

## **Macon County Board of Health Emergency Meeting**

**Macon County Health Department  
MCHD Main Conference Room  
1221 E. Condit Street, Decatur IL 62521  
January 11, 2021 at 3:00pm**

Paige Toth, Board of Health President, called the meeting to order at 3:01pm.

### **Roll Call**

Paige Toth, President – present/on call  
Vivian Goodman, Vice President – present/on call  
Phil Tibbs, Secretary – present/on call  
Mary Jane Linton, Treasurer – present/on call  
Candace Clevenger – present/on call  
Jan Hack – absent  
Dr. Bret Jerger – absent  
Sue Krows – present/on call  
Dr. Venkat Minnaganti – absent  
Dr. Janet Patterson – absent  
Laura Zimmerman - absent

### **Health Department Staff in Attendance**

Brandi Binkley, MPA, SHRM-CP, CPHA, Public Health Administrator  
Bethany Stapel, MPH, CPHA, Assistant Public Health Administrator  
Kathy Wade, REHS, RS, LEHP, Director of Environmental Health and Emergency Preparedness  
Evan Trimby – Information Technology Support Specialist  
Fred Book – Information Technology Assistant Support Specialist  
Sandy DeDios, Administrative Assistant II

### **Virtual/Microsoft Teams Staff Attendance**

None

### **Public in Attendance**

Kevin Greenfield – present/in person  
Tanya Andricks – present/virtual

### **Approval of Agenda Topics**

Vivian Goodman moved to accept the agenda, seconded by Phil Tibbs. Roll call. Motion carried.

### **Public Comment**

There were no public in attendance, and no citizen remarks were received via email prior to the deadline and even prior to this meeting time. Kevin Greenfield later arrived at the meeting and spoke during New Business.

## New Business

### ***Discussion and possible final action regarding recommendations to the Macon County Board as to public health measures related to the COVID-19 pandemic and the Macon County Food Sanitation Ordinance***

Brandi advised the Board of Health members that she became aware of something happening at the County level on January 6, 2021. On January 7, 2021, Brandi met with Kevin Greenfield, Macon County Board Chairman, Julie Moore-Wolfe, Mayor of Decatur, and Mike Baggett, Assistant State's Attorney.

Kevin informed Brandi that he was planning to propose an edit to the Macon County Food Sanitation Ordinance, which would remove most or all the ability of the Health Department to enforce any COVID-19 regulations, specific to indoor dining. Brandi was provided the draft revisions and a copy was provided to the Board of Health Members for review. One version proposes no enforcement be allowed by the health department on indoor dining and the second proposes allowing MCHD to enforce dining capacity and social distancing, but nothing else.

Brandi stated that the usual process with an ordinance would be that MCHD would make edits and work with legal to update, then present to the Board of Health for review and approval. If approved, it would then have to be presented and approved at the county committee meetings, then on to the County Board for final approval.

In this situation, this was not the process that was followed, or an ordinance edit that was made by the MCHD team. At this point, what MCHD have been told, is that the BOH cannot do anything as far as stopping this from happening or delay the process. Basically, at this point, the BOH can provide feedback or information that you would like Brandi to present at the upcoming City and County meetings. The agenda states that the BOH can vote on the proposed changes if you choose to do so but it was anticipated that this meeting would be for discussion and feedback.

Brandi plans to be present at the City Council, EEHW, and County Board meetings and be able to share the beliefs of MCHD and why it is important that the health department be responsible for enforcing the current mitigation measures to help save lives.

Brandi reminded the BOH of the statistics and increased positivity rate that occurred in November, as well as the press conference that was held by city and county leaders along with Brandi and several healthcare partners. At that time, those leaders strongly urged everyone in the community to take every precaution they possibly could to be safe. This included sending out information to faith-based organizations, schools, bars, and restaurants requesting they do everything possible to keep people safe. Within a few days of the press conference the Governor imposed Tier 3 mitigations on our region.

