

**MINUTES
OF THE
BOARD OF HEALTH**

JEFFERSON COUNTY, COLORADO

On February 16, 2010 at 8:00 a.m., Vice President John Jehn called the meeting to order. Ms. Karen Gardella took roll call. Present were Ms. Maureen Sullivan, Ms. Beverley Dahan, Ms. Bonnie McNulty and Mr. John Jehn. Ms. Amanda Cruser, counsel, was also present. A quorum was established.

Acceptance of Agenda

Ms. Bonnie McNulty Dahan made the motion to approve the agenda. Ms. Maureen Sullivan seconded the motion. **Motion passed.**

Acceptance of Previous Minutes

Ms. Beverley Dahan made the motion to approve the minutes of the January 19, 2009 meeting. Ms. Maureen Sullivan seconded the motion. **Motion passed.**

Employee of the Month Presentation

Mr. John Jehn presented the February Employee of the Month certificate to Ms. Deborah Hindman with the Community Health Services Division.

Financial Report

Ms. Maureen Sullivan made the motion to approve the preliminary 2009 year end financial report and the preliminary financial report for January 2010, as presented by Ms. Norma Tubman. 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 Ms. Tubman, Ms. Bonnie McNulty seconded the motion. **Motion passed.**

Approval of Warrants

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

Old Business

Mr. Craig Sanders updated the Board of Health on the 9064 Highway 285 situation. Mr. Sanders presented the system design submitted by Mr. Tim Petz, engineer. The design included a new leaching field at the present location. Mr. Sanders voiced concern about high strength waste. Although tests confirmed that the wastewater was on the high end of the range for residential wastewater, it was not extremely high. Mr. Sanders was also concerned that the proposed drain field will not last as long as it would without some type of secondary treatment. Cost is a consideration, but using advanced treatment will extend the life of the leaching field. It was also noted that the proposal submitted meets Jefferson County Public Health (JCPH) Board of Health Regulations.

Mr. Tim Petz spoke in favor of this case stating that the design was based on the highest sizing criteria in Jefferson County. The tank capacity is 5500 gallons which is sized to handle extra fats, oil and grease ("FOG"). The system was also designed with a dosing syphon and an effluent filter.

Mr. Spencer House, property owner, answered questions from the Board and from Ms. Amanda Cruser, counsel. Ms. Cruser asked Mr. House his intended timeline for completing the repair of his failing system. Mr. House estimated one month, depending on the weather. Mr. Jehn stated that the field has failed and needs to be replaced due to lack of maintenance. Mr. House responded by saying that after the system is repaired, there would be a proper maintenance plan in place.

Mr. Sanders' recommendation to the Board was that the field is replaced and a maintenance plan is implemented, and thirty days would be a reasonable time frame.

Mr. John Jehn addressed the members with the suggestion that the Board approve the plans. After the approval, Mr. House will be able to request bids to estimate cost, secure financing and proceed with the system repair.

Ms. Maureen Sullivan made the motion to approve the engineer's design for 9064 Highway 285, Case #10-102529 OW to include the upgrades as presented by Mr. House and his engineer, Mr. Petz, with the modification to include a maintenance plan. Ms. Beverley Dahan seconded. **Motion passed.**

New Business

Ms. Norma Tubman addressed the Board regarding the biennial requirement in the Colorado Revised Statutes on anonymous HIV testing. Local Boards of Health must consider the need for an anonymous HIV testing option in their jurisdiction. The consideration of this option must provide an opportunity for public comment in a public forum with a minimum of every two years. Jefferson County Public Health (JCPH) is funded \$9,000.00 every year, by the state, to administer anonymous and confidential HIV testing. Ms. Tubman made the recommendation to the Board of Health that JCPH be allowed to continue anonymous testing. Ms. Julie White and Ms. Susan Martin gave public comment in favor of continuing the anonymous testing, stating they believe the public has a stigma of personal information being more confidential if it is presented as anonymous. Ms. Maureen Sullivan made the motion to continue to offer anonymous HIV testing. Ms. Bonnie McNulty seconded the motion. Ms. Beverley Dahan opposed this motion. Motion passed by majority vote.

