



Clallam County Department of Health and Human Services

111 E. 3rd Street • Port Angeles WA 98362 Phone: 360-417-2274 Fax 360-452-4492

October 15, 2021

To: Clallam County Board of Health
From: Kevin LoPiccolo, HHS
Re: October 19, 2021 Board of Health Meeting

Included in next week's packet is the following:

- Agenda
- Draft minutes from September 21 & September 28, 2021 (Special Meeting)
- Staff Memorandum – Discussion of Public Health Staffing Needs
- Washington State Board of Health Hearing Packet regarding Dr. Berry
- October 8, 2021 email from Rose Marschell to BOH

I hope everyone enjoys their weekend.

Kevin



CLALLAM COUNTY BOARD OF HEALTH

AGENDA of October 19, 2021 @ 1:30 – 3:30 pm

Clallam County Courthouse

Board of Commissioners Meeting Room 160

223 E. 4th Street

Port Angeles, WA 98362

****ATTENTION****

In response to the pandemic, and to be in compliance with the Governor's Proclamation and the recommendation of the Clallam County Health Officer, the Board of Health meeting will be conducted virtually. No attendance allowed. Public comments are strongly encouraged to be submitted in writing, if possible.

This meeting can be viewed on a live stream at this link: <http://www.clallam.net/features/meetings.html>

If you would like to participate in the meeting via Zoom audio only, call 253-215-8782 and join with Meeting ID: 935 7343 5754 and Passcode: 095863

If you would like to participate in the meeting via Zoom video conference, visit <https://zoom.us/j/93573435754> join with Meeting ID: 935 7343 5754 and Passcode: 095863

Public comment and questions can be directed to the Clerk of the Board at 360-417-2276 or cthompson@co.clallam.wa.us.

- Call to Order
- Roll Call
- Request for Modifications/Approval of Agenda
- Approval of Draft Meeting Minutes for September 21 and September 28, 2021 (Special Meeting)
- Public Comment for Agenda Items – *Please limit comments to three minutes*
- Introductions
- Presentations and Discussion
 1. Marketing Presentation by Black Ball Ferry
 2. Public Health Staffing Needs
 3. Board of Health Membership
 4. Washington State Board of Health Decision
- Old Business and Information Items
- Health Officer
 - COVID-19 Update
- Environmental Health Director
- HHS Director
- Future meeting agenda items
 1. Clallam Health Network
 2. PIC (Pollution, Identification and Correction) Update
 3. Systemic Racism
 4. Vaccination Rates

5. Chronic Disease CHIP
 6. Air Quality and Noise Ordinance
 7. Climate Change
 8. Update on Behavioral Health Organization (BHO)
 9. Olympic Peninsula Healthy Communities Coalition
- Public Comment – *Please limit comments to three minutes*
 - Adjournment

NEXT MEETING – December 21, 2021

INSTRUCTIONS FOR SPEAKING AT A BOARD OF HEALTH MEETING:

- Members of the public wishing to address the Board on general items may do so during the designated times on the agenda.
- Members of the public wishing to comment at the public hearing are asked to sign in on the sheet provided giving their name and address.
- The Chair may limit the comment period to 3 minutes for each speaker subject to Board concurrence.
- Speakers, generally, will be heard in the order they signed up. All comments must be made from the speaker's rostrum and any individual making comments shall first state their name and address for the official record.
- General comments, applause, booing from members of the audience are inappropriate and may result in removal.

These guidelines are intended to promote an orderly system for conducting a public meeting/hearing so that each person has an opportunity to be heard and to ensure that exercising their right of free speech embarrasses no one.

Note: Written testimony presented by members of the public during the Board meeting is considered a public document and must be submitted to the Clerk of the Board. Copies of public documents from Board meetings are available by contacting the Public Records Department.

Members:

Chair, Navarra Carr; Vice Chair, Dr. Gerald Stephanz; Don Lawley; Shahida Shahrir; Mark Ozias;
Randy Johnson; Bill Peach

Health and Human Services Staff:

Dr. Allison Berry, Health Official; Kevin LoPiccolo, Director;
Jennifer Garcelon, Environmental Health Director; Celia Thompson, Clerk of the Board

SEPTEMBER 21, 2021
DRAFT MINUTES



CLALLAM COUNTY BOARD OF HEALTH
MINUTES of September 21, 2021 @ 1:30 pm – 3:30 pm
Clallam County Courthouse
Board of Commissioners Meeting Room 160
223 E. 4th Street Port Angeles, WA 98362
Meeting was held via Zoom (Video conference)

REGULAR MEETING OF THE CLALLAM COUNTY BOARD OF HEALTH

- **Call to Order:** The meeting was called to order at 1:30 p.m.

Roll Call: Members present were Commissioners Johnson, Ozias and Peach, Chair Navarra Carr, Vice-Chair Dr. Gerald Stephanz, Shahida Shahrir and Don Lawley. Health and Human Services represented by Dr. Allison Berry, Health Officer, Kevin LoPiccolo, Director and Jennifer Garcelon, Environmental Health.

- **Request for Modifications/Approval of Agenda**

ACTION TAKEN: Dr. Berry requested that the Covid 19 update be move to the first order of business, followed by Public Comment.

The Board had unanimous consent to approve the agenda with the modification made by Dr. Berry.

- **Approval of Draft Meeting Minutes for August 17, 2021**

ACTION TAKEN: The Board had unanimous consent to approve the meeting minutes for August 17, 2021.

- **Public Comment for Agenda Items**

None

- **Introductions**

None

- **Presentations and Discussion**

None

- **Old Business**

None

- **Health Officer COVID-19 update:**

Dr. Berry spoke on current statistics of cases and discussed that there is a statewide shortage of resources and beds. Due to COVID-19, the strains on our hospitals continue. Our healthcare workers and Public Health Department staff continue to feel the impacts associated with the high number of cases.

- **Public Comment**

The following testimony was all conducted via Zoom and by telephonic communication. The testimony provided to voice support and non-support for the restaurant/bar vaccination identification mandate. The following people spoke: Paul Kolesnikoff, Joe Kunzler, Karen, Renee, Gayle, Michael's Ipad, Rochelle Hermann, Brandon, Dale, Jess Doenges, Dr. Bistrika, Rev. Karen

Schomburg, Liz Bumgarner, Ileana Murphy Haggerty, Jim McEntire – PABA, phone number ending in 6600, phone number ending in 5790, Jody Dotson, Thomas Erickson, Brianna Dalton, Danielle Lawrence, Gary's phone, Lauren Churchill, Joy, Haley, Matt Jordan, Jesse Farmer, Bob Wheeler, phone number ending in 1245, device number 643730, Rick Marschal, phone number ending in 7480, Anthony, Steffan Heydon, Dalton-phone number in 5790, Ed Chadd, Timothy Wheeler, phone number ending in 4462

The following people sent in written testimony (attached): Jodi Dotson, Johnathan Pasternack, Nancy Ahlstrom Stephanz MD, Jan Thatcher Adams MD, Nicole Blackburn, Ileana Murphy Haggerty RN, Haley Ray, Nancy Schmidt, Jim McEntire - Port Angeles Business Association, Rick Goette-New Moon Craft Tavern, Stephanie Bennett, Mark Redlin, Matilda Redlin, Jeanette Stehr-Green, Elaine Baker, Peggy Goette, Gary Heaton, Lori Fleming, Kjersti Reed, Cynthia Eaton, CV Wells, Eileen Cummins, Renee Renninger, Dr. Vicki Delorey, Ellen and Scott Menshew

- **Environmental Health Director**
None
- **HHS Director**
None
- **Adjournment**
Meeting was adjourned at 4:38 p.m.

Next Meeting – October 19, 2021

PASSED AND ADOPTED this _____ day of _____, 2021

CLALLAM COUNTY BOARD OF HEALTH

Navarra Carr, Chair

Allison Berry, MD, MPH, Health Officer

ATTEST:

Celia Thompson, Clerk of the Board

Jodi Dotson

Thompson, Celia

From: Ozias, Mark
Sent: Monday, September 20, 2021 2:28 PM
To: Thompson, Celia
Cc: Halencak, Morgann
Subject: Fw: Stop the madness from Dr. Berry
Attachments: Letter to Board of Health Clallam County.docx

I think this just came to me Celia,

Mark O

From: Jodi Dotson <Jdotson_991@outlook.com>
Sent: Monday, September 20, 2021 2:07 PM
To: Ozias, Mark
Subject: Stop the madness from Dr. Berry

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

Hello to Board of Health,

Please read and make the right choice to stop the madness.

Thank you,
Jodi Dotson

Sent from Mail for Windows

September 20, 2021

Dear

I am writing to you on behalf of the citizens of Clallam and Jefferson Counties. This vaxx mandate is merely a way to divide the citizens and force hatred amongst us. There is no reason why this should be happening except it is a control agenda pushed by the Biden administration. Many people have already been harmed physically, psychologically and emotionally from the fear. Now Dr. Berry takes it upon herself to push the mandates of requiring a Vaxx passport? I am bewildered, why would a human being push such a toxic and deadly shot to the public, unless there was an alternative motive? The more I learn about this shot the more disgusted I get towards public servants. Anyone who has the medical knowledge of the human immune system, and its capabilities knows that a 99.8% mortality rate is optimal. I encourage all of you to dig deeper into this push for vaccination and ask your self WHY?

This behavior from a person who is supposed to look out for your wellbeing is a unforgiveable offense. Many businesses have gone along with this because Dr. Berry is having people watching the businesses. This is something one would see in a movie not in our communities. Why is she allowed to run a muck like this and put people in harms way?

I am asking you to do your due diligence in stopping the madness in our communities and save some lives. Many people need to work, and many people deserve freedom and liberty to make their own choices. Not choices stated by a dictator or abuse from a tyrant.

Thank you,

Jodi Dotson

Thompson, Celia

Jonathan Pasternack

From: Gerald B. Stephanz MD <gbsjrmd@sisna.com>
Sent: Monday, September 20, 2021 10:07 PM
To: Thompson, Celia
Subject: Fwd: In support of Dr. Allison Berry, Clallam County Health Officer

Follow Up Flag: Follow up
Flag Status: Flagged

Ms, Thompson:

Could you please forward to the BOH.

thank you,

dr s

Begin forwarded message:

From: Jonathan Pasternack <pasternackmusic@gmail.com>
Subject: In support of Dr. Allison Berry, Clallam County Health Officer
Date: September 20, 2021 at 9:52:23 PM PDT
To: gbsjrmd@sisna.com

Dear Dr. Stephanz,

As a Port Angeles resident since 2015, I am writing to voice my strong support and deep appreciation of the courageous work being done by Dr. Allison Berry and her staff to protect from possible infection, hospitalization and death, as many of our fellow Clallam County citizens as possible during the on-going COVID-19 pandemic.

It is clear to me that Dr. Berry's efforts are motivated by compassion, not by politics, and are informed by reason and the best practices and procedures of scientific inquiry, not by pandering or succumbing to irrational fear or self-serving interests.

I hope that you will join me in my support of Dr. Allison Berry and her initiatives in the cause of public health and safety.

Sincerely,

Jonathan Pasternack

Cell: (206) 351-1240

Ahlstrom
Nancy Stephanz MD

Thompson, Celia

From: Gerald B. Stephanz MD <gbsjrmd@sisna.com>
Sent: Monday, September 20, 2021 11:37 PM
To: Thompson, Celia
Subject: Fwd: Support for Dr. Berry

Follow Up Flag: Follow up
Flag Status: Flagged

Ms. Thompson:

Could you please forward to the entire board.

dr s

Begin forwarded message:

From: Nancy Stephanz <nancystephanz@icloud.com>
Subject: Support for Dr. Berry
Date: September 20, 2021 at 10:53:37 PM PDT
To: rjohnson@co.clallam.wa.us, Gerald Stephanz <gbsjrmd@sisna.com>

Dear Commissioner Johnson,

I support Dr. Berry's decision to require proof of vaccination for Covid-19 for patrons to be able to eat or drink inside restaurants and bars. It is a far better way to try to limit the spread of the virus than decreasing the capacity of guests these businesses are allowed to serve, which would cause more businesses to fail, while still leaving the option for unvaccinated patrons to eat outside or to order takeout.

I signed the letter of support for Dr. Berry that the PDN published last weekend. She is our Public Health Officer. She has reasons for all her decisions, which are designed to keep us all safe and our hospital able to function. Speaking of which, since I work in the hospital, I know that elective surgeries have had to be cancelled for weeks now to make room for Covid patients. Many of them have to stay 2-3 WEEKS before their oxygen needs improve enough to let them go home, so it may be several more weeks before elective surgeries can resume. Cancelling elective surgeries seriously impacts the hospital's finances.

Personally, I wish the State of Washington had a phone app that I could enter my vaccination details into. Italy requires proof of vaccination to enter any public building like museums, restaurants, etc. Seattle is now requiring proof of vaccination for any large gathering, inside or out, so I suspect every large city here will do that soon, and maybe we should here on the Olympic peninsula, too. An app would make it more convenient to prove one's vaccination status wherever one finds oneself.

I hope that if the CDC and FDA give emergency use authorization for the Pfizer vaccine for children ages 5-11, that the school district will require it, at least for any kids who want to participate in group activities like sports and orchestra, and arrange for vaccination clinics for the students and any unvaccinated parents.

Thank you for reading this.

