



The McLean County Board of Health
Thursday, May 21, 2020, 5:30 p.m.
Government Center
115 E. Washington, Room 404, Bloomington, Illinois.

Minutes

1. Call to Order: 5:30 PM

2. Roll Call

Members Present: Carla Pohl, Hannah Eisner, Sonja Reece, Cory Tello, Robert Kohlhase, Scott Hume, Susan Schafer, Richard Ginnetti, Alan Ginzbuerg, Judy Buchanan

Members Absent: None

Staff Present: Jessica McKnight, Tom Anderson, Kim Anderson, Amy Brooke, Cathy Coverston Anderson, Tammy Brooks, Jessica Woods, Don Knapp, Camille Rodriguez

3. Public Participation: Emails/letters received are attached at the end of this document. These were read at the beginning of the meeting.

NOTE CHANGE: To promote health and safety, we encourage the public to follow the Gubernatorial 'shelter in place' Executive Order. Therefore, in addition to standard (in-person) public comments at the McLean County Board of Health meetings, we will accept public comment via email as an option for this meeting.

Individuals or groups can email statements to the Administrative Support Specialist at health@mcleancountyil.gov by Wednesday May 20, 2020 at 5:30 pm.

Statements received by the deadline will be read aloud as part of the record, pursuant to the time parameters in McLean County Board of Health Bylaws (individuals, three minutes; groups, five minutes). The entirety of the statement will be placed in the official minutes, even if the statement reads longer than the time limit allows.

We take very seriously the Centers for Disease Control and Prevention (CDC) recommendations to socially distance and the Governor's Executive Order 202010, wherein no more than ten people can convene in one place. We encourage you to submit your public comment via email.

If you choose to provide comment in person, requests must be received by McLean County Health Department by Tuesday, May 19, 2020 at 5:30 pm to health@mcleancountyil.gov. Upon submission, you will receive written instructions regarding how to enter the Government Center (which is now closed to the public). McLean County Board of Health rules allow for a total maximum of 15 minutes allotted during

each meeting. Public comment and the emailed comments will proceed in the order in which they are received.

Finally, the public will be able to view the McLean County Board Meeting, live, on Facebook and YouTube. Links can be found at <https://www.mcleancountyil.gov/>

4. Discussion Items

A. Review plans to reopen Illinois during the COVID-19 pandemic: Restore Illinois, Heart of Illinois Reopening Plan, County Board Member Erickson's Plan

1. Health Department role and capacity
2. Recommendations for the County Board

Jessica McKnight (JM) began the meeting by discussing contact tracing, testing, and seeking a collaborative effort towards voluntary compliance. The McLean County Health Department (MCHD) has six trained contact tracers and is looking to train additional staff. Each trained staff can manage twenty cases. This allows MCHD to manage 120 active cases with the current staff. In May the average case load for the entire department was 34. In addition, MCHD will be receiving money for additional contact tracers and technology for contact tracing.

Having a robust testing capacity is important. Everyone needs to have access to testing. MCHD has learned that the Community Based Testing Site (CBTS) will continue even though the Illinois National Guard will no longer be a part of the site. The site will continue to be coordinated with IDPH.

State's Attorney Don Knapp (DK) shared that he has been meeting virtually with Jessica McKnight, Tom Anderson, County Board Chairman John McIntyre, Camille Rodriguez, and various County Board members. The Illinois Department of Public Health Act will control any enforcement action the State's Attorney's Office takes. This act states that the local health departments, as extensions of the Illinois Department of Public Health, are the supreme authority in isolation, quarantine, and closure.

Enforcement under the Illinois Department of Public Health Act, is a three-step process:

- If the Health Department determined in their reasonable judgement that immediate action was necessary to protect the public from a dangerously contagious or infectious disease, the Health Department could padlock the doors of a business. Before this could happen, they would need to document actions to seek voluntary compliance. If they could not get voluntary compliance, then they could padlock the doors.
- Within 24 hours of a written isolation or quarantine order, notice would need to be served. There are 11 different requirements in that notice. One requirement is that people are entitled to council and entitled to council paid for by the government if they are indigent. This must contain a statement that anyone under an isolation, quarantine, or closure may request a review of the order.
- Within 48 hour a written notice must be executed in the Circuit Court to keep the person or group of persons isolated or a business closed. This notice comes with very stringent rules. Part of the pleading efforts include our ability to prove that there is no

other less restrictive means to stop the spread of the dangerously infectious and contagious disease. DK has developed a checklist of what evidence would be needed before proceeding to file that petition. To the best of his knowledge, no one has been sanctioned for following the Illinois Public Health Act. There are scenarios where violating the Governor's Executive Order, the Restore Illinois Plan (RI), or the Heart of Illinois (HOI) Plan might allow the filing of a petition. There are also scenarios where a technical violation of one or the other would not be enough to file.

