

# **Whatcom County Council as the Health Board (Special)**

**COUNTY COURTHOUSE  
311 Grand Avenue, Ste #105  
Bellingham, WA 98225-4038  
(360) 778-5010**



## **Minutes - Final**

**Thursday, March 12, 2020**

**12 PM**

**Council Chambers**

### **COUNCILMEMBERS**

Rud Browne  
Barry Buchanan  
Tyler Byrd  
Todd Donovan  
Ben Elenbaas  
Carol Frazey  
Kathy Kershner

### **CLERK OF THE COUNCIL**

Dana Brown-Davis, C.M.C.

## Call To Order

Health Board Chair Barry Buchanan called the meeting to order at 12 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

## Roll Call

**Present:** 7 - Rud Browne, Barry Buchanan, Tyler Byrd, Todd Donovan, Carol Frazey, Ben Elenbaas and Kathy Kershner

**Absent:** None

## Special Presentation

2. [AB2020-116](#) Update on COVID-19

*Clerk's note:* Kathy Kershner was present via the phone.

### DUTIES OF THE HEALTH BOARD

Karen Frakes, Prosecuting Attorney's Office, briefed the Council on the duties and authority of the Health Board.

State law provides that local jurisdictions adopt health boards, but because we are a charter county we are different from non-charter counties in that we have a distinct legislative body and distinct executive body. The Health Board's authority as laid out in our local law is legislative in nature and its duty is to provide recommendations to the County Executive in matters involving public health.

Board members and Frakes discussed the role of the Health Board as stated in the Revised Code of Washington (RCW), the Whatcom County Code and the Whatcom County Charter. Elenbaas referred to a handout (on file) previously emailed to Board members and clarified that the Health Board should supervise the Health Department director and Health Officer in the sense of being in the know and making decisions together as a group as opposed to micromanaging.

Satpal Sidhu, County Executive, introduced the following staff in attendance and described their roles:

- Judy Ziels, Health Department Public Information Officer (PIO)
- Dr. Gib Morrow, Deputy Health Officer
- Jed Holmes, Community Outreach Coordinator

He spoke about the formation and role of the Health Board and the role of the Administration in the Whatcom County Charter. He updated the Board on the following:

- Whatcom County has now transitioned to the Unified Command and

under that are several groups including a policy group consisting of the Council Chair plus one other councilmember, the Mayor of the City of Bellingham plus one City Council member, the Mayor of each small city plus one other member each, the County Executive, and a couple attorneys from the jurisdictions.

- The administration is working on the best way to run the Unified Command control.
- The County will function under the Unified Command for at least three months.
- Each jurisdiction is essentially on their own and cannot just call for aid from other jurisdictions in this situation because all of them are in the same position. We have to look at what we can do internally.
- Test kits are still in limited supply. The County may try to borrow some from the Lummi Nation who has already received some.

Board members transitioned to discussing the policy group membership.

**Donovan moved** to recommend that the chair of Public Works Committee (Carol Frazey) be the second member along with the Council Chair (Barry Buchanan). The motion was seconded. Councilmembers discussed the motion.

John Gargett, Whatcom County Division of Emergency Management, answered a question about why the whole Health Board can't be part of the policy group and the purpose of the policy group. He stated the group is not a work group so it needs to stay small and Lummi Nation was not previously listed but would also be represented on the group.

**Kershner** (via telephone) **moved** that Councilmember Byrd be the second member of the policy group along with the chair. Her motion was set aside to dispense with the first motion.

Elenbaas suggested that the motion be amended to appoint Tyler Byrd.

**Kershner withdrew** her motion and **moved** to amend Donovan's motion to open it up to nominations instead of a motion to appoint one member. The motion was seconded. Board members discussed the motion.

The motion carried by the following vote:

**Aye:** 5 - Browne, Frazey, Byrd, Elenbaas, and Kershner

**Nay:** 2 - Buchanan and Donovan

Elenbaas nominated Byrd to serve along with the chair (Buchanan).

Browne nominated Frazey and Browne along with the chair (Buchanan). Board members discussed the motion.

Byrd was appointed as the second member by the following vote:

**Byrd:** 4 - Byrd, Buchanan, Kershner, Elenbaas

**Browne:** 2 - Browne and Frazey

**Frazey:** 0

Donovan was out of the room

Tyler Schroeder, Executive's Office, briefed the council on a handout from the Health Department (on file) giving more information on coordination information distribution and cooperation. It also addressed some of the Board's questions from the March 10, 2020 meeting.