Nancy Ahlstrom Stephanz, MD

Sent from my iPhone

Thompson, Celia

Jan Thatcher Adams MD

From: Gerald B.Stephanz MD <gbsjrmd@sisna.com>
Sent: Tuesday, September 21, 2021 6:55 AM
To: Thompson, Celia
Subject: Fwd: Board meeting

Follow Up Flag: Follow up
Flag Status: Flagged

Ms. Thompson:

Please forward to the BOH.

thanks,

dr s

Begin forwarded message:

From: JAN ADAMS <jantadams@aol.com>
Subject: Board meeting
Date: September 21, 2021 at 12:18:28 AM PDT
To: gbsjrmd@sisna.com

I can't attend the zoom today, but want you to know I strongly support Dr. Berry and her staff's ongoing efforts to keep Clallam County residents safe and healthy. I'm hoping for a respectful and peaceful meeting today over the COVID issues.

Best, Jan T. Adams MD

Sent from my ipad
Jan Thatcher Adams MD
612-239-8951
178 w bachelor rock drive
Port Angeles, WA 98363
USA



Nicole Blackburn

Thompson, Celia

From: Gerald B. Stephanz MD <gbsjrmd@sisna.com>
Sent: Tuesday, September 21, 2021 6:58 AM
To: Thompson, Celia
Subject: Fwd: Vaccine mandates

Follow Up Flag: Follow up
Flag Status: Flagged

Ms. Thompson:

Please forward to the BOH.

thanks,

dr s

Begin forwarded message:

From: Nicole Blackburn <pawprincelady@yahoo.com>
Subject: Vaccine mandates
Date: September 21, 2021 at 4:41:19 AM PDT
To: gbsjrmd@sisna.com

To whom it may concern,

I will never support a vaccine mandates for Washington state or Clallam County.

If you think threatening people with the fact that they will lose their jobs and not allow them to eat in a public place Will encourage people to get the vaccine you are sorely mistaken. it will only serve to wake people up that this is unconstitutional in every way and will hurt our communities and businesses. Our entire state and in fact all of America is already short staffed. People are being fired and quitting their jobs in droves because of the vaccine mandates. Thousands of people from doctors and nurses EMTs, firefighters, police department, sheriffs department, state troopers, child advocate services, teachers, transportation department workers, the list goes on and on are losing their jobs. Not to mention the restaurants and their staff are put in the position to enforce this mandate. Our state soon will not be able to function with any quality if this madness does not stop! If you were truly concerned with peoples health you would speak out as a representative of the people regarding our open borders, thousands are coming in daily with Covid and no vaccine requirement. And yet you punish our hard-working Americans for not complying... If you really cared you would insist on making the vaccines safer. That is the only way to encourage people, not through bribery, threats, or rewards.

I truly feel that a lot of our representatives forget that they took their positions to serve WE THE PEOPLE, not to control and threaten our livelihoods and our freedoms.

Our community is dying, businesses are struggling and closing up shop. People are moving to "free states." I understand that over 300 state law enforcement officers alone will be losing their jobs due to the mandates.

How do you plan on those entities being able to serve and protect their communities without those employees? Those men and women should be honored and appreciated not giving an ultimatum and forced to leave their jobs.

Also I would like to address the fact that the mandate is insisting that every adult be vaccinated regardless. It is a long time proven fact that after someone has had a virus they build up antibodies and they will be protected not only from that virus but from any variation of that virus forever. Never in history has science insisted that we be vaccinated for a virus that we have already had. Not with polio, not with chickenpox, never has the science ever been this contradicting. As health board members I have not heard you or the media encourage people to boost their immune system's in so many different ways that could make a difference between life and death for people. This should be your first priority. Instead of mandating vaccines, you should be handing out free vitamins....

The vaccines have absolutely been known to cause harm. This is a proven fact. And yet you are insisting that it be mandatory? The vaccines were approved as an emergency experiment yet we are being mandated to get them. More than 50 thousand people have died according to the VAERS (vaccine adverse event reporting system) and Europe's vaccine reaction reporting system. There have been hundreds of thousands of severe reactions reported. There is absolute undeniable risk involved with the vaccines! And yet we are being mandated to get this vaccine because of a virus that has a 99% Survival rate. Those that are harmed by the vaccines have no recourse of any kind for their injuries, and what is the recourse for death? I believe that if you were really interested in protecting our health and your community you would start insisting that the real data on the vaccine reactions be aired on all main stream media, And reported by all local newspapers. There needs to be more investigation on these reports. And the citizens of the United States of America deserve to know the truth. Ask yourself, do you believe with the absolute certainty that the vaccine is 100% safe for every American 12 and over? If you have any doubt at all it is your responsibility to stand up because if you don't you are letting harm come to people .

We the people as Americans “ We hold these truths to be self evident, that all men are created equal, that they are endowed by their Creator with certain rights, that among these are life, liberty and the pursuit of happiness. Governments are instituted among men deriving their powers from the consent of the governed, that whenever any form of Government becomes destructive of these ends it is the right of the people to alter or abolish it. And to institute new Government, laying its foundation on such principles, and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness.”

Life – not risk of harm from a vaccine

Liberty – the state of being free within a society from oppressive restrictions imposed by authority on one's way of life, behavior or political views.

Happiness -Being able to live free from being forced or coerced into anything I do not feel it's safe for me.

Americans being allowed to keep their jobs without threats of dismissal or fear of unfair treatment because their beliefs are not the same as others.

How can anyone in the Board of Health not question the safety of the vaccine which has been proven to do harm. Not to ignore the fact that people who have received the vaccine are still contracting the virus and spreading it, what difference will the vaccine card or more vaccinations make? People who have already had the virus should not be forced into having the vaccine. No one should be forced into having the vaccine. How can you not stand up for your fellow Americans? Their freedom to choose. Americans and all people should always have the freedom to choose. Please take this opportunity to do your part and ensure that we always have our medical freedoms.

Sincerely Nicole Blackburn
Port Angeles, Wa

Sent from my iPhone

Thompson, Celia

Ileana Murphy Haggerty RN

From: Gerald Stephanz <gbsjrmd@sisna.com>
Sent: Tuesday, September 21, 2021 9:17 AM
To: Thompson, Celia
Subject: Fwd: Pandemic

Ms. Thompson:

Could you forward to the BOH.

thanks,

dr s

----- Forwarded Message -----

From: "Ileana" <ileana.haggerty@gmail.com>
To: "Gerald B. Stephanz, Jr. MD User Gerald" <gbsjrmd@sisna.com>
Sent: Tuesday, September 21, 2021 9:00:04 AM
Subject: Pandemic

Hello Mr Stephanz,

Thank you for your work as county commissioner! I appreciate your time and energy.

Please support Dr Berry in her efforts as health officer.

Your support to Dr Berry's pandemic response is vital.

I do not understand how a medical condition and lethal virus has become a political debate.

The virus is constantly searching for a host. Just like the seeds of a dandelion or a lupine the virus is searching for a fertile land to take hold and thrive.

Not too much different than the murder hornets in Bellingham, also. We need to find the nest (unvaccinated hosts) and make it inhospitable (vaccinate folks) to prevent the healthy hives from dying.

Please do your part to help folks understand that Dr Berry is making an effort to protect the lives of the citizens of this county.

When I was a teen I worked in a bakery in Seattle. The health department often visited to be sure the bakery was up to the specifications deemed necessary for a clean bakery. (we were told we were the cleanest bakery in town, The Rolling Pin bakery)!

The health department has an obligation to use evidence based information to make decisions. Please support Dr Berry and not allow this murder virus to further disrupt the lives and well being of our county.

Encourage folks to get vaccinated. Support Dr Berry in her recommendations.
Don't let the virus be in charge.

Thank you
Ileana Murphy Haggerty RN
Home health nurse, wife , mother , grandmother

Sent from my iPhone

Thompson, Celia

Haley Ray

From: Lierly, Chelsea
Sent: Friday, September 17, 2021 2:02 PM
To: Thompson, Celia
Subject: FW: Clallam County Commissioner Board Meeting 9.21.2021

To pass on to the BOH members. ☺

Chelsea

Chelsea Lierly

From: Don Lawley <dclawley@msn.com>
Sent: Friday, September 17, 2021 1:41 PM
To: Lierly, Chelsea <clierly@co.clallam.wa.us>
Subject: Fw: Clallam County Commissioner Board Meeting 9.21.2021

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

Not sure if all received this.

Don

From: Haley Ray <mshaleypage@gmail.com>
Sent: Friday, September 17, 2021 1:09 PM
To: dclawley@msn.com <dclawley@msn.com>
Subject: Clallam County Commissioner Board Meeting 9.21.2021

Dear Don Lawley;

I would like to address a couple of issues at the board meeting next week, here is the topics I would like to discuss:

First off, I want to say I can't imagine the weight of every decision being made, the stress & responsibility you carry, watching out for the community's health, economic success & mental well being.

With that being said, based on the actions of larger counties, the decision to mandate vaccination passports for restaurants was made prematurely & without regard to the negative ripple effect that it undeniably has had.

This unanticipated behavioral change has determined that this policy hurts more than helps.

8% of all cases during the entire time of pandemic in the state of Washington were traced to restaurants AND hotels according the DOH, until 8.24.2021 when it dropped to 4%. Not severe enough numbers statewide to cripple small businesses with a vaccine passport mandate.

We are protected in this county by a chain of command, no actions shall be taken by the board of health unless a majority of members are present, including at least 2 Clallam County commissioners. The board of health is required to keep a public record of it's transactions, findings, and decisions.

No such board of health meeting ever occurred with respect to Dr. Berry's vaccine mandate order. The citizens of the County were not provided their due process rights for a properly noticed public hearing in which they could attend and listen and comment and understand the Board of Health's views with respect to this matter. There is no public record of the board of health directing Dr. Berry to execute this order. How has this been addressed?

Restaurants were given less than 48 hrs notice, over what would have been a busy holiday weekend to comply. No instruction, no guidance, causing several restaurants to close entirely for multiple days because they did not know how to proceed, losing inventory, income & sadly staff.

The vaccination passport mandate has inadvertently polarized our community & we need to find some common ground to repair this bridge before it is irreparable. Yes, something needs to change but no, discrimination, segregation & degradation is not the solution.

This mandate has now caused community division, economic distress & also has pushed some even further from getting vaccinated, frustration reducing their willingness.

A conversation needs to happen, with real business owners that have been operating & struggling & overcoming during this entire pandemic. We can not rely on the input of 1 or 2 restaurant owners or investors, especially ones that took the last year off.

Restaurant owners are tired, understaffed, defeated & now responsible for checking a numerous variety of passports, losing business, closing their dining or closing entirely?

King county, with 10x more cases than Clallam, just announced a similar mandate but with more realistic steps, their leadership is providing businesses 5 weeks to adjust with specific instructions & detailed timelines & options for passports OR negative test results. That will allow their leadership, health department, their board of health, their commissioners & their restaurants to come up with successful guidelines for such drastic mandates. Our county did not have that in our leadership, emphasizing the lack of ownership is proper execution of these kind of policies. Chain of command, repeatedly, is being ignored & the negative outcome is completely a result of inexperienced leadership.

Media, news channels & social media have labeled us a 'hot spot' for Covid & are actively posting & broadcasting to avoid Port Angeles & the Clallam County area. This is extremely detrimental to our already fragile economy. Revenues have been substantially decreased, jobs have been lost, during a time where the PUA unemployment, and business grants for supplemental income have discontinued.

Please help us find a solution to that is not the demise of our restaurants & our community, work with us to move forward. Let us help strengthen and restore confidence to the leadership in Clallam County.

Haley Ray
Port Angeles, WA 98362
360-460-3951

Thompson, Celia

Nancy Schmidt

From: Nancy Schmidt <nschmidt67@hotmail.com>
Sent: Tuesday, September 21, 2021 10:23 AM
To: Thompson, Celia
Subject: board of health meeting passport mandate

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

Dear Ms. Thompson,

Please give a copy of this email to Bill Peach who did not receive my first email. Thank you so much!

I emailed the board of health concerning the Dr. Berry's "vax mandate." As far as I know all but Bill Peach received it. Could you please inform him that I wrote to ask him to please not mandate vaccine passports due to the lack of knowledge about the gene therapy "vaccines." We realize that this is an experimental drug that can have short term and long-term serious consequences. In fact, the FDA voted not to approve the third "booster" because of unknown consequences. This treatment has been available for less than a year, and now the vaccinated are contracting, spreading and being hospitalized.

It is unconstitutional to mandate a drug and to threaten people with job loss if they do not submit to the injection. I am not supportive of a pass port for those who chose to be injected with this drug. Obviously, the "vaccine" did not live up to what the health officials stated. The vaccinated can get Covid 19, pass it on, and many are being hospitalized and are still being required to wear masks. Why would a person be required to get such an injection? Why would anyone be required to produce papers to eat at a restaurant or maintain a job because they would not submit to an injection?

And may I please remind you, non-citizens who test positive for Covid-19 are NOT required to receive the injection. Does that make sense?

Sincerely,

Nancy S. Schmidt

Port Angeles Business Assoc.

Thompson, Celia

From: LoPiccolo, Kevin
Sent: Tuesday, September 21, 2021 11:01 AM
To: Thompson, Celia
Subject: FW: Port Angeles Business Association Comment to Clallam County Board of Health re: Recent Public Health Order
Attachments: PABA Comments to CCBOH on Vaccine Public Health Order.docx
Importance: High

From: Jim McEntire [<mailto:jmcentire1@wavecable.com>]
Sent: Tuesday, September 21, 2021 9:57 AM
To: Ozias, Mark; Johnson, Randy; Peach, Bill; shahidafatin@gmail.com; gbsjrmd@sisna.com; ncarr@cityofpa.us; dclawley@msn.com; LoPiccolo, Kevin
Subject: Port Angeles Business Association Comment to Clallam County Board of Health re: Recent Public Health Order
Importance: High

Board of Health members:

Please see attached comments. I'll summarize them at the appropriate moment during today's BOH meeting.

Very best regards,

Jim McEntire
Chair, Port Angeles Business Association, Government Affairs Committee
Cell: 360-775-7357

Comments of the Port Angeles Business Association

Before the Clallam County Board of Health in its Meeting of September 21, 2021

Subject: Local Health Officer's Public Health Order of September 2, 2021 (Hereinafter "Order").

