

From: Jason & Kirsten Marker <jkmarker5@gmail.com>
Sent: Wednesday, July 29, 2020 11:34 AM
To: Heidi Beidinger
Cc: Fox, Mark D; Robert M. Einterz
Subject: Re: [External] second thoughts after last evening's county council meeting

I went to high school with Mr. Root and attend church with him presently. I do not know his "beef" with the BoH/DoH, but I suspect his "Tea Party-esque" libertarian leanings inform some of his opinions. I am personally disappointed in this political sects' inability to integrate science AND biblical teaching into their secular worldview, but am sadly not surprised that his was the vote that will kill our citizens. <sigh>

I am in favor of using the power of media to take our next steps. I believe we should proceed into the path that the Council has forced us locally, hope that the ISDH can provide additional guidance and enforcement support from state government, and continue to collect complaints that are sent to us AND encourage our BoH/DoH to be active "reporters" in their day-to-day life as citizens, as well. I would advocate that our Board meetings have a regular agenda item to visibly and audibly report and discuss violations, acknowledge that we have no enforcement authority as yet (but are in pursuit), and implore our media partners to report on our meetings in a robust manner. Certainly we can report out at our next meeting how "the vote" went including a "roll-call" report of our Council members (since that vote is a matter of public record anyway). This may actually be more impactful as we return to school, COVID continues to make gains, and people begin to think more from a community-focused standpoint again. I wouldn't advocate using the word "boycott", but community organizers (which is what this council action has forced us to be) have historically found this to be an acceptable and effective tool.

Jason

On Wed, Jul 29, 2020 at 10:15 AM Heidi Beidinger <hbeiding@nd.edu> wrote:

Good morning all, disappointing to hear of this outcome. I disagree with Mr. Root's comments. The Department of Health is mandated to perform all types of inspections and has the authority to issue fines when necessary. Further it sounds like he has other issues that are conflating his decision with regard to the fine ordinance. That aside, I agree with Mark that we should have a process for persons to lodge a complaint so that the department can monitor and evaluate the degree to which there is a problem. It may be good data for us to have going forward.

Heidi

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On Wed, Jul 29, 2020 at 9:55 AM Huber, Brian, MD <bhuber@southbendclinic.com> wrote:

This is government....

Without a stick, this order is just some words on paper. Best we can hope for is the 50-75% of reasonable people complying and the rest doing as they please. Since our democracy has given everyone the god given right to complain about anything and everything I think a standard response until something changes is appropriate. I would rather everyone invest their time in something that can do some good for the community and not just keeping track of everyone that is breaking the order. I agree with Mr. Root that the role of the department of health is not to fine and arrest people, but it seems this is the only avenue we can use to help enforce the health order protecting the community at large. If there are other sticks we can choose to use(Mark's response), then I am for that, but I know very little to have educated opinion on that matter.

My two cents

Brian Huber

From: Fox, Mark D <markfox@iu.edu>
Sent: Wednesday, July 29, 2020 9:04 AM
To: Robert M. Einterz <reinterz@sjcindiana.com>
Cc: Brett Davis <bdavis@sjcindiana.com>; Carolyn Smith <CSMITH@sjcindiana.com>; Robin Meleski <RMeleski@sjcindiana.com>; Mark Espich <MEspich@sjcindiana.com>; Amy Ruppe <ARUPPE@sjcindiana.com>; Jeff Rea <JRea@sbrchamber.com>; Jen Lankowicz <genevieve.lankowicz@sirmc.com>; Huber, Brian, MD <bhuber@southbendclinic.com>; Dale Patterson (dpatterson@beaconhealthsystem.org) <dpatterson@beaconhealthsystem.org>; Jason & Kirsten Marker <jkmarker5@gmail.com>; hbeiding@nd.edu; KBox <KBox@isdh.IN.gov>
Subject: Re: [External] second thoughts after last evening's county council meeting

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I would still favor a mechanism for reporting complaints. I wouldn't invest in each one, but if there's a critical mass of complaints then I would want to investigate. I still contend DoH can issue an abatement order for businesses that create an environment hazardous to public health.

Mark

Sent from my iPhone

On Jul 29, 2020, at 7:55 AM, Robert M. Einterz <reinterz@sjcindiana.com> wrote:

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Dear all,

Last evening, the County Council committee voted 8 to 1 in favor of moving the ordinance empowering DoH to issue fines for non-compliance with the face covering order to a public hearing. Unfortunately, we needed a unanimous vote for the Ordinance to go to a public hearing. So, to enact the ordinance, it will have to go for “first reading” at the next full council meeting, then to committee again, then to public hearing, and then for a vote by the Council and then to the Commissioners. The one councilman who voted against the Ordinance was Mark Root. His comments were interesting. He expressed long-standing hostility toward the Department of Health, calling us dishonest and disingenuous. He said he did not think the DoH should have the power to issue fines. The president of the Council, Rafael Morton, pressed Mr. Root to elaborate on his long-standing dissatisfaction with the DoH; but, Mr. Root declined to comment further.

I had hoped that the ordinance would pass out of committee so that the “threat” of fines within the month would help with the DoH’s enforcement of the order. Unfortunately, given the likelihood that enactment of the ordinance is now more than two months away, those of you and your staff responsible for inspecting compliance with the order have no options for enforcement. As Amy Ruppe said to me earlier this morning, the best we can do is wag a finger and say “naughty, naughty” to any establishment or person that refuses to comply with the order!

So, at this point, until the order makes its way through the various procedural steps, I think that the process of receiving and investigating complaints is a waste of time and demoralizing to the staff of the DoH responsible for the investigations. Therefore, I lean toward putting on hold all efforts at inspection and enforcement until the Council or the State legislature empowers the DoH. I favor pulling down the DoH’s complaint web page and stop investigating complaints. When we receive a complaint that a business or person is not complying with the order, I suggest we thank the person lodging the complaint, reinforce the importance of adherence to the order, explain that the Council and State are considering whether to empower the DoH to enforce the order, and then refer the person lodging the complaint to his/her county council member, commissioner, state legislator, and/or governor. If the Council or State empowers the DoH to enforce the order, we will re-institute our efforts to register and investigate complaints and enforce the order. Meantime, let’s focus our energies on the Mask-Up Michiana initiative and our usual, pre-COVID responsibilities.

I welcome your suggestions and input.

Bob

Robert Einterz, M.D.

Health Officer

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