

# Frequently Asked Questions

## COVID-19 for Iowa Counties

Disclaimer: The Iowa State Association of Counties (ISAC) provides education and information primarily as a general service to ISAC members and this information does not constitute legal advice. The information provided should not be interpreted or used as a substitute for a legal opinion from your county attorney or otherwise retained and qualified legal counsel.

### Q: How do we conduct public meetings?

A: Iowa Code §21.8 outlines the guidelines to hold an electronic meeting when there are valid concerns that an in-person meeting is “impossible or impractical”.

To hold an electronic meeting all of the following must occur:

1. Public access to the conversation of the meeting must be available.
2. The provisions of Iowa Code §21.4 (notice) must be followed. (The place of the meeting is the place from which the communication originates or where public access is provided to the conversation.)
3. Minutes must be kept and must include a statement explaining why an in-person meeting was impossible or impractical.

Iowa Code §21.4 provides the requirements that must be followed if an emergency meeting with less than 24-hour notice is held:

1. If 24-hour notice is impossible or impracticable, provide as much notice as reasonably possible.
2. The nature of the good cause for holding the meeting without 24-hour notice must be stated in the minutes of the meeting.

On March 20, Governor Reynolds issued a proclamation to suspend any requirements that prevent the ability to hold a public meeting or hearing electronically or that would require the public have access to the physical location of an electronically held public meeting. All other requirements of Iowa Code Chapter 21 must be complied with during this time.

If you need to hold a public hearing, as opposed to just a public meeting, you will likely need to find a way to hold the meeting electronically that still allows the public to participate/communicate.

*Note: Many deadlines are being extended during this time so check with the applicable state agency regarding timing for required public hearings and meetings to see if you have more flexibility.*

We at ISAC, as always, are here to assist you. Please do not hesitate to reach out to Kristi Harshbarger at [kharsbarger@iowacounties.org](mailto:kharsbarger@iowacounties.org) or any other ISAC staff members with your questions.

### Q: How do we close/limit access to the courthouse?

A: Iowa Code §331.502(1) states the auditor has general custody and control of the courthouse subject to the direction of the board of supervisors. At a minimum, you would likely want board of supervisor action to limit access or close the courthouse and any other county buildings/facilities/properties. You should also involve your county attorney. From there, it will really become a matter of local policy and will likely involve input and cooperation from many county departments (and also in consultation with court system officials that operate out of the courthouse). While your county probably does not have a policy on a situation exactly like this because it is so unprecedented, you might have a policy on closing or restricting access in cases of inclement weather that could be considered for guidance as to the framework of decision making.

You will also need to consider if any persons truly need access to the courthouse during this time, and if so, how that can safely occur. The public can conduct much of their county business online, and you should provide information to the public on how to do that and encourage them to do so. Also, many deadlines related to county business have been extended or delayed. As of March 20, penalties related to driver's license renewal, vehicle registration and titling, license plates and the payment of property taxes have been suspended. Check here: <https://idph.iowa.gov/Emerging-Health-Issues/Novel-Coronavirus> for additional information related to such suspensions and/or extensions.

### Q: What do we need to think about as employers related to COVID-19?

A: This is a broad question, and it raises more questions than we can answer, all of which will need to be determined based on your local county's situation and policies. Some matters to consider in consultation with your county attorney:

- Review your policies on paid and unpaid leave and any work from home policies and consider if you will make any exceptions or changes for this situation.
- Consider how various employment laws (equal opportunity employment, civil rights, ADA, HIPAA, FMLA, OSHA, etc.) might apply during these unusual circumstances.
- Be aware of temporary changes or suspensions in legal requirements. Two examples include temporary broader eligibility for unemployment benefits (<https://www.iowaworkforcedevelopment.gov/updates-and-resources-about-covid-19>) and temporary broader benefits under FMLA (<https://www.dol.gov/agencies/whd/fmla/pandemic>).

### Q: How should we adopt and implement policies for county officials and employees that may have been infected or exposed to COVID-19?

A: While this is an unprecedented situation, the general guidance for adopting and implementing county personnel policies remain. The thing I always tell people is that counties are unique in that they have a horizontal leadership structure, not vertical. Instead of an ultimate "boss"/CEO, there are various elected officials and quasi-independent boards that have a fair amount of autonomy, particularly in terms of personnel policies. See *McMurry v. Board of Supervisors*, 261 N.W.2d 688 (Iowa 1978). Even now, the best way to get county personnel to agree on personnel policies is through collaboration.

Counties should also consider if there may be practical and important reasons for some departments to have different policies in terms of officials or employees that may have been infected or exposed to COVID-19. For example, the Iowa Department of Public Health has recommended guidance for isolation of essential services personnel that varies from the recommendations for members of the general public: <https://www.issda.org/assets/2020Documents/Isolation%20Guidance%20for%20Iowa%20Essential%20Services%20Personnel.pdf>.

Assistance for who is considered essential personnel can be found here from the US Department of Homeland Security: [https://www.iowacounties.org/wp-content/uploads/2020/03/Guidance-on-the-Essential-Critical-Infrastructure-Workforce\\_-Ensuring-Community-and-National-Resilience-in-COVID-19-Response.pdf](https://www.iowacounties.org/wp-content/uploads/2020/03/Guidance-on-the-Essential-Critical-Infrastructure-Workforce_-Ensuring-Community-and-National-Resilience-in-COVID-19-Response.pdf).