1. The Order was promulgated under the Local Health Officer's authority found in RCW 70.05.070, but between regular Board of Health meetings – therefore not allowing the Clallam County Board of Health to exercise its supervisory authority found in RCW 70.05.060. The previous Board of Health meeting occurred on August 17, 2021 and a draft of the Public Health Order was not discussed. Furthermore, the first sentence of the Revised Code section containing the Local Health Officer's authority states that the Local Health Officer acts: " ... under the direction of the local board of health ... " (RCW 70.05.070).
2. Consequently, the business community had no prior notice via a draft of the Order, and therefore no formal opportunity to comment on the direct or economic costs of acting as an enforcement arm of the Local Health Officer or the Clallam County Board of Health.
3. There are additional costs associated with a business needing to check the vaccination or immunological status of indoor restaurant and/or bar patrons. These costs – little to no ramp-up time, additional staffing, loss of patronage, loss of good will, to name a few – are uncompensated costs to the Clallam County hospitality industry. How will the Board of Health or other levels of government compensate restaurants and bars for the extra costs imposed by, or loss of business revenue resulting from, this Order?
4. Little to no guidance has been forthcoming for some of the vaccination status proofs – for instance, what are the acceptable smartphone apps that purport to contain an officially approved "Vaccine Passport"? What out-of-state, or international forms of vaccine documentation are acceptable in Washington State?
5. Last, and more fundamentally, we believe it essential for the proper functioning of government, that when the Local Health Officer and/or the Clallam County Board of Health promulgates a directive implicating or affecting the business operations of any business in our County and that is more stringent than, or in addition to, that promulgated by the Governor or the State Board of Health, it is incumbent on the Health Officer or the Board to provide an adequate notice-and-comment period, so that the economic costs of such a directive can be discussed and weighed against the public health benefits of such a directive. Please consider undertaking a rulemaking effort to guide any such future efforts.

Rick Goette - New Moon

Thompson, Celia

From: LoPiccolo, Kevin
Sent: Tuesday, September 21, 2021 11:01 AM
To: Thompson, Celia
Subject: FW: Vaccine mandate discussion

From: Rick Goette [<mailto:rickappliedbio@gmail.com>]
Sent: Tuesday, September 21, 2021 9:34 AM
To: Ozias, Mark; Johnson, Randy; Peach, Bill; shahidafatin@gmail.com; gbsjrmd@sisna.com; ncarr@cityofpa.us; dclawley@msn.com; LoPiccolo, Kevin
Subject: Vaccine mandate discussion

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

Board of Health Members, Director LoPiccolo,

I am writing to show support for the vaccine-proof to enter restaurants/bars mandate recently enacted by Dr Berry. I am sure you will be hearing loud, emotional and largely misinformed pleas from dozens of people who will tell how it is destroying local businesses, costing jobs, and destroying America by stripping away our freedoms. I would like to give you my perspective, which is that of a tavern owner who is literally on the front lines. I am the one standing at the front door of my bar and checking those vaccine records and photo IDs.

It is unquestionable that business is somewhat down as a result of the pandemic. That being said, we have noticed a definite uptick in business since the proof of vaccination mandate went through. The explanation seems clear to me. Some of our regular clientele are NOT vaccinated and do not come into the bar. Some ARE vaccinated but still prefer to stay home rather than risk a breakthrough infection. These two groups account for a decrease in business. Balancing that out are an even larger group who ARE vaccinated and do come out. Among this group are most of our regulars as well as a substantial number of new faces who come to our place because they know we take this mandate seriously. The end result is our business is doing fine, and so could any other business who made the effort to comply with this mandate.

As to those who cry that their freedoms are being trampled, I would remind them that freedom works both ways. My patrons were imprisoned in their homes for fear of catching covid. Now they are free to enjoy the company of their friends in a place where they feel safe. Their freedom is worth protecting too.

As I stand at my post at the door to my bar I do hear from the occasional disgruntled person who wants to enter and gets turned away for lack of vaccine proof. I can guarantee that for every one of those, I hear 5-10 people thanking us for enforcing the mandate. Just as significant, I'm starting to see people who have gotten their vaccination expressly so that they can go back to the bars and see their friends again in a month or two. This mandate is working.

Thank you for your attention to this issue,

Rick Goette
Proprietor, New Moon Craft Tavern, Port Angeles WA

Thompson, Celia

Stephanie Bennett, Mark Redlin, Matilda Redlin

From: LoPiccolo, Kevin
Sent: Tuesday, September 21, 2021 11:02 AM
To: Thompson, Celia
Subject: FW: Support of Dr Berry and mandates

From: Stephenie Bennett [<mailto:groovylegumes@yahoo.com>]
Sent: Tuesday, September 21, 2021 8:50 AM
To: LoPiccolo, Kevin
Subject: Support of Dr Berry and mandates

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

There is a "freedom" movement against the vaccine mandates, without enough pushback about personal and community responsibility. If everyone would be responsible there would be no need for mandates. The pandemic isn't about individuals (unless you are the individual who gets very sick or dies, or loses your job or business due to people not feeling safe in community and spending money). It is about saving the community. Elderly, immune compromised, infants, pregnant women. These are the folks we are protecting by being vaccinated. It is also about getting the economy going again. We can't do it until all feel safe being out there. (We, as examples, limit our time out in public until we get out of this 1200/100,000 setting.) The vaccine has been well studied. Almost 6 billion folks around the world have done his/her part. We could go on about constitutional rights, historical mandates, the science... Please do right by the community. Support Dr. Berry, her mandates and getting Covid under control in our community. If we all do our part - we will get our community up and running sooner than later, and with less casualties.

Stephenie Bennett, physician assistant
Mark Redlin, family medicine physician
Matilda Redlin
Port Angeles

Thompson, Celia

Jeanette Stehr-Green

From: LoPiccolo, Kevin
Sent: Tuesday, September 21, 2021 11:02 AM
To: Thompson, Celia
Subject: FW: Statement in support of current public health actions to control COVID in our county
Attachments: Letter to Clallam County Board of Health.docx

From: Jeanette Stehr-Green [<mailto:jeanette.stehr.green@gmail.com>]
Sent: Tuesday, September 21, 2021 10:26 AM
To: 'Jerry Stephanz '; Ozias, Mark; Johnson, Randy; Peach, Bill; shahidafatin@gmail.com; ncarr@cityofpa.us; dclawley@msn.com
Cc: LoPiccolo, Kevin; Jeanette Stehr-Green; Berry, Allison
Subject: Statement in support of current public health actions to control COVID in our county

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

Clallam County Board of Health Members:

I am writing in support of Dr. Allison Berry's order that requires all persons entering bars and restaurants in Clallam County to provide proof that they are fully vaccinated against COVID-19.

COVID continues to spread like wildfire in our community. (We are in the "Top 10" counties in the state with an incidence rate of 1,108 cases per 100,000 population in the last 14 days.) These statistics are just "numbers" to some, but they include hospitalizations and deaths among friends and family, young and old, the rich and the poor. The tragedy is that these illnesses and deaths are fully preventable. But they do require a commitment to the good of the entire community, not the narcissistic liberties of selected individuals.

Research by the Centers for Disease Control and Prevention suggests that spending time in settings where mask use and social distancing are difficult to maintain is a risk factor for COVID infection. (See references below.) These settings include restaurants, bars, and other establishments where patrons must remove their masks to fulfill their reason for being there.

With these increased risks, specific steps are needed to limit the spread of COVID in these settings. One could close these establishments or limit them to takeout services. But requiring customers to provide proof of COVID-19 vaccination seems a fair and equitable alternative to decrease the risk of COVID transmission. It will limit "entertainment options" for selected members of the community (i.e., those who have not been fully vaccinated), but it will protect many others including

- Employees whose livelihood requires their presence at these establishments,
- Businesses that suffer if workers, who are in limited numbers, become ill and cannot work or must close if an outbreak is associated with their establishment, and
- Other customers.

And ultimately, decreased transmission in these settings will help bring this pandemic under control.

Now is the time to take bold steps to protect the vulnerable in our community. And if recent events (including the death of a young, previously healthy individual) have shown us nothing else, they have demonstrated that we all are vulnerable.

I support efforts by Dr. Berry and staff and ask that all Board of Health members follow the science, not politics, in their deliberations to control COVID in our community.

Sincerely yours,

Jeanette Stehr-Green, MD

References

Association of State-Issued Mask Mandates and Allowing On-Premises Restaurant Dining with County-Level COVID-19 Case and Death Growth Rates — United States, March 1–December 31, 2020. Available at https://www.cdc.gov/mmwr/volumes/70/wr/mm7010e3.htm?s_cid=mm7010e3_w

Synopsis: A comparison of county-level data from March 1 – December 30, 2020 suggests that mask mandates were associated with a decrease in COVID-19 case growth rates and death rates whereas allowing on-premises restaurant dining was associated with an increase in COVID-19 case growth rates and COVID death rates.

Community and Close Contact Exposures Associated with COVID-19 Among Symptomatic Adults ≥18 Years in 11 Outpatient Health Care Facilities — United States, July 2020. Available at

<https://www.cdc.gov/mmwr/volumes/69/wr/mm6936a5.htm>

Synopsis: A 2020 case-control investigation found that COVID-positive adults at outpatient health care facilities across the U.S. were twice as likely to have reported dining at a restaurant in the 14 days before becoming ill than adults who had negative COVID test results. They also were more likely to report going to a bar or coffee shop.

Thompson, Celia

Elaine Baker

From: LoPiccolo, Kevin
Sent: Tuesday, September 21, 2021 12:27 PM
To: Thompson, Celia
Subject: FW: Public comment for CCBH meeting

Follow Up Flag: Follow up
Flag Status: Flagged

From: Elaine Baker [<mailto:pacnwgal543@gmail.com>]
Sent: Tuesday, September 21, 2021 11:58 AM
To: LoPiccolo, Kevin
Subject: Public comment for CCBH meeting

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

I am sure that you will be flooded with lengthy and long winded public comments on Dr. Berry's performance so I will keep this short and sweet: I 100% support Dr. Berry and the mask and vaccine mandates.

For those choosing to not comply - your right to catch Covid ends where my nose begins. If you decide not to mask or vax, please stay home so the rest of us can stay healthy.

Thank you,
Elaine Baker
Clallam County resident.

Thompson, Celia

Peggy Goette

From: LoPiccolo, Kevin
Sent: Tuesday, September 21, 2021 12:27 PM
To: Thompson, Celia
Subject: FW: Vax proof mandate

Follow Up Flag: Follow up
Flag Status: Flagged

From: Peggy Goette [<mailto:peggygoette@gmail.com>]
Sent: Tuesday, September 21, 2021 11:12 AM
To: Ozias, Mark; Johnson, Randy; Peach, Bill; Berry, Allison; shahidafatin@gmail.com; Dennis Strong; gbsjrmnd@sisna.com; ncarr@cityofpa.us; dclawley@msn.com; LoPiccolo, Kevin
Subject: Vax proof mandate

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

My name is Peggy Goette. I am a resident of Clallam County. I am the co-owner of a tavern in Port Angeles. I am pro-mask, pro-vaccine, and I support the new vaccine proof requirement. We are enforcing this requirement in our bar. Probably 90-95% of our patrons are cooperative and many have told us they are grateful to have a place to go where they feel safer.

I'm sure you have heard from people who have wrapped themselves in the flag and talked about violations of rights, how this is unConstitutional, and that Covid-19 is not that bad. Well, the facts and science are not on their side.

The US Department of Health and Human Services declared a Public Health Emergency because of Covid-19 on January 31, 2020, the State of Washington followed on March 1, 2020. This allows government entities to take additional actions to combat this pandemic and protect human life. Now some people are saying that the government will take away our rights a bit at a time, that this is a slippery slope. Well, you know, sometimes, it's just flat land.

The US Supreme Court has upheld the authority of states to enforce compulsory vaccination laws, in the case of Jackson v. Massachusetts. It has upheld the authority of states to enact and enforce quarantine laws, in the case of Compagnie Francaise de Navigation a Vapeur v Louisiana State Board of Health. It has upheld the authority of states to impose isolation and quarantine laws, in the case of Gibbons v Ogden (American Bar Association).

Covid-19 is not the flu. In the 2019-2020 season there were 22,000 flu deaths, in the 2018-2019 season there were 34,000 flu deaths (Centers for Disease Control). There have been over 666,000 Covid-19 deaths in the US since January 2020 (CDC). Additionally, there are reports of long-term, perhaps permanent, damage from Covid-19 (CDC).

People say they don't trust the CDC or doctors because they are changing their earlier recommendations. They think they are being lied to. Science is fact based. Doctors and scientists make recommendations based on the

Thompson, Celia

Gary Heaton

From: Gerald Stephanz <gbsjrmd@sisna.com>
Sent: Tuesday, September 21, 2021 12:27 PM
To: Thompson, Celia
Subject: Fwd: Dr Berry and Covid mandates and precautions

Ms. Thompson:

Could you please forward to the BOH.

thanks,

dr s

From: "Gary Heaton" <gdheaton@gmail.com>
To: "Gerald B. Stephanz, Jr. MD User Gerald" <gbsjrmd@sisna.com>
Sent: Tuesday, September 21, 2021 12:06:44 PM
Subject: Dr Berry and Covid mandates and precautions

Hi Dr. Stephanz,

We have discussed the public health responses to Covid-19 many times. As a retired Family Practice physician I want to send this email in support of the actions taken by Dr. Berry. This public health crisis needs all of us wearing masks, getting vaccinated, practicing social distancing and other measures that Dr. Berry may recommend and or implement. Please share this email with the County Health Board.

