LINN COUNTY BOARD OF SUPERVISORS
MEETING AGENDA
Wednesday, August 7, 2019
10 a.m.
Formal Board Room—Jean Oxley Public Service Center
935 2nd St. SW, Cedar Rapids, IA

Call to Order
Pledge of Allegiance

Public Comment: Five Minute Limit per Speaker
This comment period is for the public to address topics on today's agenda.

Consent Agenda
Items listed on the consent agenda are routine and will be considered by one motion without individual discussion unless the Board removes an item for separate consideration.

Approve and authorize Chair to sign a letter of support for Lower Cedar Watershed Management Authority's planning grant application to the Iowa Department of Natural Resources.

Reports

Resolutions

Contract and Agreements

Approve and authorize Chair to sign a 36 month lease agreement at $331.72 per month with Cedar Rapids Photo Copy for a copier for Department of Human Services.

Licenses & Permits

Regular Agenda

Discuss and Decide on Consent Agenda

Minutes
Discuss and decide on meeting minutes.

First Reading of an Ordinance Amending Chapter 10 of the Code of Ordinances, Linn County, Iowa by Adding Thereto a New Section in Article V Pertaining to Prohibition on Wells in Areas of Known Contamination

First Reading of an Ordinance Amending Chapter 10 of the Code of Ordinances, Linn County, Iowa by Adding Thereto a New Article VIII Pertaining to the Minimum Requirements for Tanning Facilities

Discuss and decide on approval of the 2019 Homestead Credit, Disabled Veterans & Military Exemption Allowances & Disallowances.
Discuss and decide on a Vacancy Form requesting a Special Prosecutor for the Linn County Attorney’s Office

Resolution Approving Appointment of Special Prosecutor Linn County Attorney, Dillan R Edwards

Approve and authorize Chair to sign a Special Assistant U.S. Attorney Cross-Designated Employment Agreement Pursuant to the Midwest HIDTA (High Intensity Drug Trafficking Areas) Program which is between Linn County, the United States Attorney’s Office for the Northern District of Iowa, and Dillan R. Edwards.

Public Comment: Five Minute Limit per Speaker
This is an opportunity for the public to address the board on any subject pertaining to board business.

Claims
Discuss and decide on claims.

Board Member Reports

Correspondence

Appointments

Adjournment

For questions about meeting accessibility or to request accommodations to attend or to participate in a meeting due to a disability, please contact the Board of Supervisors office at 319-892-5000 or at bd-supervisors@linncounty.org.
August 7, 2019

Lower Cedar Watershed Management Authority  
ATTN: Holly Howard  
c/o Muscatine County Soil & Water Conservation District  
3500 Oakview Dr., Ste. A  
Muscatine, Iowa 52754

Dear Ms. Howard:

The Linn County Board of Supervisors is pleased to support the “Lower Cedar WMA Planning Grant” application being submitted by the Lower Cedar Watershed Management Authority (LCWMA) to the Iowa Department of Natural Resources (DNR). The Lower Cedar Watershed Management Authority believes that improving water quality is a priority for this region, and the proposal being submitted is aimed at addressing the water quality issues in the Lower Cedar Watershed through comprehensive planning and working to build resiliency into the communities within the watershed. This project would benefit the Lower Cedar Watershed and the areas downstream. The Lower Cedar WMA is directly downstream of one of the selected priority watersheds, the Middle Cedar. Having two project areas in such proximity to each other would be of value in helping to build on each other’s successes.

Linn County has committed to support the LCWMA over the past two years by appointing a representative to serve on the LCWMA Board and also supporting the LCWMA financially, contributing $1,500 over the past two years that is obligated to support the efforts of the LCWMA planning grant.

The Linn County Board of Supervisors is confident that the activities outlined in this proposal will lead to increased resilience in the communities of the Lower Cedar Watershed, increased awareness of water quality issues, and improved water quality for the region.

Sincerely,

Stacey Walker  
Chair, Linn County Board of Supervisors
AN ORDINANCE AMENDING CHAPTER 10 OF THE CODE OF ORDINANCES, LINN COUNTY, IOWA BY ADDING THERETO A NEW SECTION IN ARTICLE V PERTAINING TO PROHIBITION ON WELLS IN AREAS OF KNOWN CONTAMINATION

BE IT ORDAINED by the Board of Supervisors of Linn County, Iowa, as follows:

SECTION 1. SECTION ADDED. Chapter 10 – ENVIRONMENT, ARTICLE V – NONPUBLIC WATER SUPPLY WELLS, of the Code of Ordinances, Linn County, Iowa, is amended by adding thereto a new Section 10-143.1, PROHIBITION ON WELLS IN AREAS OF KNOWN CONTAMINATION, hereby created to read as follows:

Sec. 10-143.1 - Prohibition on Wells in areas of known contamination.

With the exception of monitoring wells referenced in Section 10-143, the administrative authority shall not issue a permit for any well to be drilled in an area where there is a known contaminant in the soil or groundwater that could result in human exposure to the contaminant. For the purposes of this section, contaminant has the same meaning as defined in Iowa Code 455E.2(3).

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 4. SAVING. The Code of Ordinances, Linn County, Iowa, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 5. EFFECTIVE DATE. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

LINN COUNTY BOARD OF SUPERVISORS

__________________________________________  ______________________________________
Stacey Walker, Chair                           Ben Rogers, Vice Chair

__________________________________________
Brent Oleson, Supervisor

ATTEST:

__________________________________________
Joel Miller, County Auditor
I, Linn County Auditor, hereby certify that the above and foregoing is a true copy of an ordinance passed by the Linn County Board of Supervisors.

________________________
Joel Miller, County Auditor

State of Iowa
County of Linn

This instrument was acknowledged before me on the ______ day of ________________, 2019, by Joel Miller as Linn County Auditor.

