



DATE: March 4, 2021

TO: Leslie Vaaler, Mayor
Yachats City Council

FROM: Shannon Beaucaire, City Manager

SUBJECT: Considerations for Opening City Facilities

In considering when and how to reopen City facilities, the City Attorney offers the following guidance:

The City must comply with all OHA regulations for indoor spaces and indoor services. The potential liability to the City comes if it fails to comply with OHA regulations – whether or not the volunteers are vaccinated and whether or not customers are vaccinated. CIS will not provide the limited coverage that it does offer (defense costs, but not liability coverage) if the City is not following OHA regulations. So the mention of a “lax” atmosphere is a concern and one that the City should evaluate – if volunteers express disinterest in following the regulations then we should not expect them to do so and it could be unreasonable for the City to give them the chance. As I’m sure you know, OHA has a host of population density, signage, and cleaning requirements that will need to be followed. If the library does open, you might consider regulation spot-checks or weekly regulation audits for the first little while to ensure folks are following the rules. In other words, I think it reduces potential liability if the City not only require adherence to OHA guidelines, but follow-up and make sure that the guidelines are in fact being followed. Although these folks are volunteers, I think the safe route is to also ensure compliance with OSHA regulations for workplace environments. This might require such things as installing plexiglass barriers at the front counter and other work areas so that staff are separated from the public.