Bill Elfo, Sheriff, spoke about moving to the Unified Command structure. The Unified Command structure does not direct the Health Department but rather supports their efforts. He answered a question about whether other counties are operating on a unified command and whether they are doing it the same way.

Schroeder continued his brief on the handout and stated the county's website has up-to-date information regarding local decisions. He also requested a discussion to determine a consistent decision-making process on how the Health Board's questions can be answered. The Health Department suggested that Board members consolidate their information requests and questions and send them through the administration no more than once a day. The Executive's Office will then determine which departments or branches of Unified Command or Incident Command need to respond and gather the information. Point constituents to the Health Department website and if there is not an answer there, pass those questions on to the administration.

Frazey recommended that they set a time each morning to have Board recommendations and questions to the Council's Legislative Analyst to pass to the Executive's Office and then get answers by the end of the day.

Elenbaas stated instead of asking questions the Administration should tell the Health Board their requests of them.

Schroeder clarified that it should be a two-way street and if legislative questions need to be answered before a decision is made by the Health Officer they would come to the Health Board.

Elenbaas requested that the Administration let the Health Board know the Health Department recommendations for the public before putting them out to the public.

Board members discussed how to direct the public to find answers to their questions, getting Board member questions answered, and getting real-time information.

#### PERSONAL PROTECTION EQUIPMENT (PPE) (01:06:36)

Gargett answered a question about providing a timeline for Whatcom County getting needed resources. The state strategic stockpile is getting low and the smaller suppliers are not under state contract. He answered questions about how the three-month time frame of being under the Unified Command was determined and potentially considering a longer time period than three months.

Browne suggested that the Council should come up with strategic numbers of what our PPE reserves should be. Board members discussed with Gargett the timeline and how it should be determined, the need to determine whether the Unified Command should consolidate the purchasing of needed emergency medical supplies and PPE under a single organization, and whether the funds approved on March 10 should be used for supplies immediately, gaining an understanding (through the use of volunteers) of what supplies all local agencies already have and how fast they go through them so we know how much we need to acquire, and depending on the two Board members chosen to be on the policy group to be a conduit of real-time information. Those members (Buchanan and Byrd) will be able to call for a Health Board meeting if policy needs to be established.

***Browne moved*** to request that the Unified Command determine the total expected community-wide demand for PPE for the next 90 days and then do our best to acquire a 90-day stockpile of supplies. The motion was seconded.

Byrd suggested a friendly amendment to also find out how much spending authority is in place right now, how much can we start acquiring, and how soon can we begin acquiring it.

***Browne accepted*** the friendly amendment and they discussed the motion.

***Browne amended*** his motion and ***moved*** to direct requests to the Whatcom County Division of Emergency Management to manage the process of purchasing Personal Protective Equipment (PPE).

Board members discussed whether they should allocate more money and how the funds are allocated and the possibility of doing a budget modification or emergency budget supplemental if necessary.

**Byrd moved** to temporarily hold the motion for the time being.

The motion carried by the following vote:

**Aye:** 6 - Browne, Buchanan, Byrd, Elenbaas, Frazey, and Kershner

**Nay:** 0

**Absent:** Donovan

#### HOW TO PROCEED WITH MEETINGS (01:27:00)

Buchanan stated there is a Planning Commission Meeting tonight so there is a need to decide how to move forward with meetings.

Jill Nixon, Council Office answered a question about the possibility of using GoToMeeting technology for the Planning Commission meeting. She stated the technology is not yet reliably set up and available for tonight.

**Byrd moved** to postpone tonight's Planning Commission Meeting and hold it at a later date.

Cathy Halka, Council Office, stated Mark Personius, Planning and Development Department Director wants direction for Planning Commission meetings since some items have a legal clock. They are planning on moving forward unless they get other direction.

Board members discussed the motion with Schroeder and Frakes.

Elenbaas stated we need to acknowledge the spread of the virus, how it's spread and how fast it has spread. If we need to get the message out there that it's important to slow the spread, we need to follow the Health Department's recommendation on holding group events.

Buchanan stated the benefits and the risks need to be weighed.

**Byrd amended** his previous motion and **moved** to immediately suspend all meetings of boards and commissions not dealing with emergent health or safety issues until such time as they can be held online.

The motion carried by the following vote:

**Aye:** 6 - Browne, Buchanan, Byrd, Elenbaas, Frazey, and Kershner

**Nay:** 0

**Absent:** Donovan

#### PERSONAL PROTECTION EQUIPMENT (PPE) CONT... (01:35:35)

Schroeder and the Board continued discussion about the funding that was approved through the emergency ordinance on March 10 (Ord 2020-008), how the funds are allocated, increasing flexibility of spending for the Executive, doing a budget modification based on a Health Board directive if necessary, and whether budget decisions should be made by the regular Council.