________________________
Notary Public, State of Iowa

First reading on the ______ day of ________________ 2019.
Second reading on the ______ day of ________________ 2019.
Third reading and final passage on the______ day of ________________ 2019.
Published in The Gazette on the___________ day of ________________ 2019.
ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 10 OF THE CODE OF ORDINANCES, LINN COUNTY, IOWA
BY ADDING THERETO A NEW ARTICLE VIII PERTAINING TO THE MINIMUM REQUIREMENTS FOR
TANNING FACILITIES

BE IT ORDAINED by the Board of Supervisors of Linn County, Iowa, as follows:

SECTION 1. SECTION ADDED. Chapter 10 – ENVIRONMENT, of The Code of Ordinances, Linn
County, Iowa, is amended by adding thereto a new Article VIII, MINIMUM TANNING
REQUIREMENTS, hereby created to read as follows:

Sec. 10-278. - Purpose and scope.

(a) This article provides for the regulation of tanning facilities and devices used for the
tanning of human skin through the application of ultraviolet radiation. This includes, but
is not limited to, public and private businesses, hotels, motels, apartments, condominums, and health and country clubs.

(b) All references to Code of Federal Regulations (CFR) in this article are those in effect as

(c) This article stipulates minimum safety requirements relating to the operation of tanning
devices; qualifications for tanning facility operators, and procedures for inspection and
enforcement. Tanning facilities which comply with this article are not relieved from the
requirements of any other federal and state regulations or local ordinances.

Sec. 10-279. - Applicability.

(a) This article applies to tanning facilities within unincorporated Linn County and all
incorporated places in Linn County, Iowa, which have not established a city board of
health.

Sec. 10-280. - Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings
ascribed to them in this section, except where the context clearly indicates a different meaning:

Board of Health means Linn County Board of Health

Cleansing means to remove soil, dirt, oils, or other residues from the surface of the tanning unit
which may come into contact with the skin.

Cleansing agent means a substance capable of producing the effect of “cleansing.” These agents
shall not adversely affect the equipment or the health of the consumer and shall be acceptable to the
Department or Board of Health.

Consumer means any member of the public who is provided access to a tanning facility in
exchange for a fee or other compensation, or any individual who, in exchange for a fee or other
compensation, is afforded use of a tanning facility as a condition or benefit of membership or access.

Department means Linn County Public Health.
**Electronically controlled facility** means a facility that relies on electronic means to monitor consumers.

**Exposure position** means any position, distance, orientation, or location relative to the radiation surfaces of a tanning device at which the user is intended to be exposed to ultraviolet radiation from the product, as recommended by the manufacturer.

**Formal training** means a course of instruction approved by the Department for operators of tanning facilities.

**Health care professional** means an individual, licensed by the State of Iowa, who has received formal medical training in the use of phototherapy.

**Health Director** means the Health Director of Linn County Public Health

**Health Officer** means an authorized representative of the Health Director who has been trained in tanning and tanning inspection.

**Inspection** means an official examination or observation including but not limited to tests, surveys, and monitoring to determine compliance with rules, orders, requirements, and conditions of this article.

**Manufacturer’s recommendations** means written guidelines established by a manufacturer and approved by the U.S. Food and Drug Administration for the installation and operation of the manufacturer’s equipment.

**Operator** means an individual designated to control operation of the tanning facility and to instruct and assist the consumer in the proper operation of the tanning devices.

**Permit or permit to operate** means a document issued by the Iowa Department of Public Health, which authorizes a person to operate a tanning facility in Iowa.

**Person** means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this state, any other state or political subdivision or agency thereof, and any legal successor, representative, agent, or agency of the foregoing, but shall not include federal government agencies.

**Phototherapy device** means a piece of equipment that emits ultraviolet radiation and is used by a health care professional in the treatment of disease.

**Tanning device** means any equipment that emits electromagnetic radiation with wavelengths in air between 200 and 400 nanometers and that is used for tanning of human skin, such as sunlamps, tanning booths, or tanning beds. The terms also include any accompanying equipment such as protective eyewear, timers, and handrails.

**Tanning facility** means a place that provides access to tanning devices for compensation.

**Ultraviolet radiation** means electromagnetic radiation with wavelengths in air between 200 and 400 nanometers.
Sec. 10-281. - Exemptions.

(a) The Department may, upon application or upon its own initiative, grant exemptions from the provisions of this article as long as it will not result in undue hazard to public health and safety.

(b) The following categories of devices are exempt from the provisions of this chapter:

(1) Other purposes. Devices intended for purposes other than the deliberate exposure of human skin to ultraviolet radiation that produce or emit ultraviolet radiation incidental to their proper operation.

(2) Personal use. Tanning devices, which are limited exclusively to personal use by an individual and said individual’s immediate family. Shared ownership of a tanning device by non-related persons for personal use only does not qualify it for the “personal use” exemption.

(3) Phototherapy devices. Phototherapy devices used by a properly trained health care professional in the treatment of disease.

Sec. 10-282. - Permits, inspections, and fees.

(a) Permit to operate. No tanning facility may operate in Linn County without having a permit to operate issued by the Iowa Department of Public Health.

(b) Inspections.

(1) The Department will inspect, at least annually, every tanning facility located in Linn County with a permit to operate issued by the Iowa Department of Public Health.

(2) Inspections shall include the following areas: proper operation and maintenance of devices, review of required records and training documentation, operator understanding and competency, and the requirements of this article.

(3) The Department will conduct a special inspection, when warranted, upon receiving a complaint from the public.

(c) Fees

(1) The Linn County Board of Supervisors will establish, by resolution, fees to be collected by the Department for testing, inspections, evaluations, and other services necessary for carrying out the provisions of this article.

(2) Fees for inspections received within 30 days of the date of billing will be assessed a $30 penalty for each month or fraction thereof that the bill is delinquent.