Hannah Eisner stated that it appears it would be difficult to enforce violations. Do we have the authority to enact a less stringent plan than the state? Are there consequences to us if we do so? One of the roles of the Health Department is to protect the public from communicable disease within the guidelines from the State Department of Public Health. She expressed concern that grant funds might be in jeopardy.

DK stated that the Board of Health's enabling legislation, 25013 talks about not forcing you to act in violation of the Illinois Department of Public Health. What regulation of the Illinois Department of Public Health has been passed? The only regulation that has been passed was making it a class A misdemeanor to violate three edicts. Restore Illinois is not in the Administrative Code. It may not be in the Executive Order. If the Illinois Department of Public Health would like to sanction us for violating one of their regulations, he would recommend that they make that a regulation. They could make Restore Illinois an emergency rule. Regarding funding, the Governor probably can pull various funding from the Health Department. The property tax levy for the health is 3.666 million dollars out of a 9-million-dollar budget. The County Board also can pull funding from the Board of Health. There is a risk either way.

Cory Tello (CT) asked DK how it would be handled if someone in an establishment was refusing to wear a mask.

DK shared that they have worked through several scenarios with pastors and businesses, etc. Ultimately, he believes it will be a case by case analysis of each situation. It would have to be determined if it violates the Illinois Department of Public Health Act. The first step would be to seek voluntary compliance. There are a million different factors.

Alan Ginzburg (AG) stated that both plans rely on social distancing and masking. The Heart of Illinois plan (HOI) has an earlier opening time for businesses like bars. What if you have a business that makes it impossible to follow social distancing. How can you social distance and mask in a bar?

DK stated that by the time an order is sought, it must be proven that the order sought is the least restrictive means that can be taken to stop the spread of the disease. Who is going to testify to say that the least restrictive means we can take is to close this business? What will their answer be when asked why 300 people can be at Menards or Lowes? He would go through the Administrative Code and the Illinois Department of Health Code with each scenario. He would walk through many different solutions. He also noted that the Health Department is not the only enforcement agency in town.

Richard Ginnetti (RG) recognized that everyone comes into this with their own potential biases based on what is happening. He went to the CDC site and looked at the CDC plan dated May of 2020 to reopen America. He read a couple of lines from page 6. “The plan to ‘Open Up America Again’ uses a three phased approach for reducing community mitigation measures while protecting vulnerable populations. This phased approach can be implemented statewide or community by community at the governor’s discretion.” It is community by community at the governor’s discretion and not at the discretion of local government. That is the CDC recommendation. If we have something like this out there, where does this put this board or the McLean County Board in making recommendations that go against the CDC?

DK stated that he goes back to the Illinois Department of Health Act. Satisfying CDC guidelines can be a method of determining what is a dangerously contagious and infectious disease. There is nothing in the CDC or federal guidelines that would invalidate the Illinois Department of Public Health Act. Constituents are looking for as much information as they can get about reopening. Having that information is just a piece of information.

Susan Schafer (SS) asked for a definition of dangerously infectious and communicable disease.

DK stated that it is defined in the Illinois Administrative Code as an illness due to a specific infectious agent or its toxic products that arises through transmission of that agent or its products from and infected person, animal, or inanimate reservoir to susceptible host either directly or indirectly through an intermediate plant or animal host, a vector or the inanimate environment.. It may have or pose an imminent and significant threat to the public health resulting in severe morbidity or high mortality. To implement this part of the code, he would need to know exactly what the morbidity and mortality are, how it is defined, and how is it better or worse than anything else in the public. Who will testify with that if he needs to go to court? Can we meet that criteria?