Tanya Andricks, CEO at Crossing Healthcare, expressed to the BOH that Crossing has been working closely with MCHD and supports the work of the health department. Tanya believes that when mitigations are in place, the positivity rate, disease, and hospitalizations decline. The data has proven this. Tanya assures the BOH that the health department has been following guidance of the IDPH as she has been involved in many of the same meetings with the state and IDPH. It is important that the BOH know that Brandi and her team have taken a rational and reasonable approach to the decisions made on behalf of the public. As difficult as it has been throughout this pandemic and the impact it has had on businesses, bars, restaurants, people, and loss of life, it is important that we not lose sight of the bigger picture. Crossing is working diligently with Brandi and her team to get vaccine out to the community as quickly as possible. So, this is the path we need to take to get us out of this pandemic.

Brandi thanked Tanya for taking time to speak to the BOH in regard to the data and the fact that these measures work. Tanya has been a very valuable partner in all of this and always stepping up to help MCHD in any way and Brandi is grateful for that.

Brandi proceeded with the meeting by sharing various data with the BOH and explained how the data is used in determining the mitigation measures for the regions in Illinois.

Kevin Greenfield, Macon County Board Chairman, attended the meeting and was given the opportunity to address the BOH as he had arrived after the public comment portion of the meeting. Kevin began with thanking the board for allowing him to be present and the opportunity to speak. Kevin stated that first of all, this is not the Macon County Board against the Macon County Health Department. He has been very supportive of the Health Department and think they do a great job. The bars, restaurants, and theaters are in a financial devastation. He understands that there is a possibility of an uptick and peoples' lives are at stake, but these peoples' lives are at stake, as well. The State's Attorney has flat said that he is not going to prosecute anyone that is open for business and trying to do the right thing. Kevin proceeds to say that he is not trying to change the Health Department rules, but on the other hand, you have to do something to help these people. The County does not have enough money to offset what they are losing. If you tell a person they have to shut their business down, you should be ready to compensate them. Some of these people have invested their lives into these businesses, and we are going to bankrupt them through no fault of their own. Kevin says that he has owned a restaurant and it is hard to make a living on a good day, let alone on a bad day. We need to try and help them at this point. The State's Attorney is not going to prosecute, so what is the point of citing them. If you go around to these little towns, they have restaurants that are open. He knows Brandi has documentation showing that when the restaurants shut down, that the number of positive cases go down. Kevin is not sure if that is the only reason that the numbers went down, and guesses it probably wasn't. If you drove around at Christmas time, the parking lots were packed at Lowe's and Menards.

Kevin asked why not just look the other way and if things get worse, which they probably will some, but you cannot shut the whole economy down just because of a pandemic. We have to try and find another way to do this. There are a couple of county ordinances that the State's Attorney feels like if we change, that it will put a damper on the health department. He doesn't want to do that, but there are people going broke and they are going to open up anyway. Kevin doesn't want to see these businesses penalized for trying to save their business. It's easy for us to sit back because none of us have had to miss a paycheck. This is a tough time and a tough decision to make. Kevin wants everyone to try and find a way to work through this pandemic together. In closing, Kevin thanked the BOH for their time.

Brandi commenced with the meeting by addressing some of the points that Kevin had mentioned. As far as looking the other way, and being public health professional for 16 years, Brandi made a promise to herself, and to the BOH when she became the MCHD Administrator, that she would remain ethical and moral. She does not feel as if the health department looking the other way when businesses are violating the orders given by the Governor's office and Illinois Department of Public Health, when these orders are based on guidance received from doctors, scientists, and epidemiologists is a responsible or ethical thing to do. She understands that it may be the easier thing to do, and maybe more people would like her and the health department, but if it means saving lives then that is what her job is. Brandi's passion and career are what she is dedicated to and can speak the same on behalf of her entire team at MCHD. We are not here to be heavy-handed or to close as many businesses as we can. We are not the ones closing the businesses, the state has issued mitigation measures that should be followed to mitigate illness and save lives of our residents. It is not just the owners of businesses who are suffering, it is the employees that work there as well. If they come to work and get sick or if they are one of the many employees that call the health department saying they are terrified of losing their job because the employer is forcing them to work and be in unsafe situations. These are other things that are happening as well.