(3) A penalty fee of $30 per facility/defect may be assessed for the following:

   i. Failure to respond to a notice of violation within 30 days of the date of the inspection.

   ii. Failure to correct violations cited during the inspection.
Sec. 10-283. - Operation of tanning facilities.

(a) Unless otherwise ordered or approved by the Department, each tanning facility must be constructed, operated, and maintained to meet the following minimum requirements:

(1) A tanning facility must provide and post the following warning signs and statements that describe the hazards associated with the use of tanning devices:

(i) A warning sign in a conspicuous location readily visible to persons entering the establishment. This warning sign shall use 0.5-inch (12.7-millimeter) letters for “DANGER, ULTRAVIOLET RADIATION” and 0.25-inch (6.4-millimeter) letters for all other lettering. The sign shall use red lettering against a white background, be at least 9.0 inches by 12.0 inches (22.9 centimeters × 30.5 centimeters) and have the following wording:

DANGER
ULTRAVIOLET RADIATION
Overexposure can cause
• Eye and skin injury
• Allergic reaction
Repeat exposure may cause
• Premature aging of the skin
• Skin cancer
Failure to wear protective eyewear may result in
• Severe burns to eyes
• Long-term injury to eyes
Medication or cosmetics may increase your sensitivity

(2) A warning sign with the identical wording set forth in Section 10-283(a)(1)(i) posted within one meter of the tanning device in a conspicuous location readily visible to a person preparing to use the device. This warning sign shall use 0.5-inch (12.7-millimeter) letters for “DANGER, ULTRAVIOLET RADIATION” and 0.25-inch (6.4-millimeter) letters for all other lettering. The sign shall use red lettering against a white background and be at least 6 inches by 9 inches (15.2 centimeters × 22.9 centimeters) in size.

(3) A tanning facility shall require each consumer to read the information in Appendices A, B, and C prior to the consumer’s initial exposure and then annually thereafter.

(4) A tanning facility shall require each consumer to sign a statement that the consumer read and understands the information in Appendices A, B, and C prior to the consumer’s initial exposure and then annually thereafter.

(5) A tanning facility shall post the information in Appendices A, B, and C in each tanning room.
Sec. 10-284. - Federal certification.

(a) Only tanning devices manufactured and certified under the provisions of 21CFR Part 1040.20, “Sunlamp products and ultraviolet lamps intended for use in sunlamp products,” may be used in tanning facilities. Compliance shall be based on the standard in effect at the time of manufacture as shown on the device identification label required by 21 CFR Parts 1010.2 and 1010.3.

Sec. 10-285. - Labeling.

(a) Labeling shall meet the following requirements, be visible on each unit and be permanently affixed. Labeling shall include:

(1) A warning statement with the words “DANGER-Ultraviolet radiation. Follow instructions. Avoid overexposure. As with natural sunlight, overexposure can cause eye and skin injury and allergic reactions. Repeated exposure may cause premature aging of the skin and skin cancer. WEAR PROTECTIVE EYEWEAR; FAILURE TO MAY RESULT IN SEVERE BURNS OR LONG-TERM INJURY TO THE EYES. Medications or cosmetics may increase your sensitivity to the ultraviolet radiation. Consult a physician before using a sunlamp if you are using medications or have a history of skin problems or believe yourself especially sensitive to sunlight. If you do not tan in the sun, you are unlikely to tan from the use of this product.”

(2) Recommended exposure position(s). Any exposure position may be expressed either in terms of a distance specified both in meters and in feet (or in inches) or through the use of markings or other means to indicate clearly the recommended exposure position.

(3) Directions for achieving the recommended exposure position(s) and a warning that the use of other positions may result in overexposure.

(4) A recommended exposure schedule including duration and spacing of sequential exposures and maximum exposure time(s) in minutes.

(5) A statement of the time it may take before the expected results appear.

(6) Designation of the ultraviolet lamp type to be used in the product.

Sec. 10-286. - Timers and controls.

(a) Each tanning device shall have a timer, which complies with the requirements of 21 CFR Part 1040.20. The maximum timer interval shall not exceed the manufacturer’s maximum recommended exposure time by a factor greater than ± 10 percent of the indicated setting.

(b) Each tanning device shall have a method of remote timing located so that consumers may not control their own exposure time.

(c) Tokens for token timers shall not be issued to any consumer in quantities greater than the device manufacturer’s maximum recommended exposure time for the consumer.
(d) Each tanning device shall incorporate a control on the product to enable the consumer to manually terminate the radiation emission from the product at any time without disconnecting the electrical source or removing the ultraviolet lamp.

(e) The operator shall ensure that the temperature of the tanning device area does not exceed 100 degrees F or 38 degrees C.

**Sec. 10-287. - Condition and maintenance.**

(a) Each tanning device shall be equipped to protect consumers from injury induced by falling against or breaking the lamps in a tanning device.

(b) The operator shall maintain tanning devices in good repair and comply with all state and local electrical code requirements.

**Sec. 10-288. - Additional requirements for stand-up booths.**

(a) There shall be equipment or devices (e.g., handrails) or other means (floor markings) to indicate the proper exposure distance between ultraviolet lamps and the consumer’s skin.

(b) The construction of the booth shall be such that it will withstand the stress of use and the impact of a falling person.

(c) Access to the booth shall be of rigid construction; doors shall open outwardly. Handrails and nonslip floors shall be provided.

**Sec. 10-289. - Protective eyewear.**

(a) Eyewear provided to a consumer by the tanning facility or tanning facility operator may not be reused by another consumer.

(b) Protective eyewear shall meet the requirements of 21 CFR Part 1040.20(c)(4).

(c) Protective eyewear shall not be altered in any manner that would change its use as intended by the manufacturer (e.g., removal of straps).

