



Asotin County Public Health District

102 1st Street - P.O. Box 306 - Asotin, Washington 99402

Office: (509) 243-3344 - Fax: (509) 243-3345

www.AsotinCountyPublicHealth.org

Asotin County Local Board of Health Meeting

April 17, 2020 at 10:00 AM

Special WebEx Meeting # 297586086

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, WIC Certifier Lora Gittins

Public: City of Clarkston Treasurer Steve Austin, Reporter Kerri Sandaine

The special Board Meeting was called to order by Mayor Monika Lawrence 10:03 AM

Topic	Discussion
New Business	
Stay Home – Stay Safe Compliance & Enforcement	<p>Chris Seubert requested meeting requesting more clarification on what businesses can be open or need to remain closed.</p> <p>Administrator, Brady Woodbury, said the Health District continues to strongly encourage following Governor Inslee’s Stay Home – Stay Safe Order and practice social distancing to keep infection numbers low. However, the District is not getting clear and timely responses from the State when companies are submitting essential status requests via https://coronavirus.wa.gov/, making the process adopted on April 6, 2020, difficult to enforce. The District does not have clear guidance and timely follow-up from the Governor’s office, nor from the Eastern WA Representative Adam McDaniel, we lack clear consistent direction and simply do not have the infrastructure or manpower to keep up with any level of enforcement, including law enforcement.</p> <p>As a result of these challenges, Brady Woodbury recommends:</p> <ul style="list-style-type: none">• 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 McDaniel for final determination.• Only projects deemed essential may continue or begin.• If contractor is not compliant, concerned individual can file a complainant at https://coronavirus.wa.gov/business-workers <p>Mayor Lawrence asked if this would apply to both commercial and residential. Brady Woodbury indicated it would apply to all construction projects in general. He added that some of the projects that the District interpreted, applying the Order’s definition of imminent, as remote and therefore nonessential, were reversed and deemed essential</p>



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by the Governor's Office. Mayor Lawrence shared her concern that if we pass decision making up the chain, we don't have an argument any longer.

Mr. Woodbury stated the District only received decision on two projects, and nothing on the rest of the submissions, and we can't make decision or enforce a directive we didn't receive. He added that the County cannot be less strict than the State's Order, but everyone has reason or justification why they should be considered essential and without clear and consistent direction, enforcement is in vein.

Brian Shinn stated that there is a great deal of flexibility in interpretation of the Governor's Order and asked if the recommendation is the contractor need to apply to state and if complaint, turn it over to enforcement? Mr. Woodbury answered, no the complaint should submit to the State via <https://coronavirus.wa.gov/business-workers>.

Chris Seubert said he feels contractors need to submit online and decide themselves if essential and asked if the only enforcement the District had is for Dr. Lutz to declare the non-compliant project a public nuisance. Mr. Woodbury answered that Dr. Lutz has that authority and is willing to do that if there is collective Board Of Health support.

Brian Shinn stated he drove around town for about two hours and lost count after seeing 12-14 active construction jobs with no more than 2 people on the job site that were not close together and expressed support for Mr. Woodbury's recommendation. He added, if sickness results, Health District, Dr. Lutz and possibly law enforcement will need to be involved, the Health Officer could declare project a public nuisance and noncompliance could result in arrest authority or revoked business license.

Mayor Lawrence stated that the Governor's Order identified commercial projects may be essential, but not residential. Brady Woodbury stated that in general both classifications are nonessential and a select few that met certain criteria would be considered essential. Mayor Lawrence feels strongly that all residential is non-essential unless imminent, and believes these should be kept as non-essential.

Chris Seubert stated that Brady Woodbury is correct in with regards to what the Governor's Order says and believes complaints needs to be filed on <https://coronavirus.wa.gov/business-workers>, contractors make their own determination and decision to comply with social distancing.

Brady Woodbury reminded the group that the real intent of the Order is to keep people home, away from venders, and to keep people from congregating, especially at larger sites, where it's been observed that workers are not adhering to social distancing requirements. He reiterated that his recommendation.

Brian Shinn stated that residential and commercial projects should be lumped together and if an illness arises to follow what he stated above.



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Mayor Lawrence invited comment:

Lori Loseth agrees with Administrator's proposal.

Brian Shinn stated there are a bunch of projects have already started many schedules are negatively affected. In addition, some people's health is being affected and others are homeless as a result of construction halting.

Mayor Lawrence asked if there was any more discussion?