Brandi is empathetic of everyone and what they are going through right now, specifically the food establishments and other business owners who are losing what they have invested. It is not the health department being against these businesses, just like before COVID-19, we do everything during COVID compliance, enforcement, follow-up, and consultations to support these businesses. Whether it be food establishments, churches, schools, or just a retail business, our team has gone

out and toured buildings, they have done infection control reviews, reviewed plans, and have worked countless hours to try and work with businesses and support them to be open to the fullest capacity possible as well as keeping the employees and our residents safe. As we receive complaints, we go through a several step process. We go through education, friendly calls, and walk throughs, as part of the many steps we take before issuing a cease and desist order. The cease and desist order is simply us telling them to stop being in violation and become compliant. Then we will only go out again, if we receive another complaint, before we would suspend the food permit. We were not even suspending food permits until later in the year and have been doing our due diligence for months and have promised the BOH and the community that we would do that. It is important as the public health department that we prioritize public health, lead by example, and ensure that we are protecting and saving lives.

MCHD has only suspended one food permit, which was the Texas Roadhouse establishment. Other than that, MCHD has not reached that point with any other establishment. While MCHD and our city was out enforcing this, many places that were not being compliant chose to start being compliant.

Brandi had heard and Kevin may have referred to this earlier, that restaurants are considering banding together and reopening at the same time, so that MCHD couldn't possibly enforce or deal with hundreds of food establishments opening at the same time. Brandi stated that if they do that, at least it wouldn't be the health department deciding to look the other way or the county choosing to take away our ability to enforce measures that would possibly save lives and could be used to save many lives in the future. If the county chooses to take away our ability to enforce these COVID regulations, then who will do it. The only other entity willing and able to enforce is the City of Decatur. If the city chooses to not enforce the mitigations, and the MCHD is robbed of the ability to enforce, then who will do it. If you have a State's Attorney who outwardly says that he will not prosecute, who will be doing anything in Macon County to make sure mitigations are being followed.

Brandi addresses the question of why people can go to Lowe's and Menards but cannot go to a restaurant to have a meal. The difference is the limited amount of interaction with someone in a retail store versus sitting with someone for a longer period while dining in a restaurant. If you do not have sustained contact with someone who has COVID then the risk of exposure is significantly less than if you were dining with someone for fifteen minutes or longer.

As for surrounding communities, it is true that some of them do not have the support of law enforcement or government officials or simply do not have enough staff to be able to enforce mitigations. Thankfully, MCHD has an extremely strong environmental health staff that have been able to follow up on these issues. The Champaign-Urbana Public Health District is a prime example of a community that has been very strict on these things. Their numbers are reflective of that and they do have a State's Attorney that has aggressively partnered with them to ensure they are backed up as a health department.

The Governor's office said, when putting mitigations in place, that they were looking at an incubation period following the traditional celebrated holidays, of January 15, 2021. We are very close to this date and now the region is looking at the possibility of being in the red and may not be able to move out tier 3 mitigations or if we move, may only be able to move into tier 2. Brandi asked the BOH to consider, that if the ability to enforce is taken away from MCHD and the city chooses not to enforce, things may get a lot worse and there will be no one that is able or willing to do any kind of enforcement in our community. Brandi also noted while as a community we have partnered together and hope we will continue to do so, if when things are so close with a vaccine and the MCHD team and the community has worked so hard to get through this, that this is not the time to take away a responsibility of the health department that could affect our funding as a health department at a state level. There has also been talk of businesses who have taken state or federal funding and having to pay that back if they violate the governor's orders. This is not the best move of the county to appear to go against the health department by taking away their ability to enforce something that the health department is responsible for to save lives. It sets a precedent in moving forward as a community and health department with our relationship with the county board.

Kathy Wade, Director of Environmental Health, stated that since she has been with the health department for seventeen years and was under the impression from day one that a part of the Board of Health power was to help promote the suppression of disease. Now it seems the BOH is losing that power. What is going to happen the next time MCHD must close a facility regarding roaches and the county board decides it wants to change the ordinance to prevent the closure. As Brandi has said, when it comes to a pandemic, this is not the time to test the waters.