(d). A tanning facility operator shall not allow a consumer to use a tanning device if that consumer does not use the protective eyewear required by this article. To verify that a consumer has the proper eyewear, the operator must:

(1) Ask to see the eyewear before the consumer enters the tanning room; or

(2) Provide disposable eyewear in the tanning room at all times and post a sign stating that the disposable eyewear is available and that eyewear must be worn.

(e) A tanning facility operator shall instruct the consumer in the proper utilization of the protective eyewear required by this article.
Sec. 10-290. - Operation, records, and documentation.

(a) A trained operator must be present when a tanning device is operated. The operator must be within hearing distance to allow the consumer to easily summon help if necessary. If the operator is not in the immediate vicinity during use, the following conditions must be met:

(1) The consumer can summon help through use of an audible device such as an intercom or buzzer; and

(2) The operator or emergency personnel can reach the consumer within a reasonable amount of time after being summoned.

(b) The facility permit to operate shall be displayed in an open public area of the tanning facility.

(c) A record shall be kept by the facility operator of each consumer's total number of tanning visits and tanning times, exposure lengths in minutes, times and dates of the exposure, and any injuries or illness resulting from the use of a tanning device.

(d) Any tanning injury not requiring a physician's care and any resulting changes in tanning sessions shall be noted in the consumer's file. A written report of any tanning injury requiring a physician's care shall be forwarded by the permit holder to the Iowa Department of Public Health within five working days of its occurrence or knowledge thereof. The report shall include:

(1) The name of the affected individual

(2) The name and location of the tanning facility involved

(3) The nature of the injury

(4) The name and address of the health care provider treating the affected individual, if any

(5) Any other information considered relevant to the situation.

(e) Defective or burned-out lamps or filters shall be replaced with a type intended for use in that device as specified on the product label on the tanning device or with lamps or filters that are "equivalent" under 21 CFR Part 1040, Section 1040.20, and policies applicable at the time of lamp manufacture.

(f) The permit holder shall replace ultraviolet lamps and bulbs, which are not otherwise defective or damaged, at such frequency or after such duration of use as may be recommended by the manufacturer of such lamps or bulbs.

(g) Contact surfaces of tanning devices shall be:

(1) Cleansed by the operator with a cleansing agent between each use

(2) Covered by a non reusable protective material during each use, or
(3) Cleansed by the consumer provided the following conditions are met:

(i) The operator instructs the consumer annually on how to properly cleanse the unit

(ii) The consumer annually signs a statement stating that the consumer agrees to cleanse the unit after each use

(iii) Signs are posted in each tanning room reminding the consumer to cleanse the tanning unit after each use and stating the proper way to cleanse the unit;

(iv) The operator cleanses the tanning unit at least once a day.

(h) Any records or documentation required by this article must be maintained in the tanning facility for a minimum of two years. Records maintained on computer systems shall be regularly copied, at least monthly, and updated on storage media other than the hard drive of the computer. An electronic record must be retrievable as a printed copy.

(i) The operator shall limit the exposure of the consumer to the maximum exposure frequency and session duration recommended by the manufacturer.

(j) When a tanning device is being used, no other person shall be allowed to remain in the tanning device area.

(k) No person or facility shall advertise or promote tanning packages labeled as “unlimited” unless tanning frequency limits set by the manufacturer are included in advertisements.

Sec. 10-291. - Training of operators.

(a) No individual may begin functioning as an operator unless the individual has satisfactorily completed a training program. Training shall include but not be limited to:

(1) The requirements of this article

(2) Procedures for correct operation of the tanning facility and tanning devices

(3) The determination of skin type of consumers and appropriate determination of duration of exposure to tanning devices

(4) Recognition of reaction or overexposure

(5) Manufacturer’s procedures for operation and maintenance of tanning devices.

(b) Owners and managers of tanning facilities must complete formal training approved by the Department. All owners and managers of tanning facilities must satisfactorily pass a certification examination approved by the Department before operating a tanning facility or training tanning facility operators.
Ordinance No. 2019-

(c) Owners and managers of tanning facilities are responsible to train tanning facility operators on the regulations listed in Section 10.291(a) and to provide review as necessary. Training programs shall be approved by the Department and shall include a final examination. The Department shall question operators, during inspection, as to the level of their understanding and competency in operating tanning devices.

(d) Proof of training for tanning facility owners, managers, and operators must be maintained in the tanning facility and be available for inspection. The proof of training shall be the original examination, which bears the signature of the owner, manager, or operator, the date of examination, and a statement signifying that all answers have been completed by the employee and without prior knowledge of the scoring key.

(e) Operators shall be at least 16 years of age.

(f) Operators shall complete the required training and testing every five years.

(g) A seventy percent score or greater is required to pass the examination. An individual who does not achieve a passing score may retake the examination on another day.

Sec. 10-292. - Promotional materials.

(a) A tanning facility shall not claim, or distribute promotional materials, which claim that using a tanning device is safe or free from risk or that the use of the device will result in medical or health benefits. The only claim that may be made about a tanning device is that it is for cosmetic use only.

Sec. 10-293. - Requirements for electronically controlled facilities.

(a) Entry into the facility is allowed by card only. Two individuals may not enter using the same card. The card is specifically activated for tanning use if the facility offers other activities.

(b) Police and all emergency services will have access to the facility through a key box located outside the entrance of the facility.

(c) The tanning unit will not activate if the card is not programmed for tanning. The card will not activate if two individuals are in the tanning room.

(d) The consumer must sign a tanning agreement that states the number of minutes per session, that the consumer agrees to wear protective eyewear, that the consumer will cleanse the unit after tanning, and that the consumer is aware of the emergency access in each room.

(e) The card will be programmed for the number of minutes the consumer is allowed to tan. The card may be reprogrammed for an increase in minutes per session only after the consumer has reviewed and re-signed the Tanning Agreement. After 30 consecutive days without the consumer’s accessing the tanning facility, the card will be deactivated and the consumer must reapply to access the tanning unit.

