



# Asotin County Public Health District

102 1<sup>st</sup> Street - P.O. Box 306 - Asotin, Washington 99402  
 Office: (509) 243-3344 - Fax: (509) 243-3345  
[www.AsotinCountyPublicHealth.org](http://www.AsotinCountyPublicHealth.org)

Asotin County Local Board of Health Meeting  
**April 6, 2020 at 2:30 PM**  
**Special WebEx Meeting # 629065493**

- Present:** County Commissioner Brian Shinn, County Commissioner Chris Seubert, Mayor Monika Lawrence (Chair), City of Clarkston Council Member Skate Pierce, City of Asotin Council Member Lori Loseth
- Absent:**
- ACHD Staff:** Health Officer Dr. Robert Lutz, Administrator Brady Woodbury, Fiscal Administrator Shannon Jones, Public Health Educator/Food Safety Specialist Sundie Hoffman, Grant Social Services Assistant Sheena Savage
- Public:** M Jackson (KLEW), Adam McDaniel (Governor’s Office Eastern WA Representative), Steve Austin (City of Clarkston Treasurer), Laki Ah Hi (Ah Hi Construction), Unidentified Caller 2, Unidentified Caller 5, Unidentified Caller 6, Unidentified Caller 8

The special Board Meeting was called to order by Mayor Monika Lawrence 2:34 PM

Topic	Discussion
<b>New Business</b>	
Establish policy & procedure regarding Governor’s order on construction sites	<p>On four different occasions, Mayor Lawrence observed that social distancing was not being practiced on construction sites. Mayor shared that the City of Clarkston has a protocol in place to enforce the Governor’s order, which involves the City Police and City Attorney depending on level of enforcement.</p> <p>Administrator, Brady Woodbury stated that the Health District is receiving 10 – 50 calls per day from construction companies/owners trying to justify why they should be deemed essential and allowed to keep working. Interpretation of the “stay home-stay health” order and decision to enforce it was made after consulting with Health Office Dr. Lutz, County Emergency Manager and Board of Health members. It was decided that residential and commercial construction projects should discontinue while the order was in effect. Construction owners have been applying and receiving waivers and/or deemed essential and have continued to work. As a result, Dr. Lutz contacted Adam McDaniel, Governor’s Office Eastern WA Representative for guidance and to attend this meeting.</p> <p>Mr. McDaniel stated the Governor’s office is getting hit with various questions, especially ones pertaining to essential vs. non-essential criteria, from multiple sides including agencies required to enforce the order, labor groups, contractors, etc., each pleading their case. Mr. McDaniel’s recommendation is for businesses/contractors to go to <a href="https://coronavirus.wa.gov/">https://coronavirus.wa.gov/</a> to submit their case for each particular project so that decisions, made in conjunction with State Emergency Operations Center, remain consistent as possible. A determination of essential or non-essential will be based on facts submitted.</p>



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Dr. Lutz asked if h/motels are considered essential? Mr. McDaniel stated they were. Brady Woodbury asked why the new building being built for the Bonneville Power Administration would be deemed essential when they are operating out of their current building and the power grid would not shut down if BPA didn't have a new building. He said the construction company's argument is that it would be fiscally irresponsible to discontinue work. Yet every industry who has been shut down can make that argument and everyone would be deemed essential. Mr. McDaniel acknowledged the frustration and stated that BPA was likely considered essential due to the interpretation of a public entity and encouraged submission of case via <https://coronavirus.wa.gov/>. Dr. Lutz asked if work should stop until the case was submitted and a determination was received in writing? Brady Woodbury added that many of the waiver letters received from the Governor's office were confusing as they didn't provide a definite yes or no with regards to being essential, and that it wasn't clear if the determination was for a specific construction project or for any project the construction company was working on. Mr. Woodbury gave the example of Mark Heuett, General Contractor working on the BPA building and on a new office for a chiropractor. Mr. McDaniel asked that those letters be forwarded directly to him to review and to provide a clear decision.

Mayor Lawrence asked if construction site should be shut down if not in compliance with order or Health Officer's directive? Dr. Lutz asked what approach the police department was taking regarding non-compliance? He continued, stating that Spokane County was developing a 3-strike rule; 1<sup>st</sup> visit to site was educational, 2<sup>nd</sup> visit was educational with clear understanding that non-compliance may result in a misdemeanor charge and/or revoked license, 3<sup>rd</sup> and final visit was charge and/or revoked license and immediate shut down. He stated that the onus was on the general contraction/business owner to ensure compliance.

