

# BOARD OF HEALTH MEETING

NOVEMBER 13, 2020

## SPECIAL MEETING FOR FOOD ENFORCEMENT POLICY

The Fulton County Board of Health met for a special meeting on Friday, November 13, 2020 at 1:00 p.m. at the Fulton County Office Building in the large conference room. Board members in attendance were: Health Officer, Kevin Reyburn, M.D.; Board President Harry Webb, P.D.; Vice-President Jana Vance; Julius Sitjar, M.D.; Robin Surface, D.V.M.; Linda Baldwin; Priscilla Crill; Rhonda Barnett, R.N.; Shannon Shepherd, Environmental Director; Carrie Ranstead, Registrar; Dawn Risten, Food Service Inspector/Emergency Preparedness Coordinator and Andrew Perkins, Health Department Attorney.

Harry Webb, President called the meeting to order at 1:00 p.m.

Harry Webb read the following statement:

***Today's meeting is not a public hearing. Face masks covering the nose and mouth will be required. For the protection of all, I anticipate this meeting will be brief.***

***The goal of today's meeting is to discuss a policy to address the local enforcement of Governor Holcomb's current and potential future emergency orders with regard to the Covid-19 pandemic. It is simply to discuss an enforcement policy for Retail Food Establishments with the regards to following Governor Holcomb's executive order(s). When the Health Department receives a complaint, this policy will outline the steps the staff needs to follow with regard to the complaint.***

***One of the Department's main goals is educational. The Health Department is working very hard to contain the spread of this virus so we can keep our schools, businesses and restaurants open.***

***Here are the numbers: 631 people have tested positive in our county since this began. 14 have died. Latest numbers of positive cases is escalating rapidly as we approach the Thanksgiving holiday. But 97% of our population is at risk still of contracting the virus. Fortunately, for many it is like a bad cold, but 1 in 5 get very ill and may require hospitalization. 1 in 5 puts our serious complication potential at 3880 residents. 2% of infected cases in Indiana have died. 2% of our non-infected population is 388 people. That is the reality if this goes unchecked.***

***Currently we have very few tools to control this. The Governor's order has specific requirements such as wearing face masks and maintaining space between seating areas and social distancing that should be followed so we can slow the spread of this virus. New effective treatments are being developed and vaccines should be available in the spring that will protect the most vulnerable.***

***Right now we are blessed to live in a small community. If we can come together as a community and follow his orders we may be able to slow the spread down. We are all tired of the restrictions this pandemic has placed on all of us. But this virus is unrelenting and it is spreading rapidly among people that ignore these guidelines. This should not be a political issue or a religious issue; it is a public health issue.***

Dr. Reyburn reported that 4 weeks ago the positive cases were at 297 and 2 deaths, as of yesterday, our positive cases are 613 and 15 deaths. People will get sick with this virus as it spreads and we are hoping the vaccine will be out soon. Until then we need to take measures to slow the spread. Dr. Reyburn understands everyone is tired of the restrictions and nobody wants to be locked down again.

We have learned a lot about this virus since this spring and how it effects different people. Some people say it is like a cold, some people are very sick and have to be hospitalized. Stay home if you are sick or not feeling well and keep wearing your mask to help slow the spread. Part of the population will stay home and stay away from people to protect themselves especially if they know of someone that has been sick or passed away.

The health department wants to keep the businesses opened and help educate the community as the guidelines from the governor change. Depending on the positivity rate in our county that will determine what guidelines and restrictions we will follow. Dr. Reyburn asked Attorney Andrew Perkins to give us an explanation of this policy.

Attorney Perkins stated that the county had a food policy put in place in 2002. This new policy has clarification on what steps will be taken to enforce the orders that the governor has in place for the food establishments. When there is a complaint filed on a restaurant there are steps that will be taken to resolve the problem. This policy does not override the county's food policy. The health departments have to follow the Governor's Executive Orders and can be stricter.

Robin Surface, D.V.M. stated that she is seeing this virus affect her business now as she travels to surrounding counties. Until now she did not have any problems traveling to her clients houses to work on the animals. Now she cannot go to their houses due to the virus spreading faster due to people not staying home and not following the guidelines.