(f) The operator will demonstrate to each consumer how to properly cleanse the unit after tanning, including the top, bottom, and handles. A sign will be placed in each room explaining the cleansing process. The operator will cleanse the units at least once a day when they are in use.
(g) Free disposable eyewear will be placed in each room along with a sign stating that the disposable eyewear is available and that eyewear must be worn.

(h) An emergency call button or device will be placed in each tanning room conveniently located within reach of the tanning bed. This device will call the operator or emergency personnel.

(i) During annual inspections, the inspector may ask any consumer about any of the above processes.

Sec. 10-294. - Violations and injunctions.

(a) The Health Officer shall have access at all reasonable times to any tanning facility to inspect the facility to determine if the operator or facility is in violation of any part of this article.

(b) A person who operates or uses a tanning device or tanning facility in violation of this article or of any rule adopted pursuant to this chapter is guilty of a simple misdemeanor.

(c) Penalties shall be as provided in Linn County Code of Ordinances Chapter 1 General Provisions, Article II, County Ordinance Violations.

(d) If the Department finds that a person has violated, or is violating or threatening to violate this article, and that the violation creates an immediate threat to the health and safety of the public, the Department may petition the district court for a temporary restraining order to restrain the violation or threat of violation, or the Department may petition the district court for an injunction to prohibit the person from continuing the violation or threat of violation.

Sec. 10-295. - Enforcement.

(a) The Health Officer shall take the following steps when enforcement of these rules is necessary.

(1) Cite each section of the Linn County Ordinance or rules violated.

(2) Specify the manner in which the owner or operator failed to comply.

(3) Specify the steps required for correcting the violation.

(4) Request a corrective action plan, including a time schedule for completion of the plan.

(5) Set a reasonable time limit, not to exceed 30 days from the receipt of the notice, within which the permit holder must respond.

(b) The Health Officer shall review the corrective action plan and approve it or require that it be modified.
(c) In cases where the permit holder fails to comply with conditions of the written notice, the Department shall send a regulatory letter, via certified mail, advising the permit holder that unless action is taken within five days of receipt, the case shall be turned over to the County Attorney’s office to consider appropriate action.

Sec. 10-296. - Appeals and hearings.

(a) In the event any person is aggrieved by an order of the Health Officer, the person may administratively appeal in writing to the Health Director within 20 days of the date of such order. The appeal shall state the reasons for requesting such order to be rescinded or modified. The Health Director shall review the action of the Health Officer and may order compliance with said order or may with cause, modify or withdraw said order.

(b) In the event any person is aggrieved by any order of the Health Director, the person may appeal in writing to the Board of Health within 30 days of the date of such order. The appeal shall state the reasons for requesting such order to be rescinded or modified. The Board of Health shall review the action of the Health Director. The Board of Health shall order compliance with said order or may, with cause, modify or withdraw said order. Any order of the Board of Health may be appealed within ten days to the district court.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 4. SAVING. The Code of Ordinances, Linn County, Iowa, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 5. EFFECTIVE DATE. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

LINN COUNTY BOARD OF SUPERVISORS

Stacey Walker, Chair

Ben Rogers, Vice Chair

Brent Oleson, Supervisor

ATTEST:

Joel Miller, Linn County Auditor

I, ________________________________, Linn County Auditor, hereby certify that the above and foregoing is a true copy of an ordinance passed by the Linn County Board of Supervisors.
State of Iowa  
County of Linn  

This instrument was acknowledged before me on the _______ day of ________________, 2019, by Joel Miller as Linn County Auditor.

__________________________  
Notary Public, State of Iowa  

First reading approved on the _______ day of _________________2019.  
Second reading approved on the ___________ day of _____________2019.  
Third reading and final passage approved on the___________ day of ______________2019.  
Published in The Gazette on the___________ day of _____________2019.
APPENDIX A. – POTENTIAL PHOTOSENSITIZING AGENTS

(a) Not all individuals who use or take any of the agents listed below will experience a photosensitive reaction or the same degree of photosensitive reaction. An individual who experiences a reaction on one occasion will not necessarily experience it again or every time.

(b) The names of the agents listed below are intended as, and should be considered only as examples. The list does not represent all the names under which a product may be sold. A more complete list is available from the facility operator.

(c) If you are using an agent in any of these classes, you should reduce UV exposure even if the particular agent is not listed.

Acne treatment (Retinoic acid, Retin-A) Psoralens (5-Methoxypsoralen, 8-Methoxypsoralen, 4,5,8-trimethyl-psoralen)

Antibacterials (deodorant bar soaps, antiseptics, cosmetics, halogenated carbanilides, halogenated phenols, halogenated salicylanilides, bithionol, chlorhexidine, hexachlorophene)

Antibiotics, anti-infectives (Tetracyclines)

Anticonvulsants (carbamazepine, trimethadione, promethazine)

Antidepressants (amitriptyline, Desipramine, Imipramine, Norltyline, Protiptyline), Tranquilizers, anti-emetics (Phenothiazines)

Antidiabetics (glucose-lowering agents) (sulfonylureas, oral antidiabetics, hypoglycemics)

Antihistamines (diphenhydramine, promethazine, tripolidine, chlorpheniramine)

Anti-inflammatory (Piroxicam), Non-steroidal anti-inflammatory drugs (Ibuprofen, Naproxen, Piroxicam)

Antimicrobials (griseofulvin), Sulfonamides (“Sulfa drugs,” antimicrobials, anti-infectives)

Atropine-like drugs (anticholinergics, antiparkinsonism drugs, antispasmodics, synthetic muscle relaxants)

Coal tar and derivatives (Denorex, Tegrin, petroleum products used for psoriasis and chronic eczema and in shampoos)

