



**STORY COUNTY  
BOARD OF HEALTH**  
STORY COUNTY ADMINISTRATION  
900 6<sup>TH</sup> 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](http://WWW.STORYCOUNTYIOWA.GOV)**

**DATE:** September 18, 2020

**CALL TO ORDER:** 4:30 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; Matt Cory, Environmental Specialist

**OTHER PEOPLE PRESENT:** Lauris Olson, Ethan Anderson

### 1. CALL TO ORDER

Dr. John Paschen called the meeting to order at 4:30 p.m.

Paschen read the special note to public: Due to recommendations to social distance and 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 Lee to approve agenda (MCU)**

### 3. PUBLIC FORUM

None

### 4. ADDITIONAL ITEMS:

#### **Recent Board Of Supervisors Suggestions For Changes In Face Covering Regulation**

Paschen asked the board members individually what comments they have about the face covering comments made by the supervisors. Tabatabai stated she does not agree with the sentence that says, "Shall not go into effect until Governor allows local units of Government to enact an ordinance or regulation".

Tabatabai feels it is unlikely for the Governor to allow local units to enact a regulation and feels that penalties should be maintained in the regulation.



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Speck is not in favor of any penalties and does not feel it can be put into effect until the Governor allows.

Discussion took place about adding an additional item under enforcement to not allow penalties to start until the Governor allows them.

Lee would like clarification about the County Attorney and Iowa Attorney General stating that it is considered a breach of authority to pass a mask mandate, with or without a penalty. Ethan Anderson stated that at the current time that is correct. He restated that the idea would be to wait until the Governor rescinds authority or delegates authority to locals to pass a mandate. Lee is in favor of keeping the authority in the regulation, but questions whether the Board of Supervisors is considering putting the ordinance in effect as soon as possible without a penalty. Anderson stated that he believes the Board of Supervisors would possibly like to pass the ordinance right away without penalties, but again clarified that it is his opinion that the Board of Supervisors do not have authority at this time.

Kluge feels the regulation should be passed with penalties either now or as soon as the Governor allows.

Additional discussion took place that the original intention of the regulation was so that it would be ready for the Board of Supervisors in the event that the Governor removed the emergency proclamation or relinquished some power. Paschen feels that now is not a good time to be letting guard down until things seem to be under control for about 4-8 weeks, which would then be an appropriate time to start backing off. Paschen feels a regulation should have a penalty, but he would be ok with not allowing penalties until such time that the Governor allows.

Discussion took place on the following:

- Whether or not citizens are wearing face covering while in public and in stores.
- Heddens provided a statement of the discussion that had taken place by the Board of Supervisors regarding enforcement authority-due to penalty language there were 2 against and one in favor. Paschen asked Heddens if she thought the BOS would be more comfortable with language being added to not allow penalty authority until the Governor allows. Anderson stated it is safe to say that the discussion at the Board of Supervisors meeting was to attempt to remove the penalty language
- Concerns regarding multiple public hearings and multiple emails and getting this right so that there is not a need to start the process over again.
- Board of Supervisors choices for the regulation were to approve as sent from Board of Health, reject the regulation, or table. Anderson stated he feels with adding a sentence clarifying no penalties are allowed until such time that the Governor allows would mean not having to send the regulation back to the Board of Health again once the Governor allows and feels that adding the clarification for no penalties until Governor allows is an advisable action.
- Lauris Olson clarified her understanding being that the way the ordinance is worded that it would become effective immediately once passed. Olson stated that the way she interprets



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what has come back to the Board of Health is asking for a change saying should wear a mask but no risk of penalty until the Governor allows. Additional discussion took place on if the Board of Supervisors would decide to send back again if language is added for no penalty until Governor allows and whether or not there is authority to place a mandate with or without a penalty.

- Paschen stated that he feels the risk of being sued is always a possibility and doing what is right is what is always best.
- Olson signed out of the meeting at 5:00 so the Board of Health could have further discussion with Heddens.
- Speck stated the original intent of passing a regulation was so it would be ready to go in the event that the Governor allows and stated he is in favor of a mask mandate, but does not want to see fines given.
- Discussion took place about if the Board of Supervisors tabling the item for a vote later would be the same thing as having it ready for a later time. Anderson stated that there has to be a publication containing the general nature of the public hearing, holding of a public hearing, and then it can sit there and wait until such time that one of the Supervisors adds the item to the agenda and wait for action. They could table it or not put on agenda. It would be sitting there waiting for action by BOS.
- Speck asked for additional clarification on why the Board of Supervisors could not make the amendments themselves. Anderson stated this is a Board of Health regulation, not a Board of Supervisors regulation. The role of the Board of Supervisors is to approve or not approve the Board of Health's regulation.
- Much discussion took place about mandates and penalties and what should be sent to the Board of Supervisors so there would not be a risk of it needing to come back to the Board of Health again.

**Motion by Tabatabai, Second by Lee to approve face covering regulation as written with the addition of a statement in section 4 that says the penalties will not be enforced until approval is given by the Governor.**

### **VOTE**

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

**Voting Nay: Speck**

**(4-1)**

### **Setting Date And Time For Public Hearing – Face Covering Regulation**

Discussion took place about the process for publication and holding the public hearing at the regularly scheduled October 6, 2020, Board of Health meeting.



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**5. COMMENTS:**

Paschen thanked everyone for their time during this important process.  
Kluge stated Lee should be recognized for the award she received. Lee stated that she had received a Rising Star Award from the Iowa Veterinary Medical Association.

**6. ADJOURNMENT 5:24 p.m.**

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**Approval of Minutes**

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**Title and Date**