Mr. David Hooker spoke to the Board regarding temporary food services. Jefferson County will encounter approximately 250 temporary food service vendors between the months of May and October. These are events such as festivals, fairs and farmers' markets. Mr. Hooker suggested JCPH Consumer Protection Division inspect each vendor twice during this period of time. Currently, JCPH requires an application from the food vendor and one from the event coordinator. Mr. Hooker asked the Board of Health to approve the process that every temporary food vendor receives a plan review, a menu review and obtains their license before the event. To date, there have been no charges for staff time to review plans. The recommendation is that plan reviews are assessed at \$45.00 each and that the fee for time spent with event coordinators be increased from \$75.00 to \$100.00. Ms. Amanda Crusier addressed this issue citing the Colorado Revised Statutes which state that an application fee can be \$100 and reviewing of plans can not exceed \$580.00.

Ms. Beverley Dahan made the motion to increase the event coordinator application fee from \$75.00 to \$100.00 and impose a \$45.00 fee for plan review for a temporary food vendor application. Ms. Bonnie McNulty seconded the motion. **Motion passed.**

Executive Director's Comments

Ms. Norma Tubman presented comments provided to her by Dr. Mark Johnson, who was unable to attend.

Strategic Plan and Organization Review:

- JCPH Leadership Group has reviewed the goals and action plans from the Strategic Plan for any needed changes. This process will take five to six months. This will be used in our assessment of programs and priorities being re-examined by the County Organizational Review Committee and its subcommittees as the Board of County Commissioners (BCC) set priorities for budgeting. One of the criteria that increases the value of a program is that it is mandated, by either the federal government, the state government, or if the BCC have made a policy decision that the service/program should be provided. Dr. Johnson raised the question about whether or not that would include the Board of Health, since they are JCPH's policy Board. He was told that it would. Therefore, it might be good to have a discussion in regard to the Board of Health officially taking policy positions on programs they feel JCPH needs to provide to protect and improve the health of Jefferson County's citizens.

Legislation:

- Senate Bill #10-006 would allow Human Service and Social Service Departments in Colorado to give letters to individuals who meet certain criteria to obtain birth and death certificates free of charge. This will directly impact the income of JCPH's Vital Records Program. Dr. Johnson is currently working with Senator Betty Boyd, the bill's sponsor, on an amendment with language that would allow JCPH to increase the cost of birth and death certificates to replace our potential losses.
- Public Health Directors of Colorado (PHDoC) are supporting the introduction of a bill that would require

businesses to provide sick leave to their employees. There is good evidence that during the H1N1 influenza outbreak, as well as with other infectious disease outbreaks, individuals who are ill continue to work in restaurants because they do not have a sick leave policy at work. PHDoC feels that a bill such as this is good communicable disease control policy.

Emergency Preparedness:

- Jesse Weaver, our Emergency Preparedness Planner, has resigned to return to school. In addition to this position, there is also an Epidemiologist vacancy. JCPH is researching the best usage of both positions to obtain the kind of expertise the department needs for communicable disease control, public health planning, and emergency response capabilities. Mr. Jody Erwin and Ms. Beth Lipscomb are currently working on job descriptions and announcements.

County Health Department Rankings:

- On February 17, 2010, there will be a national press release from the Robert Wood Johnson Foundation and the University of Wisconsin, revealing the results of their assessment of health indicators in local health departments across the country, with local agency rankings by state. Dr. Johnson thinks that this is an opportunity for public health to take advantage of, and focus on areas of concern while working with community stakeholders in an effort to improve the health of Jefferson County residents.

Vice President's Comments

None

Staff Comments

Dr. Jim Dale informed the Board of Health that he and staff attended the Colorado Professionals Onsite Wastewater meeting. He spoke of soil treatment units. Dr. Dale also spoke to the Board regarding the time and expense of staff having to return time and time again to the property at 9064 Highway 285. The cost to JCPH is beyond the permit fee and suggested the possibility of charging reinspection fees. Dr. Dale also voiced his gratitude to Ms. Crusier and the Board of Health for their time involved with this case.

Mr. Dave Hooker outlined the procedure for the renewal of retail food establishment license fees and civil penalty fees for 2010. Renewal letters were sent to all Jefferson County retail food establishments at the end of November 2009 for 2010. These letters stipulated that payment must be received by JCPH on or before January 1st. After counsel's advice, it was determined that a grace period would be appropriate. A second letter was sent to the unpaid establishments stating that since renewal payment was not received, there was an additional \$250.00 civil penalty fee added to the amount of the license and the owner had the month of January to pay both fees. Consumer Protection Inspectors hand delivered another copy of the civil penalty letter.