Contraceptives, oral and estrogens (birth control pills, estrogens, progesterones)

Dyes (used in cosmetic ingredients, acridine, anthracene, cosin (lipstick), erythrosine, fluorescein, methyl violet, methylene blue, rose bengal)

Perfumes and toilet articles (muskambrette, oil of bergamot, oil of citron, oil of lavender, oil of lemon, oil of lime, oil of rosemary, oil of sandalwood)

Thiazide diuretics (“water pills”)
APPENDIX B. – SUN-REACTIVE SKIN TYPES USED IN CLINICAL PRACTICE

(a) Based in the first 45-60 minutes (= 2-3 minimum erythema dose) exposure of the summer sun (early June) at sea level

<table>
<thead>
<tr>
<th>SKIN TYPE</th>
<th>SKIN REACTIONS TO SOLAR RADIATION (a) EXAMPLES</th>
<th>EXAMPLES</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>Always burns easily and severely (painful burn). Tans little or none and peels. People most often with fair skin, blue eyes, freckles. Unexposed skin is white.</td>
<td></td>
</tr>
<tr>
<td>II</td>
<td>Usually burns easily and severely (painful burn). Tans minimally or lightly, also peels. People most often with fair skin; red or blonde hair; blue, hazel or even brown eyes. Unexposed skin is white.</td>
<td></td>
</tr>
<tr>
<td>III</td>
<td>Burns moderately and tans about average. Normal average Caucasoid. Unexposed skin is white.</td>
<td></td>
</tr>
<tr>
<td>IV</td>
<td>Burns minimally, tans easily, and above average with each exposure. Exhibits IPD (immediate pigment darkening) reaction. People with white or light brown skin, dark skin, dark brown hair, dark eyes. Unexposed skin is brown.</td>
<td></td>
</tr>
<tr>
<td>V</td>
<td>Rarely burns, tans easily and substantially. Always exhibits IPD reaction. Unexposed skin is brown.</td>
<td></td>
</tr>
<tr>
<td>VI</td>
<td>Never burns and tans profusely; exhibits IPD reaction. Unexposed skin is black.</td>
<td></td>
</tr>
</tbody>
</table>
APPENDIX C. – POTENTIAL NEGATIVE HEALTH EFFECTS RELATED TO ULTRAVIOLET EXPOSURE

(a) Increased risk of skin cancer later in life.

(b) Increased risk of skin thickening, age spots, irregular pigmentation, and premature aging.

(c) Possibility of burning or rash, especially if using any of the potential photosensitizing drugs and agents. The consumer should consult a physician before using a tanning device if using medications, if there is a history of skin problems or if the consumer is especially sensitive to sunlight.

(d) Increased risk of eye damage unless proper eyewear is worn. Iowa law requires the use of proper eyewear during tanning sessions.

TANNING SYSTEMS

(a) Low-pressure tanning systems use a higher percentage of UVB rays which penetrate only the upper layer of skin and can cause burning more easily than high-pressure tanning systems. Low-pressure systems require more frequent sessions to maintain a tan. High-intensity tanning systems use more lamps and shorter tanning sessions than low-intensity tanning systems. These are still classified a slow-pressure systems.

(b) High-pressure tanning systems use a higher percentage of UVA rays which penetrate more deeply and can permanently damage the lower layers of skin and increase the incidences of skin cancers. High-pressure systems require fewer and less frequent sessions to maintain a tan.

(c) The exposure schedule for each specific unit is shown on the labeling on the tanning unit. Iowa law requires the operator to limit the exposure of each consumer to the exposure schedule shown on the unit in which the consumer is tanning.
Linn County
Homestead, Military and DAV Allowances and Disallowances
Summary for AY2019

<table>
<thead>
<tr>
<th></th>
<th>TY2021</th>
<th>AY2019</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>City</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Homestead</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Allowances</td>
<td>1,812</td>
<td>-</td>
</tr>
<tr>
<td>Disallowances</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Military</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Allowances</td>
<td>214</td>
<td>-</td>
</tr>
<tr>
<td>Disallowances</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>DAV</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Allowances</td>
<td>26</td>
<td>16</td>
</tr>
<tr>
<td>Disallowances</td>
<td>16</td>
<td></td>
</tr>
</tbody>
</table>

| **County** |        |        |
| Homestead  |        |        |
| Allowances | 1,444  | 104    |
| Disallowances | 104 | 40     |
| Military   |        |        |
| Allowances | 159    | 40     |
| Disallowances | 40 | 5      |
| DAV        |        |        |
| Allowances | 22     | 5      |
| Disallowances | 5 | 4      |
SELECT ONE:

☐ NEW POSITION

☐ REPLACEMENT

REPLACES: ____________________________

☐ EXISTING JOB CLASSIFICATION

SHIFT/HOURS: ________________________

NUMBER OF POSITIONS: 1

NEW POSITION FUNDING SOURCE(S):
Midwest HIDTA funded SAUSA-

POST TO INSIDE: ☐ YES ☐ NO

ADVERTISE: ☐ YES ☐ NO

IF NO, GIVE EXPLANATION (i.e. not filling due to operational needs):

POSITION TYPE:

☐ FULL-TIME ☐ PART-TIME # of hours/week ☐ TEMPORARY/SEASONAL (75 working days or less)

☐ ON-CALL/SUBSTITUTE ☐ GRANT-FUNDED

☐ BARGAINING UNIT: ☐ Clerical ☐ Maintenance ☐ Para Professional ☐ Professional

☐ Attorneys ☐ Conservation ☐ Sergeants ☐ PPME

☐ NON-BARGAINING UNIT (Management and Confidential Employees)

APPROVED BY: ______________________ 7/18/19

DEPARTMENT HEAD (original signature required) DATE

FOR HUMAN RESOURCES DEPARTMENT USE ONLY:

