

**MINUTES
OF THE
BOARD OF HEALTH**

JEFFERSON COUNTY, COLORADO

On March 16, 2010 at 8:00 a.m., President Cathy Corcoran called the meeting to order. Ms. Karen Gardella took roll call. Present were Ms. Beverley Dahan, Ms. Bonnie McNulty and Ms. Cathy Corcoran. Ms. Amanda Cruser, counsel, was also present. A quorum was established.

Acceptance of Agenda

Ms. Beverley Dahan made the motion to approve the agenda, with the changes to postpone the Election of Officers and to delete the presentation of Resolution BOH 10-4. Ms. Bonnie McNulty seconded the motion. **Motion passed.**

Acceptance of Previous Minutes

Ms. Bonnie McNulty made the motion to approve the minutes of the February 16, 2010 meeting with the correction of a typographical error. Ms. Beverley Dahan seconded the motion. **Motion passed.**

Employee of the Month Presentation

Ms. Cathy Corcoran presented the March Employee of the Month certificates to Ms. Margaret Lees Roldan, Ms. Judy Fowler, Ms. Kim Phillips, Ms. Lisa Wall, Ms. Kelsey Rivera and Ms. Kate Bennett Registered Dietitians from the Health Promotion and Lifestyle Management Division. Ms. Martha Gooldy-Garcia was unable to attend, and was also recognized for her contribution.

Financial Report

Ms. Beverley Dahan made the motion to approve the financial report for February 2010, as presented by Ms. Beth Lipscomb. Ms. Bonnie McNulty seconded the motion. **Motion passed.**

Contracts and Agreements

Ms. Bonnie McNulty made the motion to approve the contracts and agreements as presented by Ms. Lipscomb, Ms. Beverley Dahan seconded the motion. **Motion passed.**

Approval of Resolution BOH 10-3

Ms. Beth Lipscomb submitted Resolution No. BOH 10-3: "Jefferson County Public Health (JCPH) received additional funding of \$43,719.00 to expand its successful Breast Feeding Peer Counseling Program, a component of the WIC Program. This supplemental appropriation covers the period February 16, 2010 through September 30, 2010."

Ms. Beverley Dahan made the motion to approve Resolution BOH 10-3. Ms. Bonnie McNulty seconded the motion. A roll call vote was taken. Resolution BOH 10-3 was approved by a unanimous vote of 3 to 0.

Approval of changes to 2010 Fee Schedule

Ms. Beverley Dahan made the motion to approve the 2010 Fee Schedule indicating the changes that were approved at the February 16, 2010 meeting. Ms. Bonnie McNulty seconded the motion. **Motion passed.**

Approval of Warrants

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

Old Business

Mr. Craig Sanders reported on 9064 Highway 285, owned by Mr. Spencer House. A septic permit was issued in February with an ongoing monitoring and testing requirement developed by the design engineer, Mr. Tim Petz. To date, no contract has been signed to initiate construction. Therefore, the failing system has not been repaired. Ms. Beverley Dahan voiced concern about Mr. House's sense of urgency being less than that of the Board of Health. Mr. Sanders volunteered to write a letter stating that a contract to repair must be in place by April 1, 2010 and repairs

made by May 1, 2010. Failure to do so will result in JCPH obtaining an injunction to prohibit the use of the system.

Mr. Dave Hooker updated the Board on the retail food establishments that remain delinquent on their 2010 licenses and/or civil penalty fees, CJ's Chicago Dogs, Ozzi's and the Tap House on the Backside. CJ's Chicago Dogs has two locations, one in Arvada and the other in Evergreen. The license fee was paid and the owner, Mr. Charles Fanaro was present to dispute the civil penalties of \$250.00 per site, imposed at the February meeting. Ozzi's, located at 101 Bear Creek Avenue in Morrison, paid the license fee, but did not pay the civil penalty fee of \$500.00. The Tap House on the Backside at 10151 West 26th Avenue has paid nothing and has not communicated with Mr. Hooker.

Ms. Bonnie McNulty made the motion to have counsel send a letter to the Tap House on the Backside, with a deadline of seven business days assessing the license fee, plus a civil penalty of \$750.00. If no reply is received, legal action will be taken to close the establishment. Ms. Beverley Dahan seconded the motion. **Motion passed.**

Ms. Doris Lehnert, owner and partner of Ozzi's, explained the series of events that led to late payment of the license fee, nonpayment of the civil penalty and failure to appear at the February 16, 2010 Board of Health meeting. Ms. Lehnert asked the Board to consider waiving the civil penalty fee of \$500.00.

Ms. Bonnie McNulty made the motion to reduce the civil penalty fee to \$250.00 due to circumstances presented and a history of paying license fees in a timely manner. Ms. Beverley Dahan seconded the motion.

Discussion: Ms. Dahan stated her concern about the lack of responsibility on the part of the business owners. It was decided that future renewals be sent to Ms. Lehnert's address instead of to her son's home.