Thank you,
Gary Heaton

Lori Fleming

Thompson, Celia

From: LoPiccolo, Kevin
Sent: Tuesday, September 21, 2021 12:42 PM
To: Thompson, Celia
Subject: FW: Submitting a Public Comment Letter
Attachments: 20210921_SupportDrBerry.pdf

From: Lori Fleming [<mailto:flemingl64@msn.com>]
Sent: Tuesday, September 21, 2021 11:25 AM
To: LoPiccolo, Kevin
Subject: Submitting a Public Comment Letter

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

Lori Fleming | 206.714.1925

"From womb to tomb we are bound to others past and present.
And by each crime and every kindness we birth our future."
- Robert Frobisher, "Letters from Zedelghem" *Cloud Atlas*

September 21, 2021

To the Board of Health in Clallam County,

I am writing in FULL support of Dr Allison Berry, Public Health Officer, and in support of the required vaccine status for indoors eating and drinking at restaurants/bars.

We are currently in the midst of very high case rates in both Clallam and Jefferson Counties, with hospital beds, supplies and services in short supply. As you know, persons who are getting the most ill and dying are unvaccinated folks, by far.

We currently have young people who are very ill, needing precious oxygen and intensive support. We cannot pretend we can continue with 'business as usual'.

Dr Berry's courageous and wise decision to require proof of vaccination for anyone eating and/ or drinking inside establishments is a smart choice for the following reasons:

- 1) People have to remove their masks to eat and drink, so these facilities are most at risk for spreading COVID-19.
- 2) Anyone who is not vaccinated still has choices: they can eat in the outside areas as this decreases COVID-19 risk; they can get take-out; or they can choose to get vaccinated and have indoor options.
- 3) Businesses can still stay open with this policy, but have less risk— this is a WIN/WIN for all.

Dr Berry has carefully considered all sides of this issue and we need strong, wise leadership in our counties.

Dr Berry has NOT mandated vaccines! She has simply required proof of vaccine status for anyone who wants to eat and drink **inside** a restaurant or bar, because this is where many cases of COVID-19 are spread. Simple logic. It still keeps our businesses open AND provides all citizens with choices.

Please continue to support our brilliant and thoughtful Public Health Officer, Dr Allison Berry. We are incredibly fortunate to have her leadership, and she will lead us safely to the other side of this pandemic— together.

Thank you,

Lori Fleming

Jefferson County Resident

Thompson, Celia

Kjersti Reed

From: Gerald B. Stephanz MD <gbsjrmd@sisna.com>
Sent: Tuesday, September 21, 2021 1:01 PM
To: Thompson, Celia
Subject: Fwd: I SUPPORT DR. BERRY

Ms. Thompson:

Please forward to the BOH.

thanks,

dr s

Begin forwarded message:

From: Kjersti Reed <kj.art@hotmail.com>
Subject: I SUPPORT DR. BERRY
Date: September 21, 2021 at 12:45:50 PM PDT
To: "gbsjrmd@sisna.com" <gbsjrmd@sisna.com>, Kjersti Reed <kj.art@hotmail.com>

Dear Commissioner Stephanz,

I support Dr. Berry and her stance on vaccine mandates for all restaurants and bars. With one out of ten people in Clallam County having Covid-19, we need vaccine mandates to slow the spread. Since the most infectious time is BEFORE a person has symptoms, it's necessary and prudent to require vaccinations in restaurants and bars. The majority of folks understand the seriousness of Covid. Don't let the people who don't derail Dr. Berry's wise mandate. I won't be attending the meeting in person today because the protesters could cause a superspreader event.

Best,
Kjersti Reed
Sent from Mail for Windows

Thompson, Celia

Cynthia Eaton

From: Gerald B. Stephanz MD <gbsjrmd@sisna.com>
Sent: Wednesday, September 22, 2021 12:36 PM
To: Thompson, Celia
Subject: Fwd: Dr Berry

Follow Up Flag: Follow up
Flag Status: Flagged

Ms. Thompson:

Could you forward to the BOH?

thank you,

dr s

Begin forwarded message:

From: Cynthia Eaton <cre8ton@gmail.com>
Subject: Dr Berry
Date: September 21, 2021 at 9:22:55 AM PDT
To: gbsjrmd@sisna.com

Just want you to know that I completely support Dr Berry in her leadership of the health department during these Covid times. I am glad to mask and show my vaccination card when asked for it. It comforts me to know I can feel relatively safe in a restaurant or pub. I support her continued leadership of the health of this county.

Cynthia Eaton

CV Wells

Thompson, Celia

From: Gerald B. Stephanz MD <gbsjrmd@sisna.com>
Sent: Wednesday, September 22, 2021 12:36 PM
To: Thompson, Celia
Subject: Fwd: Vaccine Mandates-Tuesday meeting

Follow Up Flag: Follow up
Flag Status: Flagged

Ms. Thompson:

Could you forward to the BOH?

thank you,

dr s

Begin forwarded message:

From: c v wells <cvwells1@me.com>
Subject: Vaccine Mandates-Tuesday meeting
Date: September 22, 2021 at 12:34:27 PM PDT
To: gbsjrmd@sisna.com

Dear Board Members,

I'm writing to say that the virulent, orchestrated campaign by anti-vax militants does not represent the majority of citizens.

Yes, we all feel inconvenienced, but understand why measures must be taken to curb the virus spread.

Please don't cave in to those who would endanger others in the community with their fear mongering and psychological intimidation tactics.

Dr. Allison Berry is making the tough choices necessary to protect the health and safety of all community members.

Thank you for your service.

Sincerely,
CV Wells
Dungeness, Sequim.

Thompson, Celia

Eileen Cummings

From: Gerald B. Stephanz MD <gbsjrmd@sisna.com>
Sent: Tuesday, September 21, 2021 1:12 PM
To: Thompson, Celia
Subject: Fwd: Dr. Berry

Follow Up Flag: Follow up
Flag Status: Flagged

Ms. Thompson:

Could please forward to the BOH.

thanks,

dr s

Begin forwarded message:

From: Eileencummings <eileencummings1851@gmail.com>
Subject: Dr. Berry
Date: September 21, 2021 at 1:10:24 PM PDT
To: gbsjrmd@sisna.com

Hello,

I want to express my support and thanks regarding Dr. Berry's latest mandates to fight the covid pandemic. If more people would get vaccinated there would be no need for mandates....

Eileen Cummings

Sent from Eileen Cummings

Thompson, Celia

Renee Renninger

From: Gores, Alanna
Sent: Tuesday, September 21, 2021 4:22 PM
To: Thompson, Celia
Cc: LoPiccolo, Kevin
Subject: FW: Please confirm receipt of this Mandate Statement
Attachments: Inflammatory Disorders on the rise.docx

Follow Up Flag: Follow up
Flag Status: Flagged

This email is addressed to the Board of Health.

*Loni Gores
Clerk of the Board
Commissioners Office
223 East 4th Street, Suite 4
Port Angeles, WA 98362
Phone: 360-417-2256*

From: Renee [mailto:renerenninger360@gmail.com]
Sent: Monday, September 20, 2021 8:35 PM
To: Ozias, Mark; Johnson, Randy; Peach, Bill; shahidafatin@gmail.com; gbsjrmnd@sisna.com; ncarr@cityofpa.us; dclawley@msn.com; Gores, Alanna
Subject: Please confirm receipt of this Mandate Statement

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

Dear Board of Health Members,

I am writing you urgently today to draw your attention to mounting evidence that Covid-19 experimental injections are the **cause** of a rising number of significant and alarming disease markers in post-vaccinated populations. They are in fact a far greater endangerment to human health than covid itself.

From hundreds if not thousands of bonafide testimonials, I am attaching just 6 references from eminent scientists and physicians with "boots on the ground" who have every opportunity to measure and observe the increasingly alarming 'adverse outcome events' these so-called vaccines present in their patients.

The bottomline is this:

1. Aside from tens of thousands 'adverse outcome events' including death, (see gov't VAERS site), evidence included here reveals the vaccine itself is causing illness, creating variants & spreading the virus.
2. Unvaccinated persons are NOT the enemy. Countries with the highest vaccination rates also have the highest breakout cases (86% in Israel & 77% of Iceland's breakout cases are fully vaccinated). The unvaccinated population is being attacked as

a political scapegoat to distract attention from the real cause. Clearly these "experimental investigative injections":

Do not prevent infection or re-infection;

Do not prevent breakout cases; in fact exacerbate them

Do not prevent transmission

They do not "keep our communities safe" as so falsely & blindly prescribed in the media.

3. Clallam County's mandate unjustly discriminates against we the people, impairing our ability to enjoy our lawful lives & penalizing our businesses with over-reaching restrictions based on completely erroneous information.
4. While big pharma has complete immunity from liability, any government body promoting these injections or coercing their constituents by mandate to receive them is engaging in irresponsible, unconscionable action that carries a heavy burden of liability. To knowingly press this mandate forward without assessing the dangerous disease markers presenting in post-vaccinated populations, is a criminal act.

By record of this letter documenting severe risks including death from this gene-modifying injection, accountability rests directly upon each public servant who persists in and remains complicit with this policy. You are each accountable for your decisions which impact so many.

Therefore I strongly urge Clallam County Board of Health to halt this mandate immediately. Mandates are NOT laws & when they are not backed by the constitution or moral aptitude; when they make no sense in the face of real data it is time to strike them down! I pray you each will step forth with courage & integrity to boldly do the right thing. STOP THIS UNLAWFUL IMMORAL MANDATE BEFORE IT CAUSES ANY FURTHER DAMAGE TO THE CITIZENS OF CLALLAM COUNTY.

Respectfully, E. Renee Renninger

REFERENCES:

1. Attached article: "Inflammatory Disorders, Cancer Markers on the Rise in Post-Vaccinated Patients", dated September 4, 2021. This article references three eminent physicians: Dr Richard Urso, ophthalmologist whose clinical practice is one the largest in the US; Dr. Richard Fleming, a physicist, nuclear cardiologist and attorney; Dr Ryan Cole, a Mayo Clinic-trained, triple-boarded pathologist. All three concur symptoms triggered by the 'vaccine' point to *long-term progressive chronic-type debilitating diseases*.
2. Please go to Bitchute.com: "Covid19 Vaccines Turn Out to be Horrendous for the Body with Catastrophic Outcomes". Video presented by Dr. Peter McCullough, Professor of Medicine, Texas A&M University; internist & cardiologist with clinical practice at Baylor College campus. Video is 10 minutes.
3. Please Go to AFLDS.ORG/media/summit; scroll to Sessions & select "Covid 19 Vaccines & Autopsy" Ryan Cole, MD Video approx. 30 minutes.
4. Please go to Bitchute.com Nobel Laureate, Prof Luc Montagnier "Covid jab is causing Antibody Dependent Enhancement & Creating New (Vaccine-Resistant) Variants."

5. Please go to [Bitchute.com](https://www.bitchute.com) Dr. Reiner Fuellmich. "[Crimes Against Humanity](#)" 49 min; "[WHO Concedes Covid Virus Just Like the Common Flu. 500,000 Americans dead from the Vaccine](#)" 10 min; "[Update from Reiner Fuellmich International Lawsuit Against Covid as Crime Against Humanity](#)" 2 min. A member of Germany's Corona Investigative Committee & member of the bar in both Germany & the U.S, Dr. Fuellmich heads up an international team of doctors, scientists & lawyers in one of the most authoritative investigations of the corruption behind the covid crisis. The team has collected undeniable evidence the covid pandemic is an ongoing planned criminal operation. Litigation has now begun against the CDC, the WHO & the Davos Group, for perpetrating the greatest criminal fraud in the history of humanity. Crimes against Humanity hold no statute of limitations & are punishable by death.
6. Please go to [Bitchute.com](https://www.bitchute.com) - Dr Bryan Ardis - "[Hospital Protocol is What is Murdering Covid/Flu Patients](#)". 16 min. In early 2020 Dr Ardis lost his father-in-law to ill-advised hospital protocols mandated by Fauci & the NIH. Since then he has been on a mission to educate the public of his findings. See [Thedrardisshow.com](https://www.thedrardisshow.com) for a free download of the [Covid19 Report](#).

Sent from [Mail](#) for Windows

Dr. Vicki DeLorey

Thompson, Celia

From: LoPiccolo, Kevin
Sent: Wednesday, September 22, 2021 6:59 AM
To: Thompson, Celia
Subject: FW: Support of Dr. Allison Berry

Importance: High

Follow Up Flag: Follow up

Flag Status: Flagged

From: Vicki DeLorey [<mailto:fairview232@delorey.co>]

Sent: Tuesday, September 21, 2021 1:04 PM

To: Ozias, Mark; ncarr@cityofpa.us; Johnson, Randy; shahidafatin@gmail.com; gbsjrmnd@sisna.com; dclawley@msn.com; Peach, Bill

Cc: LoPiccolo, Kevin

Subject: Support of Dr. Allison Berry

Importance: High

To: Members, Clallam County Board of Health

Re: Dr. Allison Berry and Covid-19 Measures

I am writing in support of Dr. Allison Berry and her professional, measured, fact-based leadership in response to the covid-19 pandemic. Her always thoughtful approach reflects and incorporates the ever-evolving scientific data and health issues of our demographically diverse county, while striving to meet the economic needs of business owners and consumers. This continues to be a challenging, changing endeavor, requiring difficult decisions and a delicate balance. Dr. Berry has carefully met these challenges and, often in the face of punishing criticism, made those difficult decisions. She has made the right decisions, decisions intended to protect us...the health and life of every individual in Clallam County.

As we learn in life, the ethical decision may be difficult and unpopular, and at the same time promote the greater good and protect us all.