Browne suggested that a directive be approved from the Health board to increase the budget request by another \$250,000.

**Browne restated** his earlier held motion and **moved** that the Whatcom County Sheriff's Office Division of Emergency Management immediately acquires whatever PPE is determined as being appropriate to serve the community over the next 90 days as defined by the Center for Disease Control (CDC) guidelines. The motion was seconded.

**Browne amended** his motion and **moved** that the Whatcom County Sheriff's Office Division of Emergency Management immediately acquires whatever PPE is determined as being appropriate to serve the community over the next 90 days ~~as defined by the Center for Disease Control (CDC) guidelines.~~

The motion carried by the following vote:

**Aye:** 6 - Browne, Buchanan, Byrd, Elenbaas, Frazey, and Kershner

**Nay:** 0

**Absent:** Donovan

**Browne moved** that the Health Board recommend that the administration prepare an ordinance that will increase the budget by another \$250,000. The motion was seconded.

Board members and staff discussed the motion and the fact that the Council would need to adopt the ordinance.

The motion carried by the following vote:

**Aye:** 6 - Browne, Buchanan, Byrd, Elenbaas, Frazey, and Kershner  
**Nay:** 0  
**Absent:** Donovan

TESTING and SURVEILLANCE (01:49:03)

Board members discussed the following:

- Test kits are made by the private sector and not the CDC so there is not a timeline for when kits will be available.
- The need to mandate that any health provider doing a test immediately reports the test and the person's information to the Health Department.
- Whether the Health Officer should reinforce to health providers to report diseases in accordance with RCW70.05.090 and whether they should let the Health Department know of suspected cases.
- Keeping non-pharmaceutical interventions voluntary.
- Finding out how Peace Health is letting people know who may have been exposed to someone who has the virus and whether they should keep a guest log.

**Elenbaas moved** to recommend to the Health Officer to reinforce RCW 70.05.090 to physicians with the thought that it's the intent of the law that is followed. (02:08:00)

He clarified the intent as being if a physician reasonable believes that their patient has the disease that they will report it to the Health Department. The motion was seconded.

The motion carried by the following vote:

**Aye:** 6 - Browne, Buchanan, Byrd, Elenbaas, Frazey, and Kershner  
**Nay:** 0  
**Absent:** Donovan

*Clerk's note:* Kershner left the meeting call.

**Browne moved** to formally, through a resolution, acknowledge and appreciate the staff of the Whatcom County Health Department and Division of Emergency Management that they are working long and hard hours under difficult circumstances to address an unprecedented challenge. The motion was seconded. (02:10:19)



Board members discussed the motion.

The motion carried by the following vote:

**Aye:** 5 - Browne, Buchanan, Byrd, Elenbaas, Frazey

**Nay:** 0

**Absent:** Donovan and Kershner

#### SCHOOLS (02:13:58)

Board members discussed the following:

- Why Whatcom County is not currently recommending the closure of schools.
- What are the mechanisms between where we are at now and where everyone else is who is closing schools, such as just closing high schools, or giving guidance to parents that they can choose to take kids out of school.
- How to answer questions from the public about related community concerns.

#### COMMUNICATIONS/PUBLIC OUTREACH (02:19:08)

Board members, Schroeder, and Halka discussed the following:

- The lack of awareness in the community about following protocol.
- An idea from Board member Browne to start pushing out information (handouts on file) to every single person in the community via a mailer (every door direct mail program for \$.19 a piece if you don't put an address on it) and putting a poster on every single business using volunteers to elevate the awareness of the issue.
- Ideas to make communications more engaging for the public.
- What correspondence the County is doing now and providing direction to Jed Holmes, the Community Outreach Coordinator, to reach out to the departments.
- Whether the funding for these efforts would come from the approved \$250,000 (Ord 2020-008)
- Ways to work on ideas offline to come up with a message to get out to the public and consolidating the efforts through the Council's Legislative Analyst and the Executive's Office.
- A checklist from the CDC (handout from Browne) for community and faith leaders on how to plan and prepare.

- Using a volunteer team to meet with the managers of community businesses and distributing information to them.

*Clerk's note:* Donovan returned to the meeting.

- Using social media, video, and factual explanations, and also utilizing the County's information officers as experts for messaging.
- Conveying the message that this is serious, and the solution is not just to wash your hands.
- Putting measures in place now similar to what King County has done so we get ahead of the curve.
- Whether there are reduced postage rates in the case of an emergency.

