

**VILLAGE OF DELTA  
VILLAGE SPECIAL COUNCIL PROCEEDINGS  
MONDAY, AUGUST 10, 2020 AT 6:00 P.M.**

Meeting called to order at 6:00 p.m. by Mayor Bob Gilbert

*Pledge of Allegiance* was led by Mayor Gilbert

Employee's present: Stephanie Mossing (Finance Director), (P.D.), Drew Walker (P.D.), Brad Peebles (Administrator), Jammie Flores (Water Superintendent) and Kevin Heban (Law Director)

ROLL CALL—Present: Ashley Todd, Frank Wilton, Chad Johnson, Mike Tanner, Tony Dawson and Lynn Frank

- Discuss Temporary Vacation Policy

Ashley Todd asked if this included the Counties within the State that are labeled red. Mr. Peebles explained that this was for areas outside of the State of Ohio.

Mr. Johnson stated that there was a risk every time you left your home.

Mr. Peebles response was that if you go to a state that is under the Ohio Travel Advisory willfully taking a risk contracting the Coronavirus the action needs to be evaluated and thus quarantined for 14 days when you come back.

Mr. Johnson stated he doesn't think this policy allows for evaluation and get tested or show lack of symptoms.

Mr. Peebles explains what information he has received from the health department, which is from the time that you are exposed to the Covid, typically it takes up to 13 days for signs of symptoms. That's the reason for the 14-day quarantine.

Mr. Tanner is curious if there is another avenue to take that would also suffice in leu of the 14-day quarantine.

Peebles explained that Fulton County will not administer a test unless someone is showing signs of sickness.

Mr. Tanner commented he thought that someone was going to come around to homes and test for the virus.

Wilton replied, it was the Ohio State University that was just basically a survey.

Stephanie passed out the Village of Swanton's Travel Advisory memo to all division heads, which states that if an employee chooses to travel to one of the states on the list, they will be required to self-quarantine for 14 days at home upon their return. She also reports the Village of Montpelier has the same requirement.

Mr. Wilton asked if we could use the Coronavirus funds, we are receiving to pay employees sick leave.

Peebles replied we could not use this for payroll.

Peebles says his biggest thing is protecting the operations of the Village. For example, if we were to contract it in the Water Department and in the result, everyone was to get sick, we do not have the capabilities to run our water plant without outside help. There are license requirements for running the Water Plant, not just anyone can come in here and do it.

Mr. Heban (Law Director), declares from a legal perspective, he believes that the Village does need a policy. Everyone of the municipalities that they represent do have policies in place, and each one is a little different. From a legal perspective if we do not have a policy and someone does come back and infect another employee, we are looking at some liability from the Villages perspective.

Johnson asked Mr. Heban how an employer can be legally liable.

Mr. Heban explained that the Village has an obligation to take steps to protect the employees. This is a new area of the law out there, but there is a viable argument that if the Village says you can go anywhere you want and come back to work and infect someone, with no policy in place, that could be an argument that the Village is liable.

Mr. Johnson asked if we are basing this on recommendations, not mandates, laws or rules? So, this is the States liability clause.

Heban responded that this is the Villages decision, he is only giving a legal opinion on the subject.

Mayor Gilbert commented he understood what Chad was saying, but we need to be careful and safe. If someone goes on vacation and brings back the virus, it may not just affect the employee's but could affect the community.

Ashley Todd said she doesn't necessarily disagree with the policy, but she is concerned when the policy came into place. With the meeting taking place on July 22<sup>nd</sup>, with the Administrators, Health Department and County, why wasn't it brought to Councils attention on August 3<sup>rd</sup> at the regular council meeting before an employee went on vacation? Todd feels we could have let the employee know before he went on vacation, he might have changed his plans to go to a Travel Advisory state.

Mayor Gilbert states yes, we should have put a policy in place before it ever became an issue, but he did not know that the employee was going to a "Hot Spot" state.

Peebles explained that the meeting that was held by the health commissioner was on the 22<sup>nd</sup> of July.

Lynn Frank states she is disappointed in all of us that we didn't think of this sooner. And is upset with herself that she didn't think of putting a policy in place and act on this sooner.

Chad Johnson asked if we could find a way to test employee's rather than paying employees overtime to cover someone's shift for two weeks because of quarantine.

Mr. Wilton states he believes we should keep the policy in force but investigate some alternative measures as far as testing.

Dawson made a motion to adjourn at 6:31 p.m., Wilton seconded.

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Mayor Bob Gilbert

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Clerk of Council