Sincerely,

Dr. Vicki DeLorey

Scott + Ellen Menshew

Thompson, Celia

From: LoPiccolo, Kevin
Sent: Wednesday, September 22, 2021 6:59 AM
To: Thompson, Celia
Subject: FW: Support of Dr. Berry and mandates

Follow Up Flag: Follow up
Flag Status: Flagged

From: Ellen Menshew [mailto:menshewmom@gmail.com]
Sent: Tuesday, September 21, 2021 1:16 PM
To: LoPiccolo, Kevin
Subject: Fwd: Support of Dr. Berry and mandates

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

Please include our letter (below) into the record of public comments for this afternoon's BOH meeting.

Thank you,

Ellen Menshew

----- Forwarded message -----

From: Ellen Menshew <menshewmom@gmail.com>
Date: Tue, Sep 21, 2021 at 12:36 PM
Subject: Support of Dr. Berry and mandates
To: <mozias@co.clallam.wa.us>, <rjohnson@co.clallam.wa.us>, <bpeach@co.clallam.wa.us>, <shahidafatin@gmail.com>, <gbsjrm@sisna.com>, <ncarr@cityofpa.us>, <dclawley@msn.com>

Good Morning:

We are writing in support of Dr. Allison Berry in her position of Health Officer for Clallam & Jefferson Counties. Dr. Berry, not unlike you, has accepted the responsibility of governing the health and safety of our community. The Covid-19 Novel Coronavirus *is not the flu* and it is **not a hoax!** This pandemic has required many elected and appointed officials to mandate, often unpopular, regulations to ensure public safety.

We urge you to unequivocally support Dr. Berry in her efforts. The math and data should be adequate enough to support her recommendations. Sadly, we are living in unprecedented times where the drone of misinformation is roaring at decibel levels that are deafening the truth. Basic math shows us that our community is experiencing high infection, hospitalization and mortality rates fueled by the unvaccinated! Facts, along with common sense, about the safety of the Covid-19 vaccines are being ignored and supported by unreliable sources of misinformation. Dr. Berry is duty bound to protect the welfare of our community and she is doing that by issuing health mandates that will mitigate the spread of the **deadly** Covid-19 Novel Coronavirus. We applaud her commitment to carrying out her duty in spite of the personal threats levied against her. She deserves your full and unwavering support in continuing her efforts. Nothing less is acceptable!

Our county healthcare system is dealing with critical burdens as they work tirelessly to support treatment of Covid-19 patients. Those burdens become more unbearable when many of the healthcare workers themselves are at risk of contracting breakthrough infections from their unvaccinated co-workers. Even though they are less likely to require hospitalization, the loss to their already overtaxed work environment cannot be ignored!

We fully support and thank Dr. Berry for her willingness to serve our community at large. Our thanks to all of you as well, for your service to our community. We trust that you are all staying safe and healthy.

Sincerely,

Scott and Ellen Menshew
337 Deer Tracks Rd.
Port Angeles, WA 98363
(360) 928-9455

SEPTEMBER 28, 2021
DRAFT MINUTES
SPEIAL MEETING



CLALLAM COUNTY BOARD OF HEALTH SPECIAL MEETING

MINUTES of September 28, 2021 @ 4:00 pm – 4:30 pm

Clallam County Courthouse

Board of Commissioners Meeting Room 160

223 E. 4th Street Port Angeles, WA 98362

Meeting was held via Zoom (Video conference)

- **Call to Order:** The meeting was called to order at 4:03 p.m.
- **Roll Call:** Members present were Chair Navarra Carr, Vice-Chair Gerald Stephanz, Commissioner Randy Johnson, Commissioner Bill Peach, Commissioner Mark Ozias and Shahida Shahrir. Don Lawley was excused. Health and Human Services represented by Dr. Allison Berry, Health Officer, Kevin LoPiccolo, Director and Jennifer Garcelon, Environmental Health.
- **Request for Modifications/Approval of Agenda:** Chair Carr made a motion to approve the agenda; Commissioner Mark Ozias seconded; unanimous consent of approval of the agenda by the Board.
- **Presentations and Discussion Items:** Chair Carr read a letter of support for Dr. Berry and the Public Health Staff for their work during the COVID pandemic. Chair Carr then presented and read a Resolution acknowledging the County's Health Officer and the Health and Human Services Department.

Commissioner Mark Ozias motioned to accept the Resolution as written, Shahida Shahrir seconded.

Discussion followed. All members of the Board expressed their unanimous support of the Resolution.

Following a roll-call vote, Vice-Chair Stephanz – Yes, Commissioner Randy Johnson-Yes, Commissioner Mark Ozias – Yes, Commissioner Bill Peach – Yes, Chair Carr – Yes, Shahida Shahrir – Yes. Don Lawley was excused.

- **Adjournment:** Meeting was adjourned at 4:38 p.m.

PASSED AND ADOPTED this _____ day of _____, 2021

CLALLAM COUNTY BOARD OF HEALTH

Navarra Carr, Chair

Allison Berry, MD, MPH, Health Officer

ATTEST:

Celia Thompson, Clerk of the Board

STAFF MEMO
PUBLIC HEALTH
STAFFING NEEDS



Clallam County Department of Health and Human Services

111 E. 3rd Street • Port Angeles, WA 98362 • Phone: 360-417-2303 • Fax: 360-452-9605

To: Clallam County Board of Health
From: Health and Human Services Department
Subject: Public Health Staffing Needs
Date: October 14, 2021

Summary

Health and Human Services staff would like to discuss the overall health of the Department and explain the lack of resources that is preventing the Department from accomplishing certain healthcare services to our community.

Public health is about protecting and promoting the health of people and their communities. It involves tracking, preventing, and responding to disease outbreaks. It entails advocating for and educating people about healthy lifestyles and self-care. It is our desire to promote the following:

- Helping to monitor and solve public health outbreaks
- Performing research to eradicate health hazards that affect the community
- Educating the public about health issues and empowering them to aid in the prevention of spreading diseases
- Aiding in the development of plans and policies that address public health concerns
- Acting as liaisons between people and the networks that provide assistance
- Evaluating existing protocol to ensure the highest level of quality and effectiveness
- Stopping and preventing the spread of disease
- The control and prevention of communicable disease
- Collecting, analyzing, sharing and using data for decision making

The positions listed below will help achieve and strengthen the overall outcomes for a community focused public healthcare department.

Public Health Epidemiologist - Pay Range: 60 – Annual salary 59,111 – 72,021

The COVID-19 pandemic has demonstrated the crucial need at Clallam County Public Health for a role that is responsible for case investigation, contact tracing, and outbreak investigation/management to control the spread of not only COVID-19, but all infectious disease. This role coordinates all contact tracing work within the

department and analyzes the epidemiologic data drawn from contact tracing to spot outbreaks early and stop them at their source.

In addition, a staff epidemiologist can analyze public health surveillance data to help communicate current trends to the public and help tailor our local response. Previous to the COVID-19 pandemic, we contracted these services as needed with Kitsap Public Health. By maintaining this position at CCHHS, we are able to eliminate the expense of these contracts and bring these services in house, while integrating them with established data surveillance and analysis. A permanent staff epidemiologist will be able to collect and analyze data, collaborate with team members and with the Clallam County Health Officer to create plans of action for issues pertaining to infectious disease but also beyond, such as infant mortality rates, overdose prevention, childhood vaccination rates, and other areas of concern. They would also help create and support the presentation of data to the Clallam County Board of Health and the public on a range of public health related topics as they relate to Clallam County citizens specifically, and participate in project management workgroups to analyze current programs for efficacy.

Of note, our goal would be to retain our existing staff member in this position, who has been completing her MPH while responding to the COVID-19 pandemic. Recruiting and hiring a fully credentialed epidemiologist from out of county usually requires a salary 20-25% higher than that listed above.

Public Health Communications Specialist - Pay Range: 58 – Annual salary 56,825 – 69,236

Works with the teams to create and develop engaging, instructive communication materials which promote department initiatives, services, and programs, along with an informative Department website. Provides time-sensitive, emergency information. Uses a variety of channels, including established and innovative social media platforms, to reach target audiences. Assists management and other staff using design, graphics, publishing, editing, and technical skills. Exercises considerable independence and technical control over work product.

Now more than ever, as our society has become increasingly polarized and the critical work of public health has been politicized, we have seen the need for accurate, timely and highly effective public health communication. The public health communication specialist will work with the public health team to develop engaging, instructive communication materials on a variety of public health topics. They will direct the work of contracted advertising agencies hired to create such content and will evaluate the performance of existing advertising campaigns. The communication specialist will work with county IT to develop and maintain an accessible and informative department website. They will use a variety of channels, including established and innovative social media platforms, to reach target audiences. They will provide time-sensitive, emergency information and respond to public inquiries about general public health issues and public health programming.

Public Health Nurse - Pay Range: 66 – Annual salary 69,236 – 84,358

Currently, we have 1 full time public health nurse, 2 half-time public health nurses and one nurse manager providing the entirety of our public health services in Clallam County. This staff shortage has led to unsustainable workloads for our current nursing team and caused our department to limit the provision of critical standard public health services – including reproductive healthcare, STI screening, and maternal child health services.

Filling the open position and hiring one addition nurse would allow us to return to providing critical maternal child health services in a county where our infant mortality rate is the highest in the state. This would also allow us to return to providing reproductive healthcare services to address limited to access to these essential services in our most rural and impoverished districts. Filling these roles will also help relieve the strain on our overtaxed and dedicated nursing team and allow our nurse manager to return to a managerial, oversight and planning role where she can build, strengthen and sustain our current programs.

We have one open position that has remained open throughout much of the pandemic. One of the primary drivers of the inability to fill this position appears to be our inability to offer competitive pay. Our neighboring health jurisdiction offers a starting nurse a 15% higher hourly rate than our starting nurses and as a result has been able to successfully recruit 3 nurses while our 1 position has remained open. The ability to offer competitive pay similar to our neighboring jurisdictions (and still much less than is offered in the private sector) will be critical to filling these roles. Increasing to a commensurate pay scale is factored into the above pay ranges.

Clallam Health Network Coordinator - Pay Range: 58 – Annual salary 56,825 – 69,236

One of the strongest drivers of positive outcomes in our local COVID-19 response has been the ability of the Clallam County Health Department to bring together leaders from across the health and social service sectors to coordinate their responses and better serve the public. As we plan for a future beyond COVID-19, we hope to build on that success to better respond to critical public health issues facing our community in a coordinated fashion.

The Clallam Health Network coordinator would serve to facilitate a coordinated response to other critical public health issues, including Suicide Prevention, Substance Use Disorder prevention and treatment, high utilizer case management, and other key initiatives identified by the health department and board. Coordinated responses to community health needs have demonstrated incredible effectiveness in improving community health outcomes and reducing healthcare and law enforcement costs. This role would work closely with our local healthcare and social service leaders to improve coordination across the entire system of care in Clallam County, breaking down silos and allowing for the same county-wide response to critical public health issues that we have seen so effectively embodied in our COVID-19 response.

Contact Tracer - Pay Range: 58 – Annual salary 56,825 – 69,236

This role would perform contact tracing services for infectious diseases (COVID-19 and other reportable diseases) and serve as the primary point of contact for organizations needing infection control guidance – namely schools, businesses, childcare and healthcare organizations.

Currently this role is shared between primarily between the above epidemiologist and the communication specialists who perform this direct service in addition to and often in place of their primary roles. By hiring a focused contact tracer, we will be able to better provide focused support services to our schools and businesses while also freeing up our epidemiologist and communication specialists to focus on their primary roles within the organization.

Recommended Action

Staff is requesting input from the Board of Health and a recommendation to the Board of County Commission on the requested positions for Department of Health and Human Services.

**STATE BOARD OF
HEALTH HEARING
SUMMARY**

WASHINGTON STATE BOARD OF HEALTH

Date: October 13, 2021

To: Washington State Board of Health Members

From: Keith Grellner, Chair

Subject: Complaint Against Clallam County Local Health Officer

Background and Summary:

Under RCW 70.05.120, any person may file a complaint with the State Board of Health (Board) concerning the failure of the local health officer or administrative officer to carry out the laws or the rules and regulations concerning public health. The Board's authority extends to state statutes in chapters 70.05, 70.24, and 70.46 RCW and Board rules. When a complaint is received, the Board determines whether the complaint falls within its authority to review and, if so, whether it merits further action. If it does, the Board may request a preliminary investigation.

On September 16, 2021 the Board received a complaint against the Clallam County Local Health Officer (LHO), Dr. Allison Berry. The complaint, co-signed by two complainants, alleges violations of Chapter 70.05 RCW. The complaint specifically alleges that the health officer:

1. Failed to uphold public health law by issuing a health order not in accordance with RCW 70.05.070(1), "...under the direction of the local board of health...".

This allegation is in the context of a health order issued by Clallam County Local Health Officer Dr. Berry on September 2, 2021 that requires persons in Clallam County to be fully vaccinated against COVID-19 in order to enter a bar or restaurant, with some exceptions. The order went into effect on September 4, 2021. The complainants claim that Dr. Berry acted outside the scope of the local health officer's authority by not first receiving explicit direction from the Clallam County Board of Health to issue such an order. The complaint also includes as an attachment, the agenda from the Clallam County Board of Health's August 17, 2021 meeting, noting that it did not include an agenda item to consider and take possible action on a health order.

According to their website, the Clallam County Board of Health held a regularly scheduled meeting on September 21, 2021, at which the board discussed the health order, following significant public comment on the topic. The Clallam County Board of Health took no formal action. Their website indicates a special meeting of the Clallam County Board of Health was subsequently held on September 28, 2021. At this meeting, the Clallam County Board of Health passed a resolution supporting the health order and

(continued on the next page)

commending Dr. Berry and the staff of the Human Services Department for their work responding to the COVID-19 pandemic.