PAY GRADE: ______________________ STARTING SALARY: 61,218.00

HR DIRECTOR COMMENTS:

FINANCE/BUDGET DIRECTOR COMMENTS:

APPROVED BY: ______________________ 7-30-19

HUMAN RESOURCES DIRECTOR DATE

APPROVED BY: ______________________ 7/29/19

FINANCE/BUDGET DIRECTOR DATE

APPROVED BY: ______________________

CHAIRPERSON/BOARD OF SUPERVISORS
RESOLUTION APPROVING APPOINTMENT OF SPECIAL PROSECUTOR LINN COUNTY ATTORNEY

WHEREAS, pursuant to Section 331.903(1), Code of Iowa, Jerry Vander Sanden, Linn County Attorney, has submitted to the Board of Supervisors, Linn County, Iowa, for approval of Dillan R. Edwards, for appointment as Special Prosecutor Linn County Attorney, and

WHEREAS, the Board of Supervisors, Linn County, Iowa, finds Dillan R. Edwards to be qualified to serve as Special Prosecutor Linn County Attorney and that the appointment of Dillan R. Edwards will not exceed the number of assistants authorized for the Linn County Attorney's Office by the Board of Supervisors, Linn County, Iowa.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Board of Supervisors, Linn County, Iowa, that the appointment of Dillan R. Edwards as Special Prosecutor Linn County Attorney by Jerry Vander Sanden, Linn County Attorney, is hereby approved.

Dated at Cedar Rapids, Linn County, Iowa, this ____ day of ______, 2019.

LINN COUNTY BOARD OF SUPERVISORS

AYE: STACEY WALKER, CHAIRPERSON

NAY: BEN ROGERS, VICE CHAIRPERSON

ABSTAIN: BRENT OLESON, SUPERVISOR

ATTEST:
RESOLUTION #__________

_________________________
JOEL D. MILLER, Linn County Auditor

STATE OF IOWA          
COUNTY OF LINN          

I, JOEL D. MILLER, County Auditor of Linn County, Iowa, hereby certifies that at a 
regular meeting of the said Board, the foregoing was duly adopted by a vote of __ aye, 
__ nay and __ abstained from voting.

_________________________
JOEL D. MILLER

Subscribed and sworn to before me by the aforesaid on this _____ day of ________, 2019.

_________________________
NOTARY PUBLIC– State of Iowa
This Agreement entered into this day of , 2019, between Linn County, Iowa and the Linn County Attorney (hereinafter referred to as "County"), the United States Attorney’s Office for the Northern District of Iowa (hereinafter referred to as "U.S."), and Dillan R. Edwards, an attorney licensed in Iowa and duly appointed by the United States Attorney’s Office as a Special Assistant U.S. Attorney (hereinafter referred to as "Edwards") pursuant to the Midwest High Intensity Drug Trafficking Areas (HIDTA). The Midwest HIDTA Special Assistant United States Attorney (SAUSA) Initiative is designed to enhance the resources of the U.S. Attorney’s office to ensure that additional methamphetamine and other drug-related cases are aggressively prosecuted at the federal or state level. The Midwest HIDTA funded SAUSA under this agreement will be cross-designated to assist state prosecutors (County) in addition to the U.S.

WITNESSETH, IN CONSIDERATION of the mutual undertakings and agreements hereinafter set forth, County, U.S., and Edwards, contingent upon funding from the Midwest HIDTA program, agree as follows:

I. EDWARDS AGREES TO:

A. Services. Provide to the U.S. Attorney's Office, on a full-time basis, his services, as a competent, licensed attorney to serve as an Assistant Linn County Attorney and a Special Assistant United States Attorney for the Northern District of Iowa and as such, assist the U.S. Attorney’s Office in aggressively prosecuting methamphetamine and other drug-related cases and perform other duties as may be designated by U.S., in fulfilling its duties and responsibilities pursuant to the terms of the HIDTA program.

B. Resignation. Edwards shall notify the County and his immediate supervisor at the U.S. Attorney’s Office at least thirty (30) days prior to the desired date of resignation.

C. At Will Employee. Edwards hereby agrees that his appointment and employment as an Assistant Linn County Attorney and as a Special Assistant United States Attorney for the Northern District of Iowa are at will and such appointments and employment may be terminated at any time by the County or U.S. without cause. The foregoing shall apply and prevail notwithstanding any other policies or practices, written or verbal, of County or U.S. to the contrary.

II. U.S. AGREES TO:

A. Performance Reviews. The immediate supervisor of Edwards at the U.S. Attorney’s Office will conduct annual performance appraisals based upon a comparison of job performance and job expectations as set forth by U.S. Performance appraisals must be completed during March 1-May 31 of each-fiscal year and a copy provided to County by May 31. Edwards shall not participate in any County merit pay plan and
performance appraisals of Edwards shall not be the basis for a salary increase under any County merit pay plan.

B. Administrative Assistance. Provide the necessary administrative assistance, including but not limited to, office space, office equipment, support staff, and supplies, to SAUSA as may be necessary to allow Edwards to perform his duties as designated by U.S. Attorney's Office. U.S. shall absorb all costs related thereto.

C. Reimbursement to County. The Midwest HIDTA Northern Iowa SAUSA Initiative falls under the direction of the United States Attorney. These programs are responsible for reimbursing the County for all expenses related to the employment of Edwards, including salary, benefits and other expenses. Reimbursement is processed through the funds assigned to the HIDTA specifically for the SAUSA Initiatives. The County shall submit application for reimbursement to the U.S. for all funds paid to Edwards in the form of salary, benefits, and other expenses on a monthly basis. Upon review the U.S. will forward the approved applications to the appropriate entities for reimbursement to be paid by the appropriate entities directly to the County. The County shall provide necessary accounting information directly to HIDTA program staff for the appropriate reimbursement through direct deposit.

