

## Discussion and Consideration of “Board of Health Issue Statements Protocol”

### Background

Per guidance issued by the Story County Attorney, “...the BOH’s statutory mandate is to enforce “state health laws”, “rules,” or other lawful orders, to “protect” and “improve” Story County’s public health through its rules and regulations; however, the BOH may only adopt such “rules and regulations” when the board of supervisors approves of the same following a motion or resolution, publication in a newspaper, and after the BOH has held a public hearing on the matter. The primary point then is that the BOH’s positions that are to be substantive in nature require a rule or regulation to be adopted first, which may only be done after the board of supervisors approves the same. *Id.* at §§ 137.104(1)(b)(2), (b)(4). Furthermore, “...position or issue statements issued by the BOH should be permitted only after the BOH members discuss the issues at their meeting and vote to take a unified position on the BOH’s behalf. This distinction is necessary to accurately reflect the BOH’s views as a body, rather than the views of the individual.”

### Proposed Action

BOH to vote on an “public health issue statement protocol”, to consist of the following steps (proposed):

1. Identification of an issue of public health importance
  - a. Issues may be brought forth by one or more BOH member(s), staff, or the general public.
2. Completion of a basic needs assessment for value of SCBOH involvement, to consist of Y/N answers to the following four questions:
  - a. Is the issue applicable to Story County, as determined by local data and evidence?
  - b. Is influence possible? (e.g., policy, partnerships, convening, advocacy)
  - c. Would involvement be unique (not duplicative of existing efforts) within Story County?
  - d. Is there a potential for higher impact to underserved communities?
3. Drafting of an issue statement
  - a. To include an outline of answers to the needs assessment above, as well as a clear statement of position of the Board.
  - b. Shall not seek to influence particular policy actions or be tied to particular legislation.
4. Discussion during BOH meeting
  - a. Review whether needs assessment reveals value in proceeding (majority Y answers)
  - b. Discussion and agreement on language contained in issue statement
5. Determination of route of action most appropriate for the given issue, either:
  - a. Put forth an **issue statement**, which must meet the purpose\* of educating the public about an issue of public health importance
    - i. If (a) is selected, a motion or resolution is made from the BOH (majority vote)

--OR--

- b. Put forth a **rule or regulation**, which applies to positions that are substantive in nature
  - i. If (b) is selected, the BOH must follow the following steps
    1. Motion or resolution from Board (majority vote)
    2. Publication in newspaper
    3. Public hearing
    4. Approval by BOS

**\*It is recommended that all issue statements include the following text:**

The purpose of this issue statement, in alignment with the BOH's statutory mandate<sup>1</sup>, is to enforce state health laws, rules, or other lawful orders in order to protect and improve Story County's public health through education on public health issues.

<sup>1</sup>The Story County Board of Health ("BOH") has "jurisdiction over public health matters within the county." Iowa Code § 137.103(2). Furthermore, the BOH may engage in advocacy, which "Involves the general education of community, business, [] elected, and appointed policy-makers on issues and community sentiment, not tied to particular legislation." Iowa Code § 137.103(1)(a).