Steve Austin stated that according to the Washington Association of Sheriffs and Police Chiefs (WASPC), the BPA project received the approval to move forward, but the chiropractor building did not. He also stated that due to the jail being at overflow capacity with minimal staffing, misdemeanors do not result in jail time and are being handled by the City Attorney and possibly Attorney General, a process recommended by WASPC. Mr. Austin noted that the City only has a couple of active construction projects, hotel is one, and it should not have been shut down.

Mayor Lawrence asked if construction work should continue or shut down while waiting for a decision from the AG's office. Mr. McDaniel stated that was a local decision and that filing the complaint or submission seeking essential status, on the website, was to inform the regulatory agency of the situation or request. Mayor Lawrence asked if an individual suspected to have COVID-19 was on or had been on the site, should it be shut down to avoid possible spread of virus? Dr. Lutz recommended isolation using the least restrictive approach per RCW. If individual refuses, isolation can be involuntary ordered by Health Officer, then by law enforcement then by



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superior court order. If individual removes himself from the site, those who individual was in contact with should self-quarantine on the job site, if essential, at home or another location if job deemed nonessential, and monitor symptoms. Mr. Woodbury stated that a few contractors state they do not care at all about the risks of the virus or the Governor's order, and provided general facts on a current case where a construction worker from Spokane, who has the virus, came Asotin County to work on a long-term care facility.

Mr. Woodbury requested that the Health District get copies of the essential / nonessential determination letters. He stated that these determinations are not always made based on truthful facts or with an understanding of the entire situation, but the Health District simply does not have the manpower to manage all that is going on and requests a streamlined process, so staff time can be focused on COVID-19 cases.

County Commissioner Chris Seubert asked if all construction sites could be deemed nonessential until they submit their project on the <https://coronavirus.wa.gov/> for determination. Dr. Lutz answered that the Governor's order doesn't allow for that as some are deemed essential based on the project. Mr. Woodbury stated that the big issue is really with just a couple of contractors and when social distancing is ignored.

County Commissioner Brian Shinn asked Mr. Woodbury to share the <https://coronavirus.wa.gov/> link and to have it on the Health District's website for easy reference. Chris Seubert stated that he thought the Mark Heuett's actions were directly against what they determined to be in the best interest of the County and the community.

Mr. Woodbury proposes the following:

- All construction projects be required to seek essential / nonessential determination via submission of project on <https://coronavirus.wa.gov/> before continuing or beginning.
- Copy of letter be provide to Health District.
- If letter is ambiguous, letter be sent to Adam McDanial for final determination.
- Only projects deemed essential may continue or begin.
- If contractor is not compliant, complaint will be filed with regulatory agency and Governor's office and reported to Sheriff or City Police for enforcement.

Steve Austin said the only time the case should be turned over to regulator agency is if the situation was a regulator issue, and the City will follow up with complains from the Health District.

Mr. Woodbury expressed his confusion regarding new BPA building as it was no different than the new chiropractor building. Mayor Lawrence stated she tried contacting the Supervisor with BPA, but did not receive a returned call.



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	<p>Brian Shinn and Steve Austin expressed support for Brady Woodbury's proposal and stated that the onus is on the contractor to enforce social distances. Mayor Lawrence state that people are not taking the Governor's order seriously enough. Mr. Woodbury stated that the Governor stated three time that construction was not essential. Chris Seubert stated that it is a slippery slop when preference is given to those who scream loud enough to get their way, and that he will continue to defer to the Health District for direction. Brian Shinn agreed and added that Commissioners / BOH members should not be bullied into meeting with complainers and to tell them to follow the protocol provided by the Health District. The consensus was that now, especially with COVID-19 cases in our community, was not the time to be lenient.</p> <p>Dr. Lutz said he would share the protocol he has at his disposal to assist Mayor Lawrence and others to develop protocol for all to review. Dr. Lutz stated that Michelle Fossum, Health District's Legal Counsel, said to establish a policy, consistently follow and enforce the policy and usually, after making an example out of one or two, the people begin to comply, especially when their licenses are at risk.</p> <p>Chris Seubert motion for Dr. Lutz, Brian Shinn, Brady Woodbury and Mayor Lawrence to develop protocol considering Mr. Woodbury's recommendations above.</p> <p>Brian Shinn Seconded.</p> <p>Further discussion: Brady thanked all who attended meeting. Chris Seubert asked Dr. Lutz if he had complete authority to shut down anyone for noncompliance. Dr. Lutz stated he did and would provide WACs and RCWs indicating so in the written protocol.</p> <p>Motion passed Unanimously</p>
WebEx Meeting Adjournment	Chair adjourned WebEx meeting at 3:26 PM after agenda item discussed.