III. COUNTY AGREES TO:

A. Salary. Pay to Edwards for services provided as set forth in Section I(A) of this Agreement and as designated by U.S., an annual salary of $61,218. Said salary may be increased during the term of this Agreement at the sole discretion of U.S. The Midwest HIDTA Northern Iowa SAUSA Initiative falls under the direction of the United States Attorney. These programs are responsible for reimbursing the County for all expenses related to the employment of Edwards, including salary, benefits and other expenses. Reimbursement is processed through the funds assigned to the HIDTA Program, specifically for the SAUSA initiatives. The County shall submit application for reimbursement to the U.S. for all funds paid to Edwards in the form of salary, benefits, and other expenses on a monthly basis. Upon review, the U.S. will forward the approved applications to the appropriate entities for reimbursement to be paid by the appropriate entities directly to the County. The County shall provide necessary accounting information directly to HIDTA program staff for the appropriate reimbursement through direct deposit.

B. Benefits. For purposes of this Agreement, Edwards shall at all times be designated a full-time employee of Linn County, Iowa as defined by Chapter 20 of the Code of Iowa, and as an employee of County, shall be entitled to the following County benefits of employment:

1. Paid Leave Policy. The Paid Leave Policy combines the benefits of paid sick leave, vacation and personal days. The Paid Leave Policy is comprised of (1) Short Term Leave and (2) Long Term Illness/Injury Leave. Edwards' vacation and personal leave accumulation at the time of implementation of the Policy will be as set forth in the County's Policies and Procedures for Management, Attorneys and Confidential Personnel, dated July 1, 2018 - June 30, 2019, Paid Leave Policy Section, Pages 5-8, and by this reference incorporated herein as if set forth verbatim herein. This policy
does not supersede any federal laws including the Family and Medical Leave Act (FMLA). See, Family and Medical Leave Act section as set forth in the County’s Policies and Procedures for Management, Attorneys and Confidential Personnel, dated July 1, 2018 - June 30, 2019, Family and Medical Leave Act, Pages 5-8, and by this reference incorporated herein as if set forth verbatim herein.

2. **Holidays.** There shall be eleven (11) regular paid holidays each calendar year. The parties agree that the days Edwards utilizes as the paid holidays shall be adjusted to coincide with the legal holidays observed by the U.S. Attorney’s Office.

3. **Other Leave.** Edwards shall be entitled to the Family and Medical Leave Act, Military Leave, Court and Jury Leave, Bereavement Leave, Professional Leave and On-the-Job Injuries Leave benefits provided to County employees as set forth in the County’s Policies and Procedures for Management, Attorneys and Confidential Personnel, dated July 1, 2018 - June 30, 2019, Pages 13-14, and by this reference incorporated herein as if set forth verbatim herein.

4. **Group Insurance.** Edwards shall be offered the County’s group health, dental and life insurance policies as set forth in the Group Insurance section of the County’s Policies and Procedures for Management, Attorneys and Confidential Personnel, dated July 1, 2018 - June 30, 2019, Pages 15-17, and by this reference incorporated herein as if set forth verbatim herein.

**IV. ADMINISTRATION:**

U.S. shall defend, save harmless and indemnify County, its elected officials, employees, and agents against any and all claims or demands, for, or in connection with, any accident, injury, death or damage, whatsoever, caused to any person or property arising, directly or indirectly, out of Edwards’ acts or omissions, undertaken in the performance of this Agreement. This agreement to defend, save harmless, and indemnify shall apply whether or not County and/or U.S. is a party to the action and shall include, but not be limited to, cases arising under Title 42 United States Code Section 1983.

This Agreement, as set forth in Sections I through VI herein, constitutes the entire agreement amongst County, U.S. and Edwards concerning Edwards’ appointment and employment as an Assistant Linn County Attorney and appointment as a Special Assistant United States Attorney for the Northern District of Iowa. Representations made by anyone on behalf of County or U.S., and any policies or practices of County or U.S., verbal or written, are not binding. No party has relied upon any such representations, policies or practices in entering into this Agreement. Any change or alteration to the terms of this Agreement must be in the form of an addendum to the Agreement. Said addendum shall be effective only upon written approval of County and U.S.

It is the policy of the U.S. Attorney’s Office and County to achieve a drug-free workplace that Edwards shall be required to pass a drug test to screen for illegal drug use prior to final appointment. Employment is contingent upon the satisfactory completion of a background investigation by the U.S. Attorney’s Office.
The parties agree that Edwards shall exercise no authority as an Assistant Linn County Attorney, independent of his authority as a Special Assistant United States Attorney of the Northern District of Iowa, including but not limited to initiation of state criminal prosecutions, without the express consent of the Linn County Attorney.

V. TERM OF THIS AGREEMENT:

1. This Agreement shall commence on/about August 5, 2019, and shall be in effect until on/about August 4, 2021, unless terminated earlier by any party to this Agreement. The agreement may also be extended with the concurrence of all parties to this Agreement.

2. This Agreement shall terminate of its own accord and without further notice should Edwards no longer occupy the position of Special Assistant U.S. Attorney or Assistant Linn County Attorney for any reason.

VI. EFFECTIVE DATE:

This Agreement shall be effective upon its execution by the parties, retroactive to the commencement of the Agreement term as provided herein.

IN WITNESS WHEREOF, the parties hereto have set their hands for the purposes herein expressed to this instrument, as of the dates below indicated.

LINTN COUNTY, IOWA

BY: _________________________________
CHAIRPERSON, LINTN COUNTY BOARD OF SUPERVISORS

______________________________
Date

______________________________
UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF IOWA

BY: _________________________________
UNITED STATES ATTORNEY

______________________________
Date

______________________________
DILLAN R. EDWARDS

______________________________
Date