Board policy 2015-001 allows the subject local health officer or administrator to respond to the complaint if they choose. Dr. Berry submitted a response on October 7, 2021 to the complaint and included in her response information regarding her work with the Clallam County Board of Health and a copy of the resolution passed by that board on September 28, 2021.

RCW 70.05.070 states “[t]he local health officer, acting under the direction of the local board of health or under direction of the administrative officer appointed under RCW [70.05.040](#) or [70.05.035](#), if any, shall “take certain actions to protect public health, including to “[c]ontrol and prevent the spread of any dangerous, contagious or infectious diseases that may occur within his or her jurisdiction.” Under Board rule, local health officers , “...shall when necessary, conduct investigations and institute disease control and contamination control measures...or other measures he or she deems necessary based on his or her professional judgement, current standards of practice and the best available medical and scientific information” (WAC 246-100-036(3)). The manner in which local boards of health provide direction to local health officers is not dictated by state law and will most likely vary across jurisdictions.

The Board received additional correspondence related to this complaint following the posting of the agenda. These are available for review under Tab 5.

Recommended Board Actions:

The Board may wish to consider, amend if necessary, and adopt one of the following motions:

The Board determines that an investigation is warranted and directs staff to conduct a preliminary investigation under RCW 70.05.120 and report their findings to the Board.

OR

The Board determines that the complaint does not merit a preliminary investigation due to lack of sufficient information indicating a possible violation of relevant public health law and directs staff to notify the complainants of their decision.

Staff

Samantha Pskowski, Policy Advisor

To request this document in an alternate format or a different language, please contact Kelie Kahler, Washington State Board of Health Communication Manager, at 360-236-4102 or by email at kelie.kahler@sboh.wa.gov. TTY users can dial 711.

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**COMPLAINT TO STATE
BOARD OF HEALTH**



COMPLAINANTS

RCW 42.41.030(7) Right to report info and Patricia E. Monson,
Citizens of Clallam County, Washington

) **COMPLAINT**
) To: Washington State Board of Health
) AGAINST
) Dr. Alison Berry, Clallam County
) Health Officer
)

COMPLAINT

On September 2nd 2021, the Clallam County Public Health Officer issued a Public Health Order (hereinafter referred to as the "Vaccine Mandate Order" (annexed hereto as Exhibit A)) restricting the entry of all people (except children under the age of 12) to restaurants and bars located in Clallam County unless that person provided "proof that they are fully vaccinated against COVID-19". The Vaccine Mandate Order (Exhibit A at page 3) purports to have been issued by the Public Health Officer under the authority of RCW 70.05.070. The Public Health Officer, however, violated RCW 70.05.070, by issuing the Vaccine Mandate Order without receiving direction of the Clallam County Board of Health.

RCW 70.05.070 specifies that "the local health officer, acting under the direction of the local board of health. . . shall" take certain action necessary to maintain health and sanitation supervision and control and prevent the spread of any infectious diseases that may occur within the County. The reason the board of health must direct the public health officer is that the board of health is the legal governing body responsible for the public's health in its jurisdiction. The public health officer works under the direction of the board of health. Not the other way around.

Specifically, both the RCW and Clallam County Code provide that it is the Clallam County Board of Health that has the legal authority over all matters pertaining to the preservation of the life and health of the people of Clallam County. RCW 70.05.070 acknowledges that it is the local Board of Health who must direct the local public health officer to take action pertaining to protecting the public health of the County. Under Clallam County Code Section 41.01.050: "No actions shall be taken by the board of health unless a majority of members are present, including at least 2 Clallam County commissioners. The board of health shall keep a public record of its transactions, findings, and decisions." Under Clallam County Code Section

41.01.045, “[a]ll meetings of the Board of Health shall be established and conducted pursuant to the Open Public Meetings Act, codified at Chapter 42.30 RCW et seq., as now or hereafter amended.” See also RCW42.30.060 (“No governing body of a public agency shall adopt any ordinance, resolution, rule, regulation, order or directive, except in a meeting open to the public and then only at a meeting, the date of which is fixed by law or rule, or at a meeting of which notice has been given according to the provisions of this chapter.”)

No such direction by the Clallam County Board of Health to the Public Health Officer occurred with respect to the issuance of the Vaccine Mandate Order. That is, the Clallam County Board of Health did not direct the Public Health Officer to issue the Vaccine Mandate Order. No public meeting of the Board of Health was noticed regarding any proposed Vaccine Mandate Order. There is no public record of any findings, deliberations, discussions, decisions, order or direction by the Clallam County Board of Health pertaining to the issuance by the Public Health Officer of the Vaccine Mandate Order. This is a violation of both Clallam County and Washington State law and the Vaccine Mandate Order was void at its inception.

The Public Health Officer acted without legal authority to “legislate” a vaccine mandate that applies to all citizens of Clallam County and all non-citizens of Clallam County who may be a tourist or present in the County on the basis of commercial or personal business. No citizen of Clallam County received the due process to which they are entitled under the Open Public Meetings Act. The Clallam County Board of Health may only act to direct the Public Health Officer by having a properly noticed Board of Health meeting subject to the Open Public Meetings Act. Since no such meeting occurred, the Public Health Officer enacted the Vaccine Mandate Order in a manner that exceeded her authority under the law.

The Public Health Officer Violated RCW 70.05.070 By Issuing A Vaccine Mandate Order Without Obtaining Direction By the Clallam County Board of Health

Under Washington State and Clallam County law, it is Clallam County’s Board of Health - not the County Public Health Officer - that has the responsibility over **all** matters pertaining to the preservation of the life and health of the people of Clallam County. Under RCW 70.05.060 entitled Powers and duties of local board of health, “[e]ach local board of health shall have supervision over all matters pertaining to the preservation of the life and health of the people within its jurisdiction and shall:

- (1) Enforce through the local health officer or the administrative officer appointed under RCW 70.05.040, if any, the public health statutes of the state and rules promulgated by the state board of health and the secretary of health;
- (2) Supervise the maintenance of all health and sanitary measures for the protection of the public health within its jurisdiction;
- (3) Enact such local rules and regulations as are necessary in order to preserve, promote and improve the public health and provide for the enforcement thereof;
- (4) Provide for the control and prevention of any dangerous, contagious or infectious disease within the jurisdiction of the local health department;
- (5) Provide for the prevention, control and abatement of nuisances detrimental to the public health;
- (6) Make such reports to the state board of health through the local health officer or the administrative officer as the state board of health may require; and
- (7) Establish fee schedules for issuing or renewing licenses or permits or for such other services as are authorized by the law and the rules of the state board of health: PROVIDED, That such fees for services shall not exceed the actual cost of providing any such services."

Clallam County Code Section 41.01.060, entitled Duties and Responsibilities, states in pertinent part: "The Board of Health shall have the responsibility over all matters pertaining to the preservation of the life and health of the people of Clallam County and shall, in addition to those duties set forth in RCW 70.05.060, as now or hereafter amended."

The Clallam County Public Health Officer must act under the "direction" of the Clallam County Board of Health with regard to taking any action as necessary to maintain health and sanitation supervision over the county and controlling and preventing the spread of any dangerous, contagious or infectious diseases that may occur within the jurisdiction. RCW 70.05.070 ("The local health officer, acting under the direction of the local board of health . . . shall . . . (2) Take such action as is necessary to maintain health and sanitation supervision over the territory within his or her jurisdiction; (3) Control and prevent the spread of any dangerous, contagious or infectious diseases that may occur within his or her jurisdiction").

A local public health officer does not have the authority to rewrite a state enacted statute. A local public health officer does not have the authority to usurp the supervisory power of the local board of health. A local public health officer does not and should never have unfettered power to pass a mandate order effecting the County's citizens without the citizens being provided the due process open public meeting by its Board of Health that Washington State and the Clallam County Code requires. If the public health officer for the County does not follow State or Clallam County law why should any of the citizens of the County follow any such laws?

At least three important concepts must be understood here. First, a Clallam County public meeting of the local Board of Health was noticed and held on August 17th, 2021 (annexed hereto as Exhibit B (Board Packet)). That meeting did not have an agenda item relating to any “emergency” proposed vaccine mandate. If such an “emergency” was occurring, the Public Health Officer would have had a duty to raise this “emergency” with the Clallam County Board of Health in order to seek direction as to what should be done to address the “emergency.” Instead, the August 17, 2021 Board of Health meeting discussed in great detail an ordinance amendment seeking to surcharge Clallam County residents for their septic systems. Any position by the Public Health Officer that an “emergency” caused her to violate State law because there was no time to have the County Board of Health convene and make public findings and provide direction to the public health officer is belied by what actually in fact was discussed at the August 17, 2021 Board of Health meeting : septic surcharges. Of course, an emergency meeting of the Board of Health could have been called if there was an emergency to have a vaccine mandate in this County. No such emergency meeting of the Clallam County Board of Health was ever called regarding the Public Health Officer’s Vaccine Mandate Order.

Second, any after-the-violation argument that the Clallam County Board of Health would have merely rubber-stamped the vaccine mandate does not hold any weight. The citizens of Clallam County were entitled under the law to an open public meeting in which not only Dr. Berry’s views would be heard but the views of other medical professionals, the County’s legal staff, the County Sheriff, the Board of Health members themselves and the public at large (including business owners of bars and restaurants). Any proposed vaccine mandate order would have been vetted to discuss, among other things, (1) was such a vaccine mandate necessary, or could other less restrictive means be used to address the issue? (2) does the proposed Order violate Washington State Constitutional Article 1 section 7 which provides “no person shall be disturbed in his private affairs, or his home invaded, without authority of law”? (3) does the proposed Order violate other state and federal constitutional rights held by the citizens of Clallam County? (4) is this the right approach for a small mostly rural community? (5) does putting vaccinated people in a restaurant with unvaccinated children under the age of 12 make any scientific sense when the current available science informs us that vaccinated individuals and unvaccinated children can transmit the COVID-19 respiratory virus? (6) is it appropriate to make business owners legally responsible to act as law enforcement in

determining whether to exclude someone from their business premises (how do they know whether a vaccine card is “real” or whether a child is under the age of 12 years old?); (7) what scientific research/study have been performed and peer reviewed that have concluded that this manner of vaccine mandate is an effective way to “control” virus transmission in the County? (8) does the vaccine mandate’s potential negative economic impact on the community outweigh the potential public safety benefits the restrictions sought to create? (9) what precedent is being sent for any future influenza occurrences in the County, i.e., will the Board of Health employ a vaccine mandate for the flu season next year, the year after and every year thereafter in Clallam County? (10) what is the actual data that has prompted the public health officer to seek the Board of Health’s “direction” on such a mandate? (how many individuals in Clallam County who entered a bar or restaurant in August, 2021 had to be hospitalized for Covid-19 and have there been any COVID-19 identified deaths attributed to someone dining in a restaurant or entering a bar in August of this year? (11) Does this sort of a vaccine mandate solve the County’s very real problem of having understaffed medical professionals at the hospitals located in the County, and if not, should the Public Health Officer focus her efforts on solving the overriding public health issue of staff shortages to better serve the health of the community?

The citizens of Clallam County are entitled under the law to accountability and transparency by its government. They are entitled to have faith that their government will act properly under the law. The Open Public Meetings Act is the cornerstone of providing citizens the ability to understand what its government is doing and why it is doing it. RCW 42.30.060 recognizes how important this right to accountability and transparency is by declaring that :”No governing body of a public agency at any meeting required to be open to the public shall vote by secret ballot. Any vote taken in violation of this subsection shall be null and void, and shall be considered an “action” under this chapter.”

Third, the Clallam County Public Health Officer was fully aware that it is the Clallam County Board of Health that has the power to control contagious diseases through the legislative process. The Public Health Officer in her Vaccine Mandate Order on page 3 cites to case law to support the proposition that “[b]ecause protecting and preserving the health of its citizens from disease is an important governmental function, public health statutes and the actions of local health boards implementing those statutes are liberally construed.”. See Vaccine Mandate Order (Exhibit A at pg. 3, paragraph 3), citing Spokane Cty. Health Dist. v. Brockett, 120 Wn.2d

140, 149, 839, P.2d324, 329 (1992). While recognizing that it is the power of the local health board to take such action, the Public Health Officer has disenfranchised the Clallam County Board of Health from doing so.

Requested Remedies For the Violation of RCW 70.05.070 by the Clallam County Public Health Officer.

This complaint is filed pursuant to RCW 70.05.120 (1) which provides:

Any local health officer or administrative officer appointed under RCW 70.05.040, if any, who shall refuse or neglect to obey or enforce the provisions of chapters 70.05, 70.24 and 70.46 RCW or the rules, regulations or orders of the state board of health or who shall refuse or neglect to make prompt and accurate reports to the state board of health, may be removed as local health officer or administrative officer by the state board of health and shall not again be reappointed except with the consent of the state board of health. Any person may complain to the state board of health concerning the failure of the local health officer or administrative officer to carry out the laws or the rules and regulations concerning public health, and the state board of health shall, if a preliminary investigation so warrants, call a hearing to determine whether the local health officer or administrative officer is guilty of the alleged acts. Such hearings shall be held pursuant to the provisions of chapter 34.05 RW, and the rules and regulations of the state board of health adopted thereunder.

Complainants respectfully request the following actions taken by this State Board of Health:

1. Finding, after a hearing, that the Clallam County Public Health Officer violated RCW 70.05.070 in issuing the Vaccine Mandate Order.
2. Finding, after a hearing, that the Vaccine Mandate Order was void at its inception.
3. Determining, after a hearing, whether a violation of RCW and Clallam County provisions merit the removal of the Clallam County Public Health Officer.