***Browne moved*** to Request that the Health Department, and Whatcom County Division of Emergency Management, come back to the Health Board with a multi-pronged plan for public communication that would aggressively communicate to people the need to adopt appropriate behaviors and the importance of social distancing. The motion was seconded. (02:50:35)

Discussion continued with Executive Sidhu:

- Messaging to specific groups such as nursing homes.
- Leveraging each individual Councilmember's popularity. Request that along with Browne's motion, the councilmembers should reach out too and there should be one consistent message for everybody.
- The possibility of creating a banner advertisement to put in the various community papers and sending messages to businesses.

*Clerk's note:* the meeting was recessed for a seven-minute break. The meeting was reconvened.

The motion carried by the following vote:

**Aye:** 6 - Browne, Buchanan, Byrd, Donovan, Elenbaas, Frazey

**Nay:** 0

**Absent:** Kershner

Councilmembers discussed other measures that can be taken such as opening doors with your sleeve, cleaning your phones, taking your temperature before you leave the house in the morning, being prepared with an emergency kit, going to the grocery store late at night or order online if

you are at increased risk, and learning about alternate cleaning products as noted on the CDC website.

COUNTY STAFF (03:11:19)

Cathy Halka spoke about measures the Council Office staff have been taking and plans in place for the possibility of working remotely while maintaining essential duties. She submitted information sheets (on file) from the Health Department and Human Resources.

Board members, Halka and Sidhu discussed the following:

- The definition of essential employees and duties and giving County staff the option now to work from home.

**Byrd moved** that County staff are allowed to work from home if they choose, and if they can't do enough of their work to reach 40 hours a week they can be given opportunity to engage with the Division of Emergency Management or other activities that are beneficial for the management of the virus so that staff can continue to work from home and the County can continue to pay them. The motion was seconded.

Donovan suggested they request that the Executive work with bargaining groups to help staff to get paid if they get sent home.

Sidhu said the County has a sick leave policy in place. He would need to consult with Human Resources.

Donovan added to his suggestion to encourage the Executive to do all that is possible to make sure that anyone who can't work on site aren't penalized and have to burn through sick and vacation leave.

Byrd stated his understanding is that according to the Attorney General in times like this, when we have an emergency declaration in place, bargaining agreements can be suspended.

Halke submitted and spoke about a handout (on file) from Human Resources that outlines different options in place for various scenarios of staff having to be home and Board members continued to discuss the motion.

**Byrd amended** his motion and **moved** that *Council staff* be allowed to work

from home if they choose, and if they can't do enough of their work to reach 40 hours a week they can do duties to help the Division of Emergency Management. (03:28:00)

The Board members discussed the motion and the following:

- Whether doing that would be preferential treatment and become an equity issue.
- Not creating other problems in the Council Office by not being staffed adequately.
- Whether the Health Board can set rules about Council Office staff and checking with Human Resources before making any decisions.
- Talking first to Dana Brown-Davis, the Clerk of the Council along with the Legislative Analyst and the Council Chair.

**Byrd amended** his motion and **moved** that the Council chair work with the Council Office to determine how this could be implemented so that it can be voted on next Tuesday. The motion was seconded.

The motion carried by the following vote:

**Aye:** 6 - Browne, Buchanan, Byrd, Donovan, Elenbaas, Frazey

**Nay:** 0

**Absent:** Kershner

#### MEETING SCHEDULE FOR THE SPECIAL HEALTH BOARD (03:37:54)

The Board discussed possible options.

**Byrd moved** to meet as the Health Board next Tuesday, March 17, 2020 and Thursday, March 19, 2020 at 1 p.m. Councilmembers concurred.

Sidhu stated that the Lummi Nation reported their first confirmed case of the virus and are taking extra prevention measures.

The Board and Schroeder asked about whether the Council's Water Work Session on Tuesday, March 17, 2020 should be canceled. They agreed that it should be canceled.

They also discussed the possibility of putting other non-essential Council items on hold for awhile so the Board can focus on this emergency situation and so that those items can have the needed public participation.

Councilmembers concurred.

**This agenda item was DISCUSSED AND MOTIONS WERE APPROVED.**

**Other Business**

There was no other business.

**Adjournment**

The meeting adjourned at 3:41 p.m.

The County Council approved these minutes on June 16, 2020.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

\_\_\_\_\_  
Dana Brown-Davis, Council Clerk

\_\_\_\_\_  
Barry Buchanan, Health Board Chair

\_\_\_\_\_  
Kristi Felbinger, Minutes Transcription

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