

**MINUTES  
OF THE  
BOARD OF HEALTH**

**JEFFERSON COUNTY, COLORADO**

On October 20, 2009 at 8:06 a.m., President Cathy Corcoran called the meeting to order. Ms. Karen Gardella took roll call. Present were Ms. Maureen Sullivan, Ms. Beverley Dahan, Ms. Bonnie McNulty and Ms. Cathy Corcoran. Ms. Amanda Cruser, Counsel, was also present. A quorum was established.

**Acceptance of Agenda**

Dr. Mark Johnson announced the addition of an executive session to discuss a personnel issue to be held after this meeting. Ms. Bonnie McNulty made the motion to approve the agenda with the addition. Ms. Beverley Dahan seconded the motion. **Motion passed.**

**Acceptance of Previous Minutes**

Ms. Beverley Dahan made the motion to approve the minutes of the September 15, 2009 meeting. Ms. Bonnie McNulty seconded the motion. **Motion passed.**

**Employee of the Month Presentation**

Ms. Cathy Corcoran presented the October Employee of the Month certificates to Ms. Natasha Stewart and Ms. Suzanne Foster. These ladies work for the Community Health Services Division.

**Financial Report**

Ms. Maureen Sullivan made the motion to approve the 2009 financial report as presented by Dr. Mark Johnson. Ms. Beverley Dahan seconded the motion. **Motion passed.**

**Contracts and Agreements**

Ms. Beverley Dahan made the motion to approve the contracts and agreements as presented by Dr. Johnson. Ms. Maureen Sullivan seconded the motion. **Motion passed.**

**Discussion:** Ms. Maureen Sullivan requested that anytime a decrease in funding occurs, that the ramifications be added to the monthly "Memo" detailing the services cut due to the decrease.

**Resolution BOH 09-6**

Ms. Beth Lipscomb submitted Resolution No. BOH 09-6: "Jefferson County Public Health received increased grant funding in its Emergency Preparedness program to respond to the 2009 H1N1 flu pandemic. This supplemental appropriation is in the amount of \$1,412,504.00 and covers the period of September 28, 2009 through July 30, 2010." Ms. Bonnie McNulty made the motion to accept Resolution BOH 09-6. Ms. Beverley Dahan seconded the motion. A roll call vote was taken. Resolution BOH 09-6 was approved by a unanimous vote of 4 to 0.

**Approval of Warrants**

Ms. Bonnie McNulty made the motion to approve the warrants as submitted. Ms. Maureen Sullivan seconded the motion. **Motion passed.**

**Old Business**

None

**New Business**

Mr. Craig Sanders informed the Board of concerns that have been expressed from motel/hotel/lodge operators about people renting their private residences, which is taking an additional toll on the industry, in an already difficult economy. Proprietors are also unhappy about the fact that their facilities must undergo inspections and license approvals, while single family dwellings have no regulations.

Mr. Sanders referred to an "Interpretive Memo" presented to the Board of Health stating:

## **Summary of Problem**

“Currently, public-type accommodations such as bed and breakfasts are considered “commercial” use and subject to the above requirements. That would not change. Recently, there has been a trend towards using single-family dwellings as so-called ‘short term rental’ units. This could include renting out one’s own house or renting out a small cabin on the property. The owner would not be present during the rental period.”

## **Proposal**

“Since the practice of classifying a short-term rental unit has never been formally addressed, staff recommends that these units be considered to be ‘residential’ and the individual sewage disposal systems serving these units not be subject to Board review under Section 5.1.A.5. This follows the Zoning Department’s interpretation that these units are primarily residential, with some commercial aspects. Bed and Breakfast operations, on the other hand, are considered to be primarily commercial, with some residential aspects.”

“Criteria for approval of an existing system (for the purposes of planning and zoning cases) to serve a short-term rental will be that it meets the design requirements (in terms of bedrooms) and that a Use Permit is approved for the system.”

Mr. Sanders also noted that it was possible that in the future, these short term rentals might be considered a right by use, meaning that no rezoning would be required in most zone districts. In that case, this policy would no longer apply.

Ms. Beverley Dahan made the motion to accept the memo as administrative policy. Ms. Maureen Sullivan seconded the motion. **Motion passed.**

## **Executive Director’s Comments**

Dr. Mark Johnson reported to the Board that the main focus of his time has been on the H1N1 response. We currently have a pandemic, we have an epidemic in the State of Colorado we have cases in schools, homes – and there have been deaths in pediatric, middle age and elderly cases. Several members of JCPH have been giving presentations throughout the Denver-Metro area, informing the public on influenza. We have also been working with numerous schools, fire departments and private providers to make the vaccine more accessible to the public. When the H1N1 vaccine is available in sufficient supplies, JCPH will have a better idea of how many clinics will be held.

The 2010 budget process is continuing and the final meeting is October 26<sup>th</sup> at 1:30 p.m. with the Board of County Commissioners. There are no foreseeable problems, as the department is within the guidelines set forth by Jefferson County. Ms. Cathy Corcoran said that she would attend.