Complainants, Patricia E. Monson and [RCW 42.41.030(7) Right to report improper governmental action—Policies and procedures] reside in Clallam County and have been residents [RCW 42.41.030(7) Right to report improper governmental action—Policies and procedures] [RCW 42.41.030(7) Right to report improper governmental action—Policies and procedures] (retired status) and a [RCW 42.41.030(7) Right to report improper governmental action—Policies and procedures]. While residing in [RCW 42.41.030(7) Right to report improper governmental action—Policies and procedures] [RCW 42.41.030(7) Right to report improper governmental action—Policies and procedures] was a [RCW 42.41.030(7) Right to report improper governmental action—Policies and procedures] [RCW 42.41.030(7) Right to report improper governmental action—Policies and procedures] is currently a Clallam County employee. [RCW 42.41.030(7) Right to report improper governmental action—Policies and procedures] informed her supervisor concerning this matter of complying with RCW 70.05.070. [RCW 42.41.030(7) Right to report improper governmental action—Policies and procedures] makes this complaint subject to RCW 42.41.030 and RCW 42.41.040.

Respectfully Submitted on September 10, 2021,

RCW 42.41.030(7) Right to report improper governmental action—Policies and procedures.



Patricia E. Monson

Citizens of Clallam County, Washington

cc: Washington State Auditor's Office

PUBLIC HEALTH ORDER



Clallam County Department of Health and Human Services

111 E. 3rd Street • Port Angeles, WA 98362 • Phone: 360-417-2303 • Fax: 360-452-9605

COUNTY OF CLALLAM

State of Washington

In the Matter of Emergency Response to the
COVID-19 Pandemic

PUBLIC HEALTH ORDER–September 02, 2021

BACKGROUND

1. On February 29, 2020, Governor Jay Inslee issued Proclamation [20-05](#), which declared a State of Emergency in all Counties in Washington State to due to the public health emergency caused by the COVID-19 virus.
2. On March 11, 2020, the World Health Organization declared the outbreak of COVID-19 to be a pandemic.
3. On March 17, 2020, the Clallam County Board of Commissioners approved a Declaration of Emergency due to the COVID-19 pandemic.
4. On March 23, 2020, Governor Jay Inslee signed Proclamation [20-25](#) declaring that a State of Emergency continues to exist in all Counties in Washington State due to COVID-19. Proclamation [20-25](#) has been amended several times, most recently on August 20, 2021. Proclamation 20-25, et seq. limits Washingtonians' ability to participate in certain activities unless certain conditions are met.
5. As a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, Governor Jay Inslee subsequently issued amendatory proclamations exercising his emergency powers under RCW [43.06.220](#) by prohibiting certain activities and waiving and suspending specified laws and regulations.
6. The Clallam County Public Health Department has confirmed localized person-to-person spread of COVID-19 in Clallam County. Given the current understanding about how COVID-19 spreads, including by asymptomatic and pre-symptomatic persons, masks are an essential defense to the spread of COVID-19.
7. Viruses constantly change through mutation, and new variants of a virus are expected to occur over time. Multiple variants of the virus that causes COVID-19 have been documented on the Olympic Peninsula, in the United States, and globally during this pandemic. See <https://www.cdc.gov/coronavirus/2019-ncov/transmission/variant.html>.

8. COVID-19 vaccines are effective in reducing infection and serious disease. Widespread vaccination is the primary means we have as a state to protect everyone, including persons who cannot be vaccinated for medical reasons, youth who are not eligible to receive a vaccine, immunocompromised individuals, and vulnerable persons including persons in health care facilities, long-term care facilities and other congregate care facilities from COVID-19 infections.

9. COVID-19 vaccines are safe and effective. COVID-19 vaccines were evaluated in clinical trials involving tens of thousands of participants and met the U.S. Food & Drug Administration's rigorous scientific standards for safety, effectiveness, and manufacturing quality needed to support emergency use authorization. On August, 23, 2021, the FDA granted full approval to the Pfizer-BioNTech COVID-19 vaccine. To date, more than 368 million doses of COVID-19 vaccines have been given in the United States with 8.5 million of those doses administered in Washington, and serious safety problems and long-term side effects are rare.

10. After months of improving COVID-19 epidemiological conditions in Washington State, the emergence of highly contagious COVID-19 variants, including the "delta variant" that is at least twice as transmissible as the virus that emerged in late 2019, coupled with the continued significant numbers of unvaccinated people, have caused COVID-19 cases and hospitalizations to rise sharply among unvaccinated populations and have resulted in breakthrough infections in some fully vaccinated individuals.

11. The Centers for Disease Control and Prevention stated on July 27, 2021 that to maximize protection from the Delta variant and prevent possibly spreading it to others, wear a mask indoors in public if people are in an area of substantial or high transmission.

12. As of August 4, 2021, nearly 4.4 million Washingtonians, about 70% of those eligible and 58% of the total population, had initiated their vaccine series, leaving 2.1 million eligible Washingtonians who were unvaccinated

13. On August 12, 2021, Health Officers from all 35 local health jurisdictions in the State of Washington released the following recommendation: "The health officers from all 35 local health jurisdictions in Washington State have joined together to pass on their best public health advice to protect you, your family, and our communities. We recommend all residents wear facial coverings when in indoor public settings where the vaccination status of those around you is unknown. This step will help reduce the risk of COVID-19 to the public, including customers and workers, help stem the increase in COVID-19 cases and hospitalizations in many parts of the state and decrease the spread of the highly contagious Delta variant."

14. On August 13, 2021, Dr. Allison Berry issued an emergency order requiring masking when in indoor public spaces, offices, and businesses in Clallam and Jefferson Counties.

15. On August 20, 2021 Governor Inslee issued a mask mandate for the state of Washington requiring masking in indoor public spaces, allowing an exemption to remove one's mask when eating and drinking or when actively participating in athletics.

16. As of August 21, 2021, 495 outbreaks of COVID-19 have been tied traced to restaurants, and bars in Washington State. Localized transmission of COVID-19 and outbreaks related to restaurants and bars have been documented in Clallam County. Indoor bars and restaurants are known to pose a high risk for COVID-19 transmission as they encourage unmasking of large groups of people indoors.

17. Throughout the COVID-19 pandemic there have been waves of increased risk of transmission, requiring the ability to implement stricter mitigations and safety protocols as recommended by public health officials.

AUTHORITY TO ISSUE ORDER

1. RCW [70.05.070](#) vests authority in the Clallam County Health Officer to take such action as is necessary to maintain health and sanitation; to control and prevent the spread of any dangerous, contagious, or infectious diseases; and to take such measures as deemed necessary in order to promote the public health.

2. WAC [246-100-040\(2\)](#) provides the Clallam County Health Officer “the powers of police officers, sheriffs, constables, and all other officers and employees of any political subdivisions within the jurisdiction of the health department to enforce immediately orders given to effectuate the purposes of this section in accordance with the provisions of RCW [43.20.050](#)(4) and [70.05.120](#).” Under WAC [246-100-040\(2\)](#), these powers include Clallam County’s police powers authorized by Wa. Const. art. XI, §11 and RCW [36.32.120\(7\)](#).

3. The preservation of the public health is a proper subject for the exercise of the police power and is the first concern of the state. *State v. Superior Court for King Cty.*, 103 Wash. 409, 419, 174 P. 973, 976 (1918). *See also Medtronic, Inc. v. Lohr*, 518 U.S. 470, 475, 116 S. Ct. 2240, 2245, 135 L. Ed. 2d 700 (1996). A county has the power to quarantine persons with infectious diseases. *City of Seattle v. Cottin*, 144 Wash. 572, 576, 258 P. 520, 521 (1927). Because protecting and preserving the health of its citizens from disease is an important governmental function, public health statutes and the actions of local health boards implementing those statutes are liberally construed. *Spokane Cty. Health Dist. v. Brockett*, 120 Wn.2d 140, 149, 839 P.2d 324, 329 (1992) (citations omitted). The legislatively delegated power to counties and health boards to control contagious diseases gives them extraordinary power which might be unreasonable in another context. *Id.*

4. WAC [246-100-036\(3\)](#) requires the Clallam County Health Officer, when necessary, to institute disease control and contamination control measures as deemed necessary based on professional judgment, current standards of practice and the best available medical and scientific information.

5. Despite the declaration of emergency and best public health efforts, Clallam County has continued to experience rising rates of COVID-19 transmission and numerous outbreaks (defined as multiple positive tests for COVID-19 from a single location or event).

6. Clallam County is currently experiencing ongoing transmission of confirmed COVID-19 cases related primarily to the highly transmissible Delta variant, as are neighboring counties and Washington State as a whole.

7. Rates of COVID-19 transmission and hospitalization have been on the rise throughout the summer of 2021 due to the highly contagious Delta variant, largely in the unvaccinated population. As of August 31, 2021, hospitals in Clallam County have reached capacity and 98% of the staffed ICU beds in King, Snohomish and Pierce Counties are full.

8. COVID-19 vaccination continues to prevent hospitalization and save lives. 94% of those hospitalized for COVID-19 in Washington State between February 1, 2021 and August 21, 2021 were not fully vaccinated. 92% of those who have died during that same time period in Washington State were not fully vaccinated.

9. Based on professional judgment of the Clallam County Health Officer, it is necessary to issue this order requiring proof of vaccination for those high risk indoor environments, to include bars and restaurants - under the limitations listed below.

10. The Health Officer further finds that immediate enforcement of the below COVID-19 safeguards is necessary to prevent the spread of COVID-19 in Clallam County and for the preservation of public health, safety, and general welfare and lies within the existing authority of the Health Officer.

ORDER

IT IS ORDERED, by the Clallam County Health Officer that it is necessary that:

1. Effective September 4th and continuing until the Governor has declared the public emergency related to COVID-19 has ended or until this order is revoked earlier, all persons entering bars and restaurants in Clallam County must provide proof that they are fully vaccinated against COVID-19, except as provided in Section 2, below.

- a. For purposes of this order, “fully vaccinated” means that a person has received all the required doses of a vaccine for COVID-19 (e.g., two doses of the Moderna or Pfizer-BioNTech vaccines, or one dose of the Johnson & Johnson vaccine) and 14 days have passed since the final dose.
- b. Acceptable forms of proof of vaccination include a completed CDC vaccination card, a State Department of Health Certificate of COVID-19 Vaccination, a printed copy of the person’s State Department of Health vaccine record, a photograph of any of the preceding, or an app-based vaccine passport.

2. Proof of vaccination is not required in the following scenarios:

- a. Employees of bars and restaurants who do not remove their masks at work are not required to provide proof of vaccination to their employers. Employers continue to be required to comply with all other requirements for employers in the Washington Department of Labor and Industries guidance (<https://www.lni.wa.gov/forms-publications/F414-164-000.pdf>), including the requirement to document the vaccine status of all employees.
- b. Employees of bars and restaurants who are unable to be vaccinated because of a disability or the requirement to do so conflicts with their sincerely held religious beliefs, practice, or observance. Employers:
 - i. Must provide any disability-related reasonable accommodations and sincerely held religious belief accommodations to the requirements of this order that are required under the Americans with Disabilities Act of 1990 (ADA), the Rehabilitation Act of 1973 (Rehabilitation Act), Title VII of the Civil Rights Act of 1964 (Title VII), the Washington Law Against Discrimination (WLAD), and any other applicable law. As provided in the above-noted laws, employers are not required to provide accommodations if they would cause undue hardship to the employer. Reasonable accommodations must be determined on an individualized basis and may include wearing a mask or working remotely. The requirement of wearing a mask is reasonable accommodation for the purposes of this order.
 - ii. Must comply with the procedures required under the above-noted laws and any other applicable law when considering and deciding whether to provide accommodations.
 - iii. Must, to the extent permitted by law, before providing a disability-related reasonable accommodation to the requirements of this order, obtain from the individual requesting

the accommodation documentation from an appropriate health care or rehabilitation professional stating that the individual has a disability that necessitates an accommodation and the probable duration of the need for the accommodation.

- iv. Must, to the extent permitted by law, before providing a sincerely held religious belief accommodation to the requirements of this order, document that the request for an accommodation has been made and include a statement from the employee explaining the way in which the requirements of this order conflict with the sincerely held religious belief, practice, or observance of the employee.
- v. Are prohibited from providing accommodations: (1) That they know are based on false, misleading, or dishonest grounds or information; (2) That they know are based on the personal preference of the individual and not on an inability to get vaccinated because of a disability or a conflict with a sincerely held religious belief, practice, or observance; or, (3) Without conducting an individualized assessment and determination of each individual's need and justification for an accommodation; i.e., "rubberstamping" accommodation requests.

- c. Children under 12 who are not yet eligible for COVID-19 vaccination are not required to prove vaccination status in bars or restaurants.

3. In addition, individuals in Clallam County must abide by any existing Proclamations from the Governor, Orders from the Secretary of the State Department of Health and any applicable Orders from the Clallam County Health Officer.

4. The Health Officer and his/her representatives are hereby authorized to inspect venues for compliance with the COVID-19 safeguards. Enforcement shall begin by providing the venue with an opportunity to remedy the violation, except that immediate suspension may be implemented when deemed necessary to correct an imminent or actual health hazard.

5. The Health Officer and his/her representatives are authorized to enforce non-compliance through the suspension of operating permits, or other remedies authorized by state law and/or the Clallam County Code.

6. Implementation Plan.

a. The Health Officer or his/her representative may conduct inspections of establishments pertaining to COVID-19 safeguards periodically and will respond to complaints. Upon determining that there is a violation of the COVID-19 safeguards, the Health Officer's representatives will provide education and guidance, to assist in coming into compliance, unless immediate permit suspension is necessary to respond to an imminent or actual health hazard.

b. Where immediate permit suspension is not necessary, the Health Officer's representatives will, within 72 hours of providing education/guidance, again determine whether compliance has been achieved. If there remains non-compliance with COVID-19 safeguards, permits will be suspended, and an immediate cessation of operations will be required.

c. If an immediate permit suspension was imposed, the establishment shall be responsible for reaching out to the Clallam County Department of Public Health to address potential reopening.

d. All establishments with a suspended permit will be required to submit corrective actions and meet with the Health Officer's representative to discuss such actions before they are allowed to schedule a reopening inspection.

e. The Health Officer's representatives also may request the assistance of the local police, Washington State Patrol, Clallam County Sheriff, and all other officers and employees of any political subdivision within Clallam County to enforce this health order.

f. Noncompliant establishments will also be referred to the Washington State Department of Labor and Industries for additional enforcement.