Ms. Corcoran voted "yes" to pass the motion. Ms. Dahan and Ms. McNulty voted "nay." **Motion failed.** The majority of the Board voted to retain the \$500.00 civil penalty fee assessment.

Mr. Charles Fanaro, owner of CJ's Chicago Dogs asked the Board to reconsider the two civil penalties of \$250.00 each, assessed at the February 16th meeting. It was decided that future renewals will be sent to the establishments' addresses instead of Mr. Fanaro's home.

The Board of Health did not recant their prior decision and the \$250.00 civil penalty fees for each of the two establishments remained.

New Business

None

Executive Director's Comments

Dr. Mark Johnson invited the Board of Health to the annual Jefferson County Good News Breakfast on April 27, 2010. JCPH "Reach Out and Read" team will be honored at the event. The Public Health Champions Award Luncheon will be held on April 7th at 11:30 at the Courts and Administration Building in the Lookout Mountain Room.

Dr. Johnson referred to the "State's Public Health Improvement Plan" report and stated that JCPH will be compiling a local public health improvement plan required under SB 08-194 that "dovetails" with the state plan.

Vital Records will have an Open House to showcase their remodeled offices, April 9th from 1:00 to 3:00 p.m. The Board of Health was cordially invited.

Commissioner Jeanne Nicholson from Gilpin County is trying to create a State Association of Local Boards of Health (SALBOH). Commissioner Nicholson is term limited and is now running for the Senate.

Dr. Johnson commented on Mr. Jesse Weaver and his hard work for the Emergency Preparedness Response Team of JCPH. Mr. Weaver played a critical part in all of JCPH's H1N1 mass vaccination efforts. He recently left our organization to pursue his Master's Degree. He also received an "Employee of the Month" award.

Dr. Johnson spoke to the Board about the Jefferson County Organizational Review Committee (ORC). This committee analyzes various divisions and departments of the county and has established a system of prioritizing

various programs based on several issues:

1. Are the programs mandated?
2. Are they bringing in funding of their own to help provide for the service, or is the county paying for them?
3. What is the demand for the service?
4. Do they meet the six goals that the commissioners compiled under topics such as self sufficiency, growth and development, natural resource preservation, as well as safety?

This year, promoting public health and the environment has been included in the goal of providing safe communities, which raises the perceived value of our programs. There are three levels of mandates, one is that there is no mandate, one is there is a local mandate which is a policy mandate usually that the Board of County Commissioners has made and the other level is that the state or the federal government mandates the program. Since the Board of Health is the policy board for JCPH, our programs will be considered mid-level mandates.

In the future, when the Board of Health approves the annual budget, it will also be noted that the Board of Health has mandated the programs that JCPH will be providing.

President's Comments

None

Staff Comments

None

Public Comment

Mr. Craig Sanders introduced Mr. Robert Bergman. Mr. Bergman requested a waiver from the requirement that he install an automatic monitoring device on his advanced treatment system. When he installed the system, it was not a requirement, since he is upgrading the system, it is now required. The requirement is an automatic dial-out addition. This alerts the contractor, who alerts the resident. Mr. Bergman currently has an alarm that sounds in his residence. Mr. Rob Wright, system designer, created a maintenance agreement for Mr. Bergman. Since this is not a new install, but an upgrade to the existing system, Mr. Bergman asked for a waiver to install an automatic dial out to a contractor and to retain the alarm in his residence.

Ms. Beverley Dahan made the motion to waive the requirement for installation of an auto-dialer for the property located at 10902 Mill Hollow Road. Ms. Bonnie McNulty seconded the motion. **Motion passed.**

Mr. Terry Robinson, a realtor representing Ms. Lila Gebauer, asked the Board to extend a septic use permit. The permit expired January 20, 2010. The residence has been vacant for four years and Ms. Gebauer forgot to ask for an extension of six months for the permit. Currently, there are offers to purchase the property and Mr. Robinson assumed closing will be in June. Mr. Robinson stated that due to this situation, a new permit and new inspection would cost \$325.00 and an extension fee would be \$25.00.

Ms. Beverley Dahan made the motion to extend the permit for 11692 South Maxwell Hill Road in Littleton for a six month period beginning March 16, 2010, for a fee of \$25.00. Ms. Bonnie McNulty seconded the motion. **Motion passed.**

10:00 a.m. – Ms. Cathy Corcoran called a five minute recess.

10:05 a.m. – Ms. Cathy Corcoran called the cases to order.

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.**

Review Case

Case #10-101779 OW: Mr. Craig Sanders gave details on this case stating that the existing substandard septic systems will be abandoned and new vaults will be installed, improving the wastewater situation. Mr. Robert Watzel, general manager of Mountain Air Ranch spoke in favor of this case. No one spoke in opposition of this case. Ms. Beverley Dahan made the motion to approve this case. Ms. Bonnie McNulty seconded the motion. **Motion passed.**

There being no further business to come before the Board, this meeting was adjourned at 10:12 a.m.