Dr. Johnson announced the retirement of Jefferson County Public Health’s accountant, Mr. Rich Martinez. November 6<sup>th</sup> will be his last day. Dr. Johnson spoke of the tremendous amount of work Mr. Martinez has accomplished and the fact that he will be greatly missed.

Ms. Norma Tubman advised the Board of the new Public Health Coordinator for Gilpin County, Ms. Ann Marie Bailey. Ms. Tubman will be her supervisor. Ms. Bailey is a Public Health Nurse who worked 17 years at Boulder County in communicable disease, and has worked the past ten years as a Nurse/Epidemiologist for the State of Alaska, as well as in emergency preparedness.

Dr. Johnson thanked Ms. Tubman and Mr. Craig Sanders for all of their hard work with Gilpin County. He said, “The ‘face’ of Jefferson County Public Health in Gilpin County will be Ms. Ann Marie Bailey, Mr. Sanders and Mr. David Hooker.” Mr. Hooker’s staff will begin inspection of Gilpin County’s Retail Food Establishments in January, 2010.

Ms. Tubman announced that JCPH has an 86% immunization rate among staff. This is above the national average.

## **President’s Comments**

None

## **Staff Comments**

None

## 9:07 a.m. Cases Called to Order

### Civil Penalty Cases

**Case #09-001 CP and Case #09-002 CP:** Mr. David Hooker, the Consumer Protection Program Manager for JCPH, presented these cases together because the two retail food establishments share the same address and owner. Carreta Vieja is a restaurant and Stop 4 Gas is a convenience store. The septic system is shared and is failing with surfacing effluent.

After much discussion, it was agreed that communication between JCPH and Mr. Spencer House, property owner was less than stellar regarding incidents prior to this hearing. It was decided that e-mail documentation will be utilized and this situation will be resolved.

Mr. Spencer House spoke in opposition of closing these establishments. Mr. Dave Hooker stated that this problem has continued for too long and is a public health hazard.

Mr. Sanders asked Mr. House to agree to staff's recommendations, thus resolving the failing septic system problem.

Ms. Cathy Corcoran asked Mr. House to read staff's recommendations and respond to the Board of Health on this day, under oath and recorded.

Mr. House agreed to the following recommendations submitted by JCPH staff:

1. Mr. House will allow Church OWC to proceed with the detailed evaluation of the system.
2. Mr. House will have the septic tanks / grease traps pumped as frequently as necessary to prevent the discharge of wastewater from any portion of the individual sewage disposal system and submit the pumping receipts to JCPH.
3. Once a report from Church OWC is received and a decision is made on the necessary repairs to the system, Mr. House will apply for and obtain a permit and complete the repairs per their recommendations.

Mr. Sanders urged Mr. House to reduce water use / wastewater production as much as possible, which may include temporarily substituting paper plates and plastic cups and utensils. JCPH Inspectors will visit the site twice weekly to check on the individual sewage disposal system. If wastewater is observed to be discharging from any component of the system at any time, JCPH will seek legal action to close the establishments until the system is completely repaired.

Ms. Beverley Dahan requested JCPH be kept informed of progress and actions taken by Mr. House to correct the problem.

Ms. Maureen Sullivan requested a report on the findings at the November 17<sup>th</sup> Board of Health meeting. Mr. Sanders will update the Board periodically as progress is made.

Ms. Cathy Corcoran noted that should Mr. House neglect to follow JCPH recommendations, closure will be the result of non-compliance.

Ms. Maureen Sullivan made the motion that the owner agrees to approve the work order with Church and Associates, have the septic tanks pumped as frequently as necessary, repairs to the system be made as soon as a decision is made and that if staff's recommendations are not carried out, there will be further legal action to acquire a Cease and Desist order for the food establishments. Ms. Beverley Dahan seconded the motion. **Motion passed.**

### Consent Agenda

Ms. Bonnie McNulty made the motion to approve the Consent Agenda as submitted by staff. The motion was seconded by Ms. Beverley Dahan. **Motion passed.**

### Discussion:

Dr. Jim Dale requested Mr. Sanders to update the Board of Health on septic system programs that are continuing forward in the bad economy. Septic system permits have decreased by 37% from 2008; use permits (sale of properties) are down approximately 15%, so with that additional time, environmental health has been updating files and converting paper files to computer files. Jefferson County properties are being researched to find/create

records of septic systems. To date, there have been approximately 350 new records added to the database. There are about 450 more records to add. This will complete the Turkey Creek Basin area. The end result when the program has been completed for the county as a whole will be that every property in Jefferson County that has a septic system will also have a record. We anticipate it may take up to ten years to complete this work. Eventually, the public will have the ability to access their septic records through the internet.

There being no further business to come before the Board, Ms. Bonnie McNulty made the motion to adjourn this meeting at 10:21 a.m. and to reconvene in executive session to discuss a personnel matter under the provisions of C.R.S. § 24-6-402(4). Ms. Beverley Dahan seconded the motion. The motion passed by unanimous vote.