



**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



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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.



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- ❖ 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”.



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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.

John J Paschen

Approval of Minutes

Chairman, 9/30/20

Title and Date