Linda Baldwin stated that she wanted to make sure there is a date on this policy since we do not know what is ahead of us in the next few months. Harry Webb stated that policy will expire on July 1, 2021 unless it is extended and approved by the Board of Health. We will be reviewing this policy at our June 2021 meeting.

Harry Webb read the following policy:

**Governor's Executive Order Enforcement Policy for Retail Food Establishments**

*The Fulton County Board of Health hereby adopts the following policy for enforcement of emergency orders of the Governor of the State of Indiana:*

*The first time the Fulton County Health Department (FCHD) receives a complaint regarding a retail food establishment violating the executive order(s) issued by the Governor of the State of Indiana, FCHD will notify the retail food establishment of the complaint. The retail food establishment will at that time be given a verbal warning, to immediately correct the violation.*

*Upon receiving a second complaint against a retail food establishment, FCHD will investigate the complaint. If FCHD finds the retail food establishment is in violation of the Governor's executive order(s), FCHD may issue a cease and desist order against the establishment. This written order will be hand delivered to the retail food establishment by law enforcement personnel.*

*Upon receiving a third complaint against a retail food establishment, FCHD will investigate the complaint. If FCHD finds the retail food establishment is in violation of the Governor's executive order(s), FCHD may order the closure of the retail food establishment for three (3) consecutive business days and issue a two hundred fifty-dollar (\$250) civil penalty fee for noncompliance.*

*Upon receiving a fourth complaint against a retail food establishment FCHD will investigate the complaint. If FCHD finds the retail food establishment is in violation of the Governor's executive order(s) FCHD may suspend the retail food establishment's permit to operate in Fulton County for a period not to exceed thirty (30) days for the following: unsanitary or other conditions which, in the opinion of the regulatory authority, endangers the public's health.*

*If the retail food establishment wishes to seek administrative review and/or a stay of effectiveness as it pertains to the enforcement orders issued by FCHD, pursuant to Indiana Code §§4-21.5-3-5 or §4-21.5-3-6, the establishment must petition the Fulton County Health Board, in writing, within fifteen (15) days of receipt of this notice. The petition must include facts demonstrating that:*

- 1) *the petitioner is the person to whom the Order is specifically directed;*
- 2) *the petitioner is aggrieved or adversely affected by the Order; and*
- 3) *the petitioner is entitled to review under any law.*

*Any petition for review or stay of effectiveness will not act to enable the retail food establishment to continue to operate in any manner that contravenes the Governor's Executive Order(s) and or endangers public health.*

*Any retail food establishment whose permit has been suspended is required to complete and submit a food application form to the FCHD for a permit. This application can be submitted at any time after the suspension is served. All applicable permit fees and civil penalties must be paid prior to obtaining a permit.*

*It is the determination of the Fulton County Board of Health that the existing June 25, 2002, Retail Food Establishments and Bed and Breakfast Establishments, Fulton County Ordinance No. 080502, provides for permitting and for enforcement of certain retail food establishment regulations. However, it does not contemplate, or provide specific enforcement methods for, Executive Orders of the Governor of the State of Indiana, such as those implemented in 2020 during the COVID-19 pandemic. This policy does not purport to supersede or contradict Ordinance No. 080502, but is created as a policy to address matters not governed by the enforcement provisions of Ordinance No. 080502.*

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

This policy will expire July 1, 2021; unless extended and approved by the Fulton County Board of Health.

Harry Webb asked if there was any discussion.

Deb Crull from Tweedlee D's restaurant wanted to know why she had to pay a \$500 fine a few weeks ago if this policy was not in place. The violation was about the mask mandate that has been in place. She knows of other businesses that have violations and they did not pay a fine. Harry stated that this meeting is not the time to debate this matter and if she would like to address this at our January meeting she will have to go through the proper measures to be put on the agenda.

No more comments from the public at this time.

Harry Webb, President asked if anyone would like to entertain a motion for this food policy.

Jana Vance made a motion to approve the enforcement policy as presented.

Dr. Sitjar seconded the motion.

Motion carried 5-0.

Meeting adjourned at 1:27 p.m.

Carrie Ranstead

Vital Records Registrar