Phil Tibbs, BOH Secretary, asked when contact tracing is being done, has anything been found to be related to bars and restaurants when they were open. Brandi replied that the IDPH website has a graph that shows where cases were most exposed, and it indicates bars and restaurants. Phil also asked that with many schools opening up soon, will they be offering food service to the students. Brandi stated that food service has been provided by schools that have been open or they arrange for delivery or pick up of food if school is remote. Kathy added that when the schools open for in person learning, we will have to worry about kids and teachers eating in an open cafeteria and potentially spreading the virus. Phil stated he assumes there will be mitigations in place for the schools so avoid be close with one another. Kathy stated that there are mitigations in place with ISBE and some schools have arrangements to lessen the movement of children throughout the schools and have them eating in their classroom.

Phil added that no matter what the health department does, as a member of the board of health, he is going to back them 100%. If the county board is set on passing the ordinance change, he encourages them to pass the second option (B), which will allow the health department to have enforcement over the mitigations that limit the capacity for indoor dining.

Mary Jane, BOH Treasurer, stated that she agrees with Phil. The bottom line is, if we know what causes the rise in positivity rates and we know from the data that this is helping, and we have a vaccine on the horizon, why wouldn't we give that more time and not go back to the way we were. It is the duty of the BOH to take the philosophy of if you have your health, you have everything. Brandi commented that even with some of the cease and desist orders that we have given, one example of a place that was issued a cease and desist order for indoor dining had staff walking around without a mask, and the chef was cooking without a mask. In that case and depending on how the ordinance looks, MCHD could potentially suspend a food permit even if the establishment is in violation of these other things and will this come into question later.

Paige Toth, BOH President, asked if the board feels a need to vote on this matter. Vivian, BOH Vice-President, wanted to assure Brandi that she is behind her 100%. As board members we should at least voice our support. She agrees with Phil that if the county board is going to make any changes, that they do not take away the power of the health department. There has to be some rules and guidelines because that is what the BOH and health department is here for. If the county takes that away, then they are basically giving these restaurants a license to kill, so to speak. How many lives are you willing to risk in order to make whatever money you are going to make. Vivian added that she is on the BOH because she cares about the people in this community and their lives. Brandi is doing a great job and Vivian stands behind her 100%. Mary Jane also stands behind Brandi and the health department.

Phil wanted to know if the county board was voting on the ordinance at their meeting or is there going to be time for discussion on the mitigations lined out for the restaurants. Brandi has been advised that there could be discussion and amendments made at both the EEHW and the County Board meetings, but the goal was to vote on it at the County Board meeting unless the health department agrees to look the other way. Kevin acknowledged Brandi with, it could be a possibility.

Phil's concern is that if the wording is changed on the ordinance and it gets voted on, then the BOH has no opportunity to discuss those changes. Brandi stated that unless the BOH wanted to involve themselves in some capacity, then basically there is nothing the BOH can do at this point. One of things that Brandi and Kathy mentioned when meeting with Kevin, Julie, and Mike was that if the county is going to make this choice then MCHD would encourage businesses to follow the guidelines and recommendations to keep things as safe as possible. This information was provided to the City of Decatur as well and made it clear that the health department did not approve

of going against the Restore Illinois plan, because those are the recommendations that should be followed. However, if businesses here in Macon County are going to violate or look the other way, could you please do these things. So, if you would end up with someone getting sick then you have the names and phone numbers of everyone. This would help with contact tracing and help control some of the spread.

Paige stated that as an attorney and rule follower she struggles with someone taking away the ability of the BOH and the health department to enforce the rules that we are here to enforce. Whether or not Paige agrees with the fact that indoor dining is closed, it is the duty of the BOH to enforce the governor's plan. She is concerned that taking away the ability to enforce when things could get worse. Paige expressed to Brandi that the BOH supports what she needs to say to the County and thanked Brandi and Kathy for all their work. Paige also added she prefers the second language of the ordinance change.

### Adjournment

Vivian Goodman moved to adjourn, seconded by Phil Tibbs. Roll call. Motion carried. Meeting adjourned at 4:00 p.m.

Respectfully submitted,

Sandy DeDios  
Administrative Assistant II

President: \_\_\_\_\_

Secretary: \_\_\_\_\_

Date: \_\_\_\_\_