



AGENDA: SPECIAL SESSION

WEDNESDAY, JULY 22, 2020

WASCO COUNTY BOARD OF COMMISSIONERS

<https://meet.google.com/joo-mudn-vpm?hs=122> OR 1-502-382-4610 PIN: 321 403 268#

PUBLIC COMMENT: Individuals wishing to address the Commission on items not already listed on the Agenda may do so during the first half-hour and at other times throughout the meeting; please wait for the current speaker to conclude and raise your hand to be recognized by the Chair for direction. Speakers are required to give their name and address. Please limit comments from three to five minutes, unless extended by the Chair.

DEPARTMENTS: Are encouraged to have their issue added to the Agenda in advance. When that is not possible the Commission will attempt to make time to fit you in during the first half-hour or between listed Agenda items.

NOTE: With the exception of Public Hearings, the Agenda is subject to last minute changes; times are approximate – please arrive early. Meetings are ADA accessible. For special accommodations please contact the Commission Office in advance, (541) 506-2520. TDD 1-800-735-2900. If you require and interpreter, please contact the Commission Office at least 7 days in advance.

Las reuniones son ADA accesibles. Por tipo de alojamiento especiales, por favor póngase en contacto con la Oficina de la Comisión de antemano, (541) 506-2520. TDD 1-800-735-2900. Si necesita un intérprete por favor, póngase en contacto con la Oficina de la Comisión por lo menos siete días de antelación.

In light of the current COVID-19 crisis, the Board will be meeting electronically. You can join the meeting at <https://meet.google.com/joo-mudn-vpm?hs=122> or call in to [1-502-382-4610](tel:1-502-382-4610) PIN: 321 403 268#

We appreciate your patience as we continue to try to serve the public during this time. Please use the chat function to submit real-time questions or comments. You can also submit comments/questions to the Board anytime on our webpage: [Your County, Your Voice](#)

9:00 a.m.	CALL TO ORDER Items without a designated appointment may be rearranged to make the best use of time. Other matters may be discussed as deemed appropriate by the Board. Corrections or Additions to the Agenda
9:00 a.m.	COVID-19 in Wasco County
	ADJOURN

If necessary, an Executive Session may be held in accordance with: ORS 192.660(2)(a) – Employment of Public Officers, Employees & Agents, ORS 192.660(2)(b) – Discipline of Public Officers & Employees, ORS 192.660(2)(d) – Labor Negotiator Consultations, ORS 192.660(2)(e) – Real Property Transactions, ORS 192.660(2)(f) To consider information or records that are exempt by law from public inspection, ORS 192.660(2)(g) – Trade Negotiations, ORS 192.660(2)(h) - Conferring with Legal Counsel regarding litigation, ORS 192.660(2)(i) – Performance Evaluations of Public Officers & Employees, ORS 192.660(2)(j) – Public Investments, ORS 192.660(2)(m) –Security Programs, ORS 192.660(2)(n) – Labor Negotiations



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PRESENT: Scott Hege, Chair
Kathy Schwartz, Vice-Chair
Steve Kramer, County Commissioner

STAFF: Kathy Clark, Executive Assistant
Tyler Stone, Administrative Officer

Agenda Item – COVID-19 in Wasco County

Chair Hege opened the session at 9:00 a.m.

Public Health Officer Dr. Mimi McDonell reported that Wasco County is at 135 cases, Sherman County is at 8 cases, Gilliam County is at 2 cases and Hood River is at 135 cases. She said that they have been feeling the challenges of not having adequate turnaround time for testing. We have enough testing supplies but the turnaround for results is 7-10 and sometimes 14 days. That delay almost negates the value of testing. We expect additional guidance will be coming out today in regard to schools; the Governor is holding a press conference at 11 a.m.

North Central Public Health District Interim Executive Director Shellie Campbell said they are continuing to hire additional staff to work on contact tracing and investigations. They are also working with community partners to help with the heavy lift. She stated that different funding streams are coming into various aspects of the community. Wasco County Administrative Services Director Matthew Klebes is helping with access to funding. NCPHD continues to track expenses that are not currently funded in anticipation of future reimbursement. They are working with the schools on reopening plans which NCPHD is tasked with reviewing.

Dr. McDonell said that long-term care facilities have been mandated to perform testing of all residents and staff by September 30th. After that, staff will be tested monthly; residents weekly. OVH has already been following that protocol.

Chair Hege asked about the status of Mid-Columbia Medical Center's getting quick-test equipment. Dr. McDonell replied that they anticipate they will have the

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equipment in August but the testing supplies may not be available. We still have a shortage of the preferred kits.