7. Consequences of Noncompliance. Noncompliance with this rule may subject the violator to permit suspension by the Health Officer. Any person who shall fail or refuse to obey any lawful order issued by any local health officer shall be deemed guilty of a misdemeanor punishable as provided under RCW [70.05.120](#). Violations of Secretary of Health directives and the Governor's Proclamations are misdemeanors and are subject to criminal penalties. Violations of Department of Labor and Industries are subject to fines and other enforcement remedies by that department.

Ordered this 2nd day of September, 2021

A handwritten signature in black ink, appearing to read 'Allison Borry', is written over a faint circular official stamp.

Allison Borry, MD, MPH

Clallam County Health Officer

RCW 70.05.120

**VIOLATIONS – REMEDIES
– PENALTIES**

RCW 70.05.120

Violations—Remedies—Penalties.

(1) Any local health officer or administrative officer appointed under RCW 70.05.040, if any, who shall refuse or neglect to obey or enforce the provisions of chapters 70.05, 70.24, and 70.46 RCW or the rules, regulations or orders of the state board of health or who shall refuse or neglect to make prompt and accurate reports to the state board of health, may be removed as local health officer or administrative officer by the state board of health and shall not again be reappointed except with the consent of the state board of health. Any person may complain to the state board of health concerning the failure of the local health officer or administrative officer to carry out the laws or the rules and regulations concerning public health, and the state board of health shall, if a preliminary investigation so warrants, call a hearing to determine whether the local health officer or administrative officer is guilty of the alleged acts. Such hearings shall be held pursuant to the provisions of chapter 34.05 RCW, and the rules and regulations of the state board of health adopted thereunder.

(2) Any member of a local board of health who shall violate any of the provisions of chapters 70.05, 70.24, and 70.46 RCW or refuse or neglect to obey or enforce any of the rules, regulations or orders of the state board of health made for the prevention, suppression or control of any dangerous contagious or infectious disease or for the protection of the health of the people of this state, is guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than two hundred dollars.

(3) Any physician who shall refuse or neglect to report to the proper health officer or administrative officer within twelve hours after first attending any case of contagious or infectious disease or any diseases required by the state board of health to be reported or any case suspicious of being one of such diseases, is guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than two hundred dollars for each case that is not reported.

(4) Any person violating any of the provisions of chapters 70.05, 70.24, and 70.46 RCW or violating or refusing or neglecting to obey any of the rules, regulations or orders made for the prevention, suppression and control of dangerous contagious and infectious diseases by the local board of health or local health officer or administrative officer or state board of health, or who shall leave any isolation hospital or quarantined house or place without the consent of the proper health officer or who evades or breaks quarantine or conceals a case of contagious or infectious disease or assists in evading or breaking any quarantine or concealing any case of contagious or infectious disease, is guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than twenty-five dollars nor more than one hundred dollars or to imprisonment in the county jail not to exceed ninety days or to both fine and imprisonment.

[2003 c 53 § 350; 1999 c 391 § 6; 1993 c 492 § 241; 1984 c 25 § 8; 1967 ex.s. c 51 § 17.]

**STATE BOARD OF
HEALTH POLICY
& PROCEDURES**

Washington State Board of Health Policy & Procedure

Draft Policy Number:	2015-001
Subject:	Responding to Complaints Against a Local Health Officer or Administrative Officer
Approved Date:	January 14, 2015

Policy Statement

RCW 70.05.120 allows any person to file a complaint with the Washington State Board of Health (board) alleging the failure of the local health officer or administrative officer to carry out the laws or the rules and regulations concerning public health. The board shall review complaints that allege a local health officer, or administrative officer, has refused or neglected to obey or enforce the provisions of chapters 70.05, 70.24 and 70.46 RCW, and the state board of health rules or orders. The board will review a complaint to determine whether it merits a preliminary investigation. The board may dismiss a complaint that is beyond the scope of RCW 70.05.120, lacks sufficient information to support a preliminary investigation, or is frivolous in nature. If the board determines a preliminary investigation is warranted, the board shall assign members and/or staff to conduct a preliminary investigation and to report their findings to the board. The board will then review the findings of the investigation and make a final determination regarding the complaint.

Procedure

- 1) **Complaint Review and Notifications:** Board staff, in consultation with the Executive Director, will respond to the complainant within five business days acknowledging receipt of the complaint. The Executive Director or staff will notify Board members that a complaint has been received and will be brought to the Board for review at the next regularly scheduled board meeting. If no regular meeting is scheduled within 60 days of receipt of the complaint, or if the agenda for the regular meeting cannot accommodate review of the complaint, the Executive Director will notify the Chair of the need to schedule a special board meeting for the purpose of reviewing the complaint. The Executive Director also shall notify the subject local health official and will provide a copy of the complaint for his or her information and review, and inform the official that he or she may provide a written response to the complaint if he or she so chooses. The Executive Director shall notify the complainant and the subject local health official of dates and times that the Board is scheduled to review or discuss the complaint. As part of the initial review, the Board will determine whether a complaint falls within its authority to review, and whether the complaint merits further action.

- 2) **Preliminary Investigation:** If the Board determines that a complaint is within the scope of RCW 70.05.120, and merits further review, the Board may direct members and/or staff to conduct a preliminary investigation. The Board may designate a sponsor to oversee staff activities. The preliminary investigation will include, but may not be limited to: a review of relevant statutory and rule authorities; gathering other background information and evidence; and interviewing the complainant, witnesses, or named parties/individuals regarding the complainant's allegations. Background information includes, but is not limited to, laws, rules, court decisions, and documents submitted by the complainant and local health jurisdiction, and other state or local entities involved in the complaint. Board staff may interview witnesses, any parties named or implicated in the complaint, consult with content or industry experts, and consult with appropriate representatives of named or implicated agencies, and others as appropriate. The Board may request the Department of Health to provide assistance in conducting the preliminary investigation.
- 3) **Findings:** The sponsor and board staff assigned to conduct the investigation shall present the findings of the preliminary investigation and a recommendation for Board consideration at a regular board meeting. As described above, board staff shall notify the complainant and subject local health official of the date and time of the board meeting at which the Board will review findings, and may request that they provide comment.
- 4) **Determination:** Based on the findings of the preliminary investigation, the board will make a determination regarding the complaint. For example, it may request further information if it cannot reach a conclusion based on the results of the preliminary investigation; close the complaint if it concludes that the local health officer or administrative officer did not fail to obey or enforce the provisions of chapter 70.05, 70.24 or 70.46 RCW, or the state board of health rules or orders; or, if it determines that the local health officer or administrative officer failed to obey or enforce the provisions of chapter 70.05, 70.24 or 70.46 RCW, or the state board of health rules or orders, direct the officer to remedy the failure; or, if necessary, hold a hearing under chapter 34.05 RCW regarding the officer's removal.
- 5) **Hearing:** If the Board determines that a hearing is necessary, it will be held pursuant to the provisions of chapter 34.05 RCW.

**CLALLAM COUNTY BOH
RESOLUTION**



CLALLAM COUNTY BOARD OF HEALTH
BOH RESOLUTION _____

**RESOLUTION RECOGNIZING CLALLAM COUNTY'S HEALTH OFFICER AND THE
HEALTH AND HUMAN SERVICES DEPARTMENT**

THE CLALLAM COUNTY BOARD OF HEALTH finds as follows:

Whereas, the spread of COVID-19 poses a significant risk to everyone in our community, and

Whereas, Dr. Allison Berry has served as Clallam County's Health Officer through the entirety of the COVID-19 pandemic, and

Whereas, Dr. Berry has provided consistent and compassionate leadership and guidance, and

Whereas, Dr. Berry has led a Public Health team that has worked tirelessly to support the health of our community, and

Whereas, Clallam County's Environmental Health team has provided exceptional and vital support to the Public Health effort throughout the pandemic, and

Whereas, Clallam County's Health and Human Services Department has been both broadly and deeply involved in supporting Public Health in a myriad of ways throughout the pandemic, and

Whereas, the Public Health, Environmental Health, and Health and Human Services teams have performed this work on top of the ongoing Public Health efforts that occurred prior to the pandemic, and

Whereas, Dr. Berry has utilized the best available scientific data to inform Public Health directives, and

Whereas, Dr. Berry has issued Public Health orders intended to help reduce the transmission of COVID-19 in our community and keep our vulnerable community members safe, and

Whereas, these orders have been issued to support local hospitals, medical professionals, and other frontline staff who have also dedicated themselves to caring for our community, and

Whereas, Clallam County's Public Health team continues to work tirelessly to help our community understand the seriousness of the COVID-19 pandemic, and

Whereas, this work has been done in an environment where the Public Health response has been complicated by the circulation of a large amount of hostility fueled by misinformation.

NOW, THEREFORE, BE IT RESOLVED by the Clallam County Board of Health to offer our full support and deep gratitude to Clallam County's Health Officer Dr. Allison Berry, Clallam County Public Health, and all those in the Health and Human Services Department and throughout the organization who are giving of themselves to help others in our community.

The Clallam County Board of Health honors the very difficult work being done in service of our community's health and those doing this work in challenging circumstances.

PASSED AND ADOPTED this 28th day of September, 2021

CLALLAM COUNTY BOARD OF HEALTH

Navarra Carr, Chair

Mark Ozias

Randy Johnson

Bill Peach

Shahida Shahrir

Gerald Stephanz, M.D.

Don Lawley

ATTEST:

Celia Thompson, Clerk of the Board

**LETTER TO STATE
BOARD OF HEALTH
FROM
DR. BERRY**



Clallam County Department of Health and Human Services

111 E. 3rd Street • Port Angeles, WA 98362 • Phone: 360-417-2303 • Fax: 360-452-9605

Michelle Davis, Executive Director
Washington State Board of Health
PO Box 47990
Olympia, Washington 98362

Dear Ms. Davis,

Thank you for providing me with a copy of the complaint filed with the State Board of Health. I am submitting this written response to provide some important context to the State Board of Health.

Contrary to allegations in the complaint, I have acted at the direction of the Clallam County Board of Health at all times while performing my duties as Health Officer and continue to serve as Health Officer at their pleasure. I was appointed as Health Officer on September 4th, 2018. Since that time I have enjoyed a positive working relationship with the Clallam County Board of Health.

I keep the Clallam County Board of Health informed of my work and the work of the public health department. I regularly communicate with individual members of the Board of Health, I attend Board of Health meetings, and throughout the course of the COVID-19 pandemic I have held weekly public briefings, which are well attended by members of the Board of Health. The Board of Health has supported my actions throughout my tenure as Health Officer and even passed the attached resolution in support of my work on September 28, 2021.

To the extent that the complaint implies that the Board of Health was opposed to the vaccine order, this is not accurate. All members of the Clallam County Board of Health were individually informed of the proposed issuance of the Proof of Vaccination Order prior to its issuance and no member of the board objected. Further, a Board of Health meeting was held on September 22, 2021. At that meeting the vaccine order was discussed and no member of the Board of Health requested that the order be withdrawn or amended.

The complaint incorrectly states that a local health officer does not have the authority to issue a local health order without explicit approval from the Board of Health. Formal action by a local board of health is required to appoint a health officer. However, formal action by a board of health is not required for a health officer to perform her duties once appointed. As outlined in the order itself, health officers have the authority to issue such orders. The complaint suggests that the Board of Health must publicly, formally authorize every action taken by a local health officer and this is simply not the case.

This complaint does not warrant further investigation. Thank you for your time and your work.

Sincerely,

A handwritten signature in dark ink, appearing to read "Allison Berry", is written over a faint circular stamp.

Allison Berry, MD MPH
Clallam County Health Officer

**OCOTBER 8, 2021 EMAIL
FROM
ROSE MARSHALL**

Thompson, Celia

From: Gores, Alanna
Sent: Friday, October 08, 2021 11:52 AM
To: 'Rose Marschall'; shahidfatin@gmail.com
Cc: Thompson, Celia
Subject: RE: Information

Rose Marscall,

I'm adding Celia to this email to assist. She is the Clerk for the Board of Health and knows how to connect with Dr. Stephanz.

I will forward your email to the Board of Commissioners.

Loni

*Loni Gores
Clerk of the Board
Commissioners Office
223 East 4th Street, Suite 4
Port Angeles, WA 98362
Phone: 360-417-2256*

From: Rose Marschall [<mailto:rosemarschall@gmail.com>]
Sent: Friday, October 08, 2021 11:48 AM
To: shahidfatin@gmail.com
Subject: Information

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

10/8/21

Dear all,

I am writing you for a sister that is moving into the area.... She wanted me to find out if you support the Mandates put forward by Dr. Allison Berry, Mask Mandates, and/or federal and health workers Mandated Vaccinations to keep employment. I have not been paying a lot of attention and so it is easier to just email you.

Thank you for your quick response. Also....I sent this to Gerald Stephanz and it came back BLOCKED. I would like to know how to get an email to him, please.

Thank you and create a great day,

Janet Collins

--
Rose Marschall
Inner Harmony-
"Impossible Things Are Happening Every Day"

360-808-2662

Any form of publication of these private emails are abuses of private intellectual property without the consent of the author. Copyright, Service and Trademark laws can and will be applied to any abuses of this private intellectual property at a fine of \$1 million per offense.