HE observed that the HOI sets staggered openings at certain occupancy rates. There may be enforcement taken if they exceed those capacity limits. There may be different enforcement than closure or looking at the disease. Who would enforce these? How binding are those occupancy rates?

DK stated that this would depend on the laws sighted in the plans and the ones they are seeking to enforce. Units of government enforce occupancy rates on a regular basis.

Members discussed concerns and positives for the HOI plan:

Concerns:

- Extra duties of Health Department employees (ex: numbers would need to be entered in a special dashboard).
- Testing capacity
- Ability to supply the required metrics (Necessary metrics are automatically supplied through IDPH if using the State’s Restore Illinois Plan):
 - Ventilators
 - Admissions

- ICU Beds
 - Each hospital has its own surge plan. Other beds may be converted into ICU beds if needed. We need to recognize that we might be used as overflow for people outside of our community. Example, Woodford County is next to McLean County. They do not have any ICU beds, so McLean County ICU beds could be taken up by out of county residents.
 - Hospitals can close some services (ex: elective) to increase the number of ICU beds. This impacts the ability to accurately determine capacity.
 - ICU beds and ventilators have not been an issue so far. However, as society opens, that could become an issue.
- Hospitals each have their own surge plan. They have not coordinated with each other.
- Finding the positivity rate could be challenging. It would require sorting through the antibody and PCR testing. They are currently reported as a lump sum.
- Peoria has not proceeded with the plan. No other county has proceeded.
- Metrics can look different depending on which counties are included.
- HOI and Restore Illinois (RI) do not start in the same place. In RI we know we are in phase 2. Do we know if we are in phase 1 of the HOI plan? We have incomplete data to be able to determine this. However, it is possible that McLean County would fall in phase 1 of the HOI plan.
- Peoria County is driving the HOI plan but no one else has voted on the plan at a County or municipal level. HOI was initially developed solely for Peoria County. They included other counties after looking at commuter data. They were amid development of HOI when RI came out.
- It appears that the HOI plan jumps us immediately into what would be considered phase 4 in the RI plan.

Positives and/or answers:

- MCHD recently learned that Redditus will be taking over the Community Based Testing Site.
- Hospitals report on admissions, ICU beds, ventilators, etc. twice a day. We have access to this, but it will take manpower to pull it. It is raw data.
- With the additional grant funding we are receiving, we could hire someone to do data management.
- A community engagement group has set up an on-line portal to provide self-certification of reopening guidelines. The Health Department has gotten several requests for guidance from businesses. It will be helpful to have this to send them to.
- RG stated that the hospitals have not been stretched in terms of ICU since this struck. However, as elective procedures increase, ICU beds will decrease.

Members discussed the issue of liability. Is it legally binding if the plan is adopted?

Jessica Woods (JW) stated that she was not sure without researching what liability would be attached with adopting the plan.

DK addressed the questions of liability. He asserted that we can get sued at any time for anything. There

is probably no increased or decreased liability if action is taken on the plan. For example, if the mortality and morbidity come back very low and in two years we find out it doesn't meet the definition of a dangerously contagious and infectious disease or we find out the RI plan is unconstitutional then we've taken action to violate someone's civil rights. There's statutory immunity in both the Emergency Management Agency Act and the code of Civil Procedure that applies. Our liability depends on the actions we take. If we strictly enforce the Illinois Department of Public Health Act, we satisfy our obligations and have incredibly limited liability.

The value in the discussion the Board of Health is having here and with the County Board is in signaling when you would take enforcement action and what that action would look like.

Tom Anderson (TA) stated that we seek voluntary compliance and education before jumping to enforcement. There are a lot of steps we would need to take before asking Ms. Woods or Mr. Knapp to lock up a business or pull their permit.

HE noted that the County Board has an action item on May 28th to approve the HOI plan. If the County Board approves it, would we begin operating under it immediately?

DK stated that the resolution has not yet been drafted. He believes that it will state that the HOI plan will immediately be implemented. However, that could be changed or amended at any time.

Members discussed the public safety aspects of the plans. They also discussed if all 11 counties in the plan had to approve the plan for it be implemented. It appeared that one or two counties could move ahead without the others. It was noted that the HOI plan is a guideline. There could be some differences in enforcement.