Commissioner Kramer asked what the Commission can do to help with the testing and results. Is there a letter to write or a phone call to make? What can we do locally? Dr. McDonnell said in her opinion a coordinated federal response is what would be most helpful. Advocating for that would be something the Board could do. She added that she wonders if there are untapped resources at area universities - bright, talented people who could significantly contribute.

Vice-Chair Schwartz stated that the testing is of real concern especially as we look at opening schools. Commissioners might need to amp up the messaging to citizens. She reported observing groups of the weekend - 40-50 people not wearing masks or social distancing.

Chair Hege said that what he hears Dr. McDonnell saying is that the turnaround on testing and the better test kits are the main issues. Dr. McDonnell confirmed, saying that if you get a test result 10 days later, it is not particularly helpful. He asked if she hears that other counties and regions are having the same issue. Dr. McDonnell confirmed saying that the State tries to direct them to the labs that are faster but by the time an agreement is in place, many others are using that lab and it may not be any better.

Vice-Chair Schwartz said that at his recent town hall, Senator Merkley talked about the nationwide testing shortage. From his perspective, there is a lack of a national testing strategy and it is playing out in our local communities. There are spikes around the country and the supplies are going out to those areas. We are worse off now than we were months ago; that is concerning.

Chair Hege said part of the revised guidance could go back to the 10 p.m. closing of bars and change the indoor gathering sizes. We should know today.

Claire Ranit explained that she is a consultant with the Education Service District for Hood River, Wasco, Gilliam, Sherman and Wheeler Counties for emergency responses including the pandemic. The Ready Schools, Safe Learners program provides guidance and she is working with all the districts to look at the 20-21 school year. They have to elect either hybrid in-person/distance education or full distance education. Right now, all are planning some kind of hybrid model which will include cohorting classes and grades, including how to transport cohorts. August 15th is the deadline to submit plans. Public Health and School Boards will review the plans but no one is approving the plans including the Oregon Department of Education. A local authority can raise a red flag but they are not approving the plan. Some may or may not start with distance/online learning and then move to hybrid. All will be prepared to go fully distance in the case of an outbreak. There is updated guidance that will likely look at cohort sizes and

changes to mask requirements.

Chair Hege asked if they have talked about areas where there is not reliable access or any access to the internet. Mr. Ranit replied that it is a huge topic. Legislation passed last session that removed an exemption within a funding stream as it relates to cell phone charges - that increases access to a funding stream that will increase broadband, but that funding will not be accessible for the first year. Schools understand that and have been utilizing take-home packets and upload sites.

Marolyn Wilks asked what consideration is being made for children at risk. Ms. Ranit replied that there are required aspects and recommended aspects of the plans. There are requirements around high risk staff and students. They must address those needs and follow existing ORS and OARS as they relate to school nursing.

Vice-Chair Schwartz asked how a kindergartener or 1st grader will respect social distancing. Ms. Ranit said they are looking into what are the developmentally appropriate ways to do that without traumatizing the student. For instance, some daycares are using inflatable pools where a child can sit so that they are distanced. This is about risk management.

Vice-Chair Schwartz said that right now younger children are not required to wear masks. Ms. Ranit concurred, saying that it could change today. Chair Hege noted that what he has seen is that the age level could go down significantly – perhaps to 5 years old.

Commissioner Kramer stated that he will be meeting with Dufur Superintendent Henderson to get an in-depth view as to what the Dufur District is doing. He said he will report on that next week.

Human Resources Director Nichole Biechler asked how many parents may not enroll their children and how will that impact school funding. Ms. Ranit responded that ODE looks at enrollment on a 2-year, rolling calculation. They will know that this is an odd year but if the decrease continues over the next 2 years that could have a significant impact.

Vice-Chair Schwartz asked if anyone has heard about help through the CARES Act that can go to parents as they respond to hybrid distance/classroom education. She noted that there are entrepreneurs trying to fill the need but that will be expensive.

Forest Service Area Manager Lynn Burditt said that her group is working on mask guidance that they will send out to tourist sector for feedback. Washington counties are still on pause for moving through phases. The Multnomah Falls concessionaire is working diligently on one-way routes, fencing and limits to onsite group sizes. They hope to move forward in early August.

Chair Hege asked if there have been issues in the facilities that are already open. Ms. Burditt replied that there have not been any significant issues. The general challenge is that people who have not recreated before have been accessing the outdoors and learning to recreate. The waterfront parks see more have more issues than the general outdoor areas.