Skate Pierce asked for clarification as to the difference from last meeting's adopted policy and what was being recommended today. Mr. Woodbury stated the policy/procedure would change due to no or untimely response from the State so rolling back enforcement and seeking approval for:

- 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 McDaniel for final determination.
- Only projects deemed essential may continue or begin.
- If contractor is not compliant, concerned individual can file a complainant at <https://coronavirus.wa.gov/business-workers>
- If sickness results, Health District, Dr. Lutz and possibly law enforcement will need to be involved, the Health Officer could declare project a public nuisance and noncompliance could result in arrest authority or revoked business license.

Mayor Lawrence disagrees with this as officials at local level we need to enforce Governor's Orders.

Brian Shinn stated that lack of State response is forcing the District to modify local procedure.

Brian Woodbury stated that Mayor Lawrence is correct with regards to liability, but making essential or non-essential determination, clearly is not a local decision if State is going to determine differently. Local decisions have been reversed by the State, so best to let State decide which are or are not essential. If project is deemed by State to be nonessential and Contractor continues work, and someone gets ill, it can be handled as noted above.

Mayor Lawrence acknowledged the challenges the District is experiencing but stated that just because something is hard doesn't mean we don't do it, and it seems most of issues are with one contractor. She added that common sense needs to prevail. Brady Woodbury disagrees that problem is with only one contractor and stated that the District is receiving 20 - 100 calls per day with arguments from contractors, their workers, vendors, and other businesses, as to they should be considered essential and allowed to work, and from those construction workers being forced to work that believe they shouldn't be. Companies that are complying with the District directive not



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	<p>to work are becoming very angry that the others are not forced to comply. He added that the District does not have time to handle COVID-19 case tracing and contractor compliance.</p> <p>Mayor Lawrence argues that if the message needs to be consistent to stay home.</p> <p>Chris Seubert stated the recommendation is only chaining complaint process. Enforcement is the same.</p> <p>Mayor Lawrence stated it was her understanding that Spokane issuing restraining on non-compliant companies. Brady Woodbury stated that was true but Spokane County Regional Health District has an entire task force to deal with non-compliance and Asotin simply does not have the resources.</p> <p>Brian Shinn asked for consensus based on Brady Woodbury's recommendations stated above.</p> <p>Lori Loseth stated that at the last City of Asotin Council Meeting, the Police Chief indicated his staff is taking an educational approach vs. an enforcement stance, which is alignment with recommendation.</p> <p>Consensus tally adopting recommendation as outlined above: Brian Shinn – yes Chris Seubert – yes Lori Loseth – yes Skate Pierce – yes Monica Lawrence – no (advocating our role)</p> <p>Brady Woodbury stated that the Governor's directive regarding essential will likely change as early as today and our decisions today will likely support anticipated change. Governor still wants people to stay home and stay healthy and virus is spreading locally, some cases attributed to people from other areas.</p>
Civil Law Suit – Food Pantry	<p>Yesterday the District was served with lawsuit filed in US District Court of Eastern Washington, filed by Kathy Hay, Dawna Larson, and Lucas "Brooklyn" Anderson, naming defendants Asotin County, Asotin County Health District, Asotin County Board of Health, James Jeffords, Robert Lutz, and John Weisman.</p> <p>The District will contact Enduris who will likely contact Michelle Fossum for representation. Brady Woodbury stated that after scanning the document, suit seems frivolous and facts are very wrong. Suit is for \$1.00 + Attorney's fees + unencumbered pantry running. Paperwork will take a significant amount of time and effort to collect.</p> <p>Brian Shinn said he received an inquiry from KVEW who he directed to contract Brady Woodbury.</p>



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	<p>Mayor Lawrence said since she hasn't seen paperwork, it is difficult to respond at this time. She indicated that the pantry has stayed closed.</p> <p>Skate Pierce asked if it was filed in federal court? Brady Woodbury stated it is a civil rights lawsuit. Mr. Pierce guessed the case might be kicked back down to State level if it even goes forward.</p> <p>Mayor Lawrence asked if we still had the photos of the foods found in pantry. Mr. Woodbury said yes along with solid documentation.</p> <p>Mayor Lawrence reminded group about letter she wrote in response to Kathy Hay.</p> <p>Chris Seubert stated Mr. Woodbury is on right track and this is why we have insurance.</p>
WebEx Meeting Adjournment	<p>Brian Shinn motioned to end the meeting. Chris Seubert seconded. Chair adjourned WebEx meeting at 10:48 AM after agenda item discussed.</p>