Camille Rodriguez (CR) stated that when HOI was introduced, there had been initial support from elected leaders. However, that didn't mean that it would be adopted. The understanding was that the HOI plan would be sent to the governor and IDPH for their thoughts on the plan. To her knowledge, no votes have been taken. Many of those officials said they supported sending it on for evaluation from the Governor and IDPH. It did not guarantee that they would adopt it.

AG stated that the huge difference in the HOI and RI plans is how aggressive they are in opening. Businesses favor HOI because it opens everything faster. This is especially true for restaurants. How do you open a bar and social distance? Even opening a restaurant at 50% capacity, you are inviting people to take their masks off. You are inviting people who are not related to spend time together. When Wisconsin bars opened, it turned into a big party. That would be more responsible for the spread of COVID-19 than anything else. COVID-19 is highly contagious. We have been lucky because we do not have population density.

AG stated that the other concern is that since we have not had a large spread, we are fertile ground. We don't have immunity because we have been less exposed to it. In New York, they are estimating that there is 20% immunity to the virus. That is the highest of any area in the world that they know of. Our immunity is practically zero.

SS stated that weighing enforcement, health, and businesses is a catch 22. The County Board and the

municipalities are looking for guidance. We are seeing many issues other than virus. There are mental health problems and other long- and short-term impacts. It was indicated that HOI might be tweaked. Do we want to say that we could do the HOI plan if it were tweaked?

RG stated that he is not in favor of tweaking plans. No one knows the effects of any recommendations. We need to determine what is safe to do. It is more contagious than the flu and much more deadly. It will spread the more people are together. Any guess is an educated guess with not much science behind it. There is risk in which ever decision is made. We cannot assume there is no risk in opening up. It is contagious. People do get ill from it.

Judy Buchanan (JB) expressed that the County Board was asking for the Board of Health's input. This is an opportunity to share reservations and concerns. Is it doable and safe from a public health standpoint? What can we do and what can we not do? We need to inform them of what we think we can do.

HE stated that they are relying on the Health Department to implement the plan. To be honest, businesses are anxious to open. We must determine if we can deliver on this plan. The doctors are saying there is a risk of transmission. Are we even within those phase 1 metrics? We need a baseline. Our rate of infection is not going down. There are new cases daily.

JB stated that now is the time to share our reservations with the County Board.

SS asked if it is an issue of capacity, what do we need to do to get to capacity? It is important to quantify it in terms of dollars and people. The County Board needs to know what is needed to make the plan doable.

Sonia Reece (SR) noted the shorter timelines in each phase in HOI. Business owners are concerned about the length of time it will take to fully reopen.

Carla Pohl (CP) stated that we cannot stay closed forever and do not know what will happen when we reopen. A key is knowing what the Health Department can monitor and respond to if there is a huge outbreak. We also need to know that the hospitals will not be overwhelmed.

CT stated the need to know the key factors that must be in place before we feel we can move forward. What should our plan be for testing? How long will it take to have contact tracing in place?

JM stated that we have 90% complete for testing and contract tracing. The IDPH community-based testing site is planning to continue for an undetermined amount of time. The goal is to have something in place the second or third week of June to assist the Federally Qualified Health Center in expanding their capabilities. We have six staff that have been doing contact tracing for their jobs and at least six more internally that we are looking at training. She expressed some comfort level with where we are now in planning for a surge.

CT asked about testing for rural areas and transportation.

JM stated that there are plans for there to be walk up testing and to have a mobile site.

CP refocused on the recommendations to the County Board. She stated that it will take time to hire and train contact tracers. They need to know about confidentiality. She noted that the dashboard is available so that businesses can do a self-assessment about their readiness to reopen.

JM noted that the self-certification is not mandatory but allows them to know what the guidance and compliance would look like.

Members discussed the self-certification process. HOI suggests a 90% metric. There is not metric in RI for self-certification of businesses.

JM confirmed that she will attend the County Board meeting next week.

RK summed up the situation. There is a need to focus on what we can control. People in the community want consistency and fairness in terms of being open, masks, and other preventative measures. Ideally, we need to give our administrator some direction and get past questions that don't have answers. What resources do our staff need?

JM stated that we need to reassess with the new information. What resources our staff need has changed in the last 24 hours.