Association of Oregon Counties OSHA Letter

Commissioner Kramer said that this letter has been in the works for a few weeks with a number of Representatives input. There is a feeling that OSHA is not following proper procedures and rulings during the early weeks of the pandemic. Unified Command did a good job of working with OSHA and keeping everyone safe but now we feel they need to slow down the process to allow public input and participation.

Vice- Chair Schwartz commented that at the beginning of this our growers were quite concerned about quickly instituted regulations put into place for the harvest. She asked if they were able to meet those requirements.

Commissioner Kramer said he does not believe that is the issue being addressed by the letter. He said that he thinks it is the speed at which things are moving now. In the normal process there is a 180-day period for feedback. OSHA wants to move that to 45 days. We are not saying that what they are doing is right or wrong, we just want the opportunity to have the bipartisan conversation to do the best for everyone.

Chair Hege observed that the rules that were set up in an emergency were necessary; there is a concern about the permanency of the rules without a good public process. He said that he thinks that makes sense.

Vice-Chair Schwartz asked Mr. Stone to weigh in. Mr. Stone said that his only concern is the a balance between enforcement vs education. He said the businesses need help, not tickets, to get into compliance.

Vice-Chair Schwartz said that she thinks that might have been an issue in an earlier version of the letter. She said she does not have a problem with asking for a more open process as long as we can get the necessary work done. There is a disproportionate number of positives in the agricultural worker population and we need to protect them. She said that she supports the push for openness going forward.

Mr. Stone followed-up by saying that his comments were around the Emphasis Program which he thinks we need; what he does not know, is where that emphasis is in the agricultural sector.

Chair Hege said that he thinks that is the point – slow the train down so we can have input.

*****The Board was in consensus to sign the AOC letter regarding OSHA processes.*****

Commissioner Kramer asked what the vision would be for amping up our message to the public. He asked how to move that forward – radio spots, aggressive advertising, funding? He said he agrees we need to do more but we need to figure out how we do that.

Vice-Chair Schwartz said that we did do a radio spot that is airing now. She said we are also doing some social media and have a COVID page. She said she doesn't have the answer to what more we should be doing but will give it some thought. She said that although she has seen an improvement for masking, the gatherings she has seen in parking lots, front porches and parks where they are not masked or social distancing is concerning. She said she has seen that at the state level the data it is the 30-40 year-olds getting the virus and it is that age group she has observed at gatherings – they are bringing it back to their families. She said that perhaps the State can help with messaging.

Chair Hege said that he said that the guidance is that if you are outside and cannot social distance, it is a requirement to wear a mask; people have not gotten that message.

Vice-Chair Schwartz said we might need signage locally and working with businesses and park districts to remind people that it is a requirement.

Commissioner Kramer explained that this has become personal for him as he has lost a friend and mentor to COVID-19. He said he wants to make sure that we, as an organization and Board, have done everything we possibly can. He thanked Vice-Chair Schwartz for bringing the issue forward. He said he is calling on the team to advocate for this – we need to get our heads together to keep our citizens safe.

Mr. Stone reported that we have billboards going up – Meadow Outdoor has donated space for that. There will soon be a ½ or full-page ad along with the radio spots. Voluntary compliance is a hard thing and we continue to educate and inform or alternatively we shut things down which is not what we want to do. That is something to think about.

Chair Hege commented that a lot of rules are mandates but people become confused. The problem is enforcement which is limited. First we need to educate, talk with business managers and then go to OSHA for enforcement. When we went from encouraging to requiring masks, we saw a marked improvement. The issue now is the casual gathering. People need to understand that they are at risk and are

putting others at risk.

Rodger Nichols suggested that the Chamber could do an e-blast.

Chair Hege closed the session at 9:54 a.m.

Summary of Actions

CONSENSUS

- **To sign the AOC letter regarding OSHA processes.**

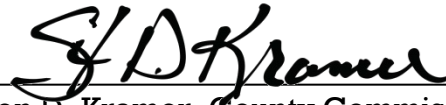
Wasco County
Board of Commissioners



Scott C. Hege, Board Chair



Kathleen B. Schwartz, Vice-Chair



Steven D. Kramer, County Commissioner

July 20, 2020

Michael Wood
Administrator
Oregon Occupational Safety and Health
PO Box 14480
Salem, OR 97309
Submitted via electronic mail.

Dear Administrator Wood:

As representatives of Oregon's 36 counties, like the State, Oregon Occupational Safety and Health Administration (OSHA), and others, we are working tirelessly to protect the health, safety, and well-being of all Oregonians. In our counties, we are balancing this with public health, economic, and other concerns that are arising related to the pandemic while continuing to provide critical everyday services to our constituents.

