyone who has been told by a medical, legal or behavioral health professional not to wear face coverings.
- 3.4. Appropriate Use. If a cloth face covering is chosen, appropriate use of a cloth face covering includes:
- A. A snug fit, but comfortable against the side of the face.
 - B. Completely covers the nose and mouth.
 - C. Is secured with ties or ear loops.

Section 4. Enforcement, Penalties and Implementation

- 4.1. The following regulation is not intended to be punitive or stigmatizing and is in the best interest of health, safety, and economic recovery. A violation shall constitute a simple misdemeanor.
- 4.2. The first offense shall be punishable by the minimum fine for a simple misdemeanor.
- 4.3. The second or subsequent offense shall be punishable by a fine up to the maximum fine for a simple misdemeanor.

4.4. This regulation shall become effective upon approval of the Board of Supervisors and publication in the local paper of record as described in Iowa Code section 137.104(l)(b)(2).

4.5. This regulation shall be lifted by resolution of the Board of Supervisors at the request of the Board of Health at the earliest date as determined by the Board of Health using data and statistics available.

DRAFT