SS stated that it would be helpful as she reassesses to include looking at the potential impact into next year. There is a sustainability issue. Will those people be temporary or until we have a vaccine? This is a high priority for the County Board right now. It is important to be clear about the probable impact into next year.

SR stated that the business community is looking to hear what we can do. They know that it isn't going to be open the door and back to things as if it were last January. Communication is key to helping the business community become a partner.

Members asked JM to write a recommendation based on the concerns that have been expressed.

RK emphasized that the Board of Health is 100% behind Ms. McKnight. People are looking for direction. He also noted that with the timing of things, HOI and RI might be on similar time frames.

Members discussed a possible additional meeting but decided against it due to time constraints and confidence in Ms. McKnight.

JM will put the information together in a document for the Board of Health and the County Board.

5. Action Items

A. **Approve recommendation to the County Board regarding the proposed plans for reopening Illinois during the COVID-19 pandemic.**

Motion by Reece/Ginzburg to approve recommendations to the County Board for the proposed plans for reopening Illinois during the COVID-19 pandemic.

6. Adjournment: 8:15 PM

Motion by Reece/Tello to adjourn.
Motion carried.

Fields, Jonathan

From: noreply@civicplus.com
Sent: Thursday, May 21, 2020 6:16 AM
To: McLean County Health Department
Subject: Online Form Submittal: Contact Us

Contact Us

Let us know if you have a question, comment, or request. Answering your questions and resolving issues are a top priority for us.

Please complete the following fields to the best of your ability. We will be able to review your email during office hours, 8:00 a.m. – 4:30 p.m. Monday through Friday, except holidays. If your inquiry needs immediate attention and the McLean County Health Department is closed, please contact PATH at 2-1-1 or 1-888-865-9903 for assistance.

First Name:	Dave
Last Name:	Reynolds
Address:	1303 W Chestnut St
City:	Bloomington
State:	ILL
Zip:	61701
Email address:	drenney6@gmail.com
Phone number:	3098248737
Preferred method of contact:	Email
How may we assist you?	It is time for businesses to reopen. Simple rules and common sense can be implemented. Mental health is becoming a major issue and folks need to get out. Please make this happen. Thank you for your consideration.

Email not displaying correctly? [View it in your browser.](#)

Fields, Jonathan

From: noreply@civicplus.com
Sent: Thursday, May 21, 2020 8:21 AM
To: McLean County Health Department
Subject: Online Form Submittal: Contact Us

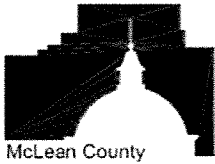
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First Name:	Kim
Last Name:	TACKETT
Address:	1714 Blue Spruce Ct
City:	Normal
State:	Illinois
Zip:	61761
Email address:	vetcasey@msn.com
Phone number:	3098623993
Preferred method of contact:	No response required
How may we assist you?	My husband, Greg, and I wish to ask the McLean County health department board members who will be reviewing the Heart of Illinois reopening plan submitted by the McLean County Board to support this HOI reopening plan. After talking to many nurses and doctors in our community along with many business owners and their employees who are in grave danger of losing their businesses and livliehoods, we feel the time had come (and passed) to reopen our community. The health risk in our area has been minimal, and we are now fully equipped to handle additional cases of Covid 19 as they come up. We urge you to support this HOI plan and encourage the McLean County Board to pass it. Thank you for your consideration.

10:06 AM



JOSH W. BARNETT
McLean County Board, District 10
Property Committee Chairman
115 E Washington St, FLR 4, Bloomington, IL 61701

May 21, 2020

Carla Pohl, DNP, APRN-CNM
President, McLean County Board of Health
200 W Front St
Bloomington, IL 61701

Dear Dr. Pohl and members of the Board of Health,

This past Tuesday, the McLean County Board approved sending a letter to the US Department of Health & Human Services and the Illinois Department of Public Health asking that the COVID-19 testing site that is housed at the Interstate Center, and administered by these two departments, remain here. Despite this effort and numerous phone calls made by me and other local officials, IDPH has announced that the testing site will move to Peoria this Friday afternoon. While this is a tremendous disappointment, it also provides an opportunity to local leadership and action for COVID-19 testing.