We are writing today to express our concerns related to Oregon OSHA rules and programs for agricultural and food processing workers implemented in response to COVID-19. Through an expedited process, Oregon OSHA promulgated temporary rules for additional sanitation, transportation, and housing measures. Unfortunately, this expedited timeline did not provide a thorough public process that could allow for those being regulated or impacted to provide public comment. Counties are hearing loud and clear from our constituents that these changes have created significant challenges and barriers for general operating needs, processes, and expenses.

During COVID-19 pandemic, it is even more critical to increase efforts to protect workers, which is why county emergency services stepped up to the plate and partnered with the State to support the agricultural and food processing industries, critical industries in our local economies. Counties supplied these industries with personal protective equipment and hand sanitizer. Individual producers and processors made the decision to proactively test workers before they were placed in farmworker housing or began to work to further advance mitigation measures. We know these actions are crucial steps to help protect vulnerable workers.

Agricultural and food processing industries have been able to obtain the necessary additional hand washing stations and portable restrooms to comply with the temporary rule. However, these industries are struggling to identify housing that will meet the new standards. Innovative and emergency housing solutions, such as use of tents to keep workers separated during their time in workforce housing are not allowed under the temporary rules, resulting in challenges with hiring migrant workforce to support seasonal harvest. Ultimately, this reduces the number of employees who are working in fields, orchards, and vineyards, reducing overall harvest.

Counties are concerned that those working to comply and create a safe workplace for Oregon workers are not being heard and that those industries are suffering. Industry has sought relief from the new, temporary rules; however, flexibility has not been granted. We ask that Oregon OSHA engage in a transparent, public rulemaking process, to allow those being impacted by the proposed rules to have the ability to voice their concerns, partner on collaborative solutions, and prepare to adapt their practices with consideration for employees; best practices; and economic impact.

Additionally, these rules were implemented and intended to be temporary to address health and safety needs during the COVID-19 pandemic. Counties are concerned that a version of the temporary rules may become permanent in October without having gone through the traditional and transparent public rulemaking process. We ask that any extension of the temporary rules continue as temporary and expire concurrently with the state of emergency declaration as intended.

Counties are also hearing from the agricultural community that Oregon OSHA is deploying an Emphasis Program on the agriculture and food processing industries due to an increase in COVID-19 positive test results in those industries. From the onset of the pandemic, counties, the State, the agricultural community, and food processing facilities have been working together proactively to protect workers. Workers are being tested in advance of housing placement to mitigate spread of the virus, adding additional sanitation options, and other workplace safety measures, such as protective plexiglass between workstations. In fact, because workers are likely to come to work even though they know they are sick, Oregon has funded the [Oregon Worker Relief Fund](#) to encourage workers to stay home by paying them wage replacement of \$430 a week, or \$860 for two weeks. These proactive measures are keeping workers safe. The Emphasis Program, however, is counterintuitive. It penalizes operations that have increased testing and is not supportive of the proactive and collaborative approach these industries, counties, and the State are focused on to promote health, safety, and well-being of Oregonians. We ask that Oregon OSHA work with the agricultural community to tailor a program that will protect workers in the safest manner possible.

Finally, Oregon OSHA seeks to develop an infectious disease standard by September 1, 2020. We are concerned about the process to prepare such a standard. Unfortunately, this one-size-fits-all approach creates an insurmountable standard for industry to meet and does not recognize unique circumstances across industry types. What is more concerning is that this broad-brush approach is being pursued in an expedited, non-transparent manner after both the State Legislature and Congress have raised strong concerns and have elected not to pursue such a standard. We are concerned about the impact of such a standard at such a challenging time not only for our agriculture and food processing industries but also other industries, and particularly as they do not appear to have a seat at the table. We ask that Oregon OSHA take heed of the concerns expressed at the federal and State levels and include industry in the discussion by making this a fair and transparent process.



We are all navigating the challenges surrounding the pandemic and trying to best support the safety, health, and well-being of Oregonians. As the direct responders in this pandemic, counties ask that Oregon OSHA:

- Provide a transparent and open process for rulemaking to allow for public engagement;
- Consider modifications to the existing temporary rules; and
- Take a collaborative approach to addressing workforce safety that takes into consideration unique industry needs.

Counties, employers, workers, and the State are all partners in our responses to the COVID-19 pandemic. Thank you for your partnership and your consideration of our requests at this critical time.

Respectfully,