Ms. Amanda Crusier referred to the State Statute which provides for a civil penalty when an establishment is not in compliance. All payments after January 1 are considered as non-compliant. According to State Statute, the civil penalty can be assessed from \$250.00 to \$1,000.00.

Mr. John Jehn summarized the situation as 1800 establishments were sent renewal letters and approximately 11 have not complied with the requirements.

Public Comment

Ms. Patricia Redding, representing Sisters' Chocolate, spoke of the uncertainty of the building where her business is located, due to new owners. Her company was told they would need to vacate January 27, 2010. When she found out they would be staying in business through February 14th, she paid the license fee. The new owners have not decided whether the establishment will be permitted to continue to operate and have placed them on a month-to-month lease. Mr. Redding requested the Board to waive the \$250.00 civil penalty fee due to these circumstances. Ms. Beverley Dahan moved to waive the \$250.00 civil penalty fee. Ms. Maureen Sullivan seconded the motion.

Discussion: Ms. Bonnie McNulty was in agreement, however, she stated that she did not want this to set a precedent for future waiver requests. **Motion passed.**

Ms. Sherry Atencio-Church, owner of the Brookforest Inn addressed the Board and stated that she had paid the license fee on December 24, 2009. JCPH never received the check and, to date, it has not cleared her bank;

therefore, she was assessed a civil penalty. Ms. Atencio-Church also said that she has never received the civil penalty letter referring to the January grace period. She cited the extremely poor postal service in Evergreen. Mr. Hooker displayed the letter in question and according to the envelope; there were three notices by the postal service attempting to deliver; January 21, 2010, January 26, 2010 and February 6th. The notation on the envelope was that it was “refused, unable to forward.”

Ms. Atencio-Church asked the Board for a “one-time waiver of the civil penalty fee.”

Ms. Beverley Dahan made the motion to waive the civil penalty fee for the Brookforest Inn. Ms. Maureen Sullivan seconded the motion. Ms. Bonnie McNulty and Mr. John Jehn opposed waiving the fee; however after much confusion regarding the issue of whether or not the Chair could vote, the motion passed.

Mr. Charles Fanaro spoke to the Board requesting civil penalty waivers for each of his two locations. Mr. Fanaro represented the CJ’s Chicago Dogs eatery. Due to financial constraints and the inability to leave his business to bring in payment, Mr. Fanaro asked the Board to waive the civil penalty fee for both establishments. He added that previously, he was able to pay late and there were no issues with JCPH. He also cited the unpredictability of the postal service, stating that he too did not receive the civil penalty letter.

Ms. Maureen Sullivan made the motion to enforce the civil penalty fee on both establishments for a total of \$500.00 due to JCPH within 30 days of February 16, 2010. Ms. Beverley Dahan seconded the motion. **Motion passed.**

The remaining establishments, Bucksnot Saloon, Columbine Lounge, Kittridge General Store, Subway Sandwich located on West Bowles Avenue, Tap House on the Backside and Trinity Irish Pub have been conducting business without valid food licenses and did not attend this meeting. Mr. Hooker stated that he would make an appearance at each of these locations to address their noncompliance. He will also incorporate the assistance of the Liquor Board, if alcohol is served, to help enforce compliance. The Board of Health authorized Mr. Hooker to assess an additional \$250.00 fee for the establishments that have not paid and did not attend this meeting. Ms. Cruser advised Mr. Hooker to send a notice to the locations that are in violation stating that another civil penalty fee of \$250.00 has been added due to lack of compliance. Should an establishment pay at the time this notice is given, JCPH will waive the additional \$250.00 and the fees will be that of the license and initial civil penalty. If there is no payment, JCPH will proceed with legal action to close the business.

Other Business

Mr. Craig Sanders said that JCPH has reviewed the Board of Health Policies for Onsite Wastewater and sees no need for changes at this time. This will be reviewed annually, or as needed should any circumstances arise before that time.

Dr. Jim Dale asked for re-approval of these policies. Ms. Bonnie McNulty made the motion to approve the Board of Health Policies with no changes, additions or corrections. Ms. Beverley Dahan seconded the motion. **Motion passed.**

There being no further business to come before the Board, this meeting was adjourned at 10:22 a.m.