I am writing to express my support for a collaborative and community-wide effort, led by the McLean County Health Department, to implement COVID-19 testing in Bloomington/Normal. While the testing may or may not be conducted by our Health Department staff, they are uniquely positioned to coordinate such an effort with local health systems, social service agencies, and key community partners.

Availability of testing at multiple sites for the masses is not only critical to first responders, health care workers, and those working in businesses, but to our community and county as a whole. The current drive-up testing site at the Interstate Center is a model that has worked well for many, but consideration should also be given to walk-up testing placed in neighborhoods with limited transportation options. I would also encourage you to contemplate a roving testing site that serves rural communities. If additional support or funding is needed to implement locally coordinated COVID-19 testing, please let me know. I stand ready to work with you and my County Board colleagues to provide whatever resources are necessary to implement a robust testing plan.

Thank you for your consideration of this request. We are living through a difficult situation that has forever changed our society. I appreciate you and our Health Department staff's dedication and service during this global pandemic.

Sincerely,

Josh W. Barnett
McLean County Board District 10

Cc: Jessica McKnight, Health Department Administrator
Chairman John McIntyre, McLean County Board
Camille Rodriguez, County Administrator

Fields, Jonathan

From: noreply@civicplus.com
Sent: Wednesday, May 20, 2020 12:37 PM
To: McLean County Health Department
Subject: Online Form Submittal: Contact Us

Contact Us

Let us know if you have a question, comment, or request. Answering your questions and resolving issues are a top priority for us.

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First Name:	Marshall
Last Name:	Elkin
Address:	22053 SKYLINE CT
City:	carlock
State:	IL
Zip:	61725-9671
Email address:	meelkin@frontier.com
Phone number:	309-376-9102
Preferred method of contact:	Email , No response required
How may we assist you?	We would like to direct our request to susan@schafer9.com in favor of the HOI plan to open local businesses as soon as possible to prevent further deterioration to our market and community. Many business in this community are hurting and need quick action to put local business back in action.

Email not displaying correctly? [View it in your browser.](#)

McKnight, Jessica

From: Rodriguez, Camille
Sent: Thursday, May 21, 2020 3:39 PM
To: McKnight, Jessica
Subject: FW: Public Comment Board of Health Meeting
Importance: High

From: cnelaw1@aol.com <cnelaw1@aol.com>
Sent: Thursday, May 21, 2020 3:10 PM
To: Rodriguez, Camille <Camille.Rodriguez@mcleancountyil.gov>; Knapp, Don <Don.Knapp@mcleancountyil.gov>
Subject: Public Comment Board of Health Meeting

To the Honorable Members of the Board of Health,

Thank you for the opportunity to address you. I will be brief.

I listened to the Board of Health meeting on May 13. On three separate occasions, the Board of Health sought guidance from the county board. The county board has provided guidance in that we are asking you to consider the Restore Heart of Illinois Plan (hereinafter "HOI Plan") authored by the City of Peoria, Peoria County and the Peoria City/County Health Department.

The HOI Plan is bi-partisan, data-driven, and has broad support from the political, business and medical community. Bringing together Republicans, Democrats and the business and medical community has not been easy in these COVID-19 days. This plan does so. It happened in Peoria County. It should happen here. The HOI Plan is endorsed by the McLean County Chamber of Commerce, McLean County Farm Bureau, OSF Healthcare, UnityPoint Health and Heartland Health Services. Additionally, Peoria Health Administrator Monica Hendrickson, who helped author the HOI Plan, is a trained epidemiologist.

Yesterday, the Governor made some minor revisions to his Restore Illinois Plan. In a perfect world, he would continue to move other matters up, particularly for regions like McLean County that are further ahead. The situation is fluid and changes every day. But the reality is businesses don't have the luxury of hoping the Governor makes further revisions to his plan. Some won't make it until they can reopen for indoor dining at the end of June.

While I appreciate the Governor being more flexible with his plan, the restaurant owners with whom I have spoken still prefer the HOI Plan. As such and for other reasons, I still believe it is the plan we should choose.

It is my hope you will figure out how we can move forward with the HOI Plan while still providing the residents of McLean County with testing opportunities. The county board stands ready to partner with you.

Chuck Erickson
Member, McLean County Board, District 10
Resident of the City of Bloomington