

SAN JUAN BASIN

public health

MEETING MINUTES

REGULAR MEETING OF THE BOARD OF HEALTH

COLUMBINE ROOM, DURANGO, CO

JUNE 29, 2017, 9 A.M.

Attendance: Bob Ledger, Terryl Peterson, Gwen Lachelt, and Jeff Robbins Legal Counsel

I. CALL TO ORDER at 9:11 a.m.

II. APPROVAL OF AGENDA & CONTENT

Due to lack of quorum, the Board was unable to approve an amended agenda at the start of the meeting. All agenda items not requiring a Board decision were reported first. The items needing a decision were presented later after a quorum was present.

III. PUBLIC HEARING

None

IV. OPEN REGULAR MEETING

- a. The regular meeting was delayed due to a lack of a quorum. It was discussed that all agenda items not requiring an official Board decision would be reported first.
- b. Upon arrival of Michael Whiting at 10:00 a.m., the Board had a quorum and was able to make official decisions and approve the agenda.

V. PUBLIC COMMENT

No public comment.

VI. STAFF PRESENTATION

Health Policy and Systems by Cindy Schultz

Board Member asked how the success rate is measured.

Healthy Kids Colorado Survey administered in public schools measures success of these programs by using thirty-day use rates for alcohol and marijuana in youth.

Board Member asked if there has been an increase in teen marijuana use since legalization.

There has been an increased use with youth, and Health Policy and Systems programs are conducting outreach and creating events to educate youth on the effects of marijuana in people under the age of 25 in efforts to reduce their use.

Board Member requested that Healthy Kids Colorado survey should be presented at a future La Plata County Board of County Commissioners meeting.

VII. REPORTS

a. Executive Director and Staff Reports by Liane Jollon

The report was presented to the Board. Liane Jollon emphasized the following significant topics and additional items:

Public Health and Emergency Preparedness:

There have been cases of plague in New Mexico. There are no cases in Colorado yet, but it is important to be aware. There is a positive Hantavirus case under investigation in La Plata County. An environmental inspection is planned, but has not yet been conducted.

Emergency Preparedness and Response held the successful PHED-EX Full Scale Exercise.

EPR Staff is at the County Emergency Operations Center right now to support with fires west of town. SJBPH staff is preparing for further evacuations, especially those with higher medical needs or transportation needs. Staff is assessing public health concerns such as contaminated drinking water and air quality.

Board member asked where residents with serious medical needs would be housed if they were evicted.

SJBPH works with Mercy and other health care facilities in the region through the Health Care Coalition to assist with fulfilling medical needs during an emergency.

State Innovation Model:

Staff is working toward a target of August for the next event after suicide prevention summit.

Board member asked if the teen suicide rate is in part connected to internet and social media influences.

There is a suspicion that there is a correlation to increased suicide rates and social media. Suicide is now a leading cause of death in many age ranges. There is no link directly to the suicide cases that have occurred in La Plata and Archuleta counties, but there have been many precautionary newsletters and e-mails distributed throughout the community.

Board member added that youth are communicating less verbally and more-so through social media and texting.

b. Executive Committee Update by Bob Ledger and Ann Bruzzese

No updates at this time.

c. Land Applied Septage Request from La Plata County Board of County Commissioners by Liane Jollon

The SJBPH Board of Health received a formal letter from the La Plata County Board of County Commissioners requesting that the Board of Health consider land applied septage with Regulation 43.

Board chair asked County Commissioner Lachelt if La Plata County Board of County Commissioners are in favor of allowing land-applied septage in updated OWTS regulations.

Commissioner Lachelt stated the County Commissioners are not necessarily in favor. She discussed community members' concerns for an alternative to a less expensive way to dispose of waste.

Board member followed up by asking if this is a proposal to save money.

It is a request to establish a program to reduce cost for customers and also waste-disposal companies. Staff suggested this could save money and/or increase profit for waste-disposal companies.

This is an opportunity for the SJBPH BOH to consider land-applied septage restrictions or allowances as part of the updated Regulation 43. The Board can choose to include a land-applied septage discussion to Regulation 43 or the Board can discuss septage in a separate study session.

Board member asked if the cost and constraints are affecting waste-disposal business.

This is potentially affecting waste-disposal companies' businesses. There is concern regarding how waste might be disposed if it is not allowed or if residents cannot afford to have their waste transported to an appropriate treatment center.

Board member discussed that if this practice becomes allowed, there may be a cost for SJBPH as well as a need for regulations and a monitoring program.

d. Board Study Session on Regulation 43, Appendix A Checklist, and Local Annex by Sherri Dugdale

SJBPH presented the options and recommendations for Regulation 43. Regulation 43 was officially adopted and goes into effect on June 30, 2017.

The presentation was followed by questions from the Board of Health.

Board member asked if the public has had an opportunity to offer input.

There has been informal stakeholder input which has been considered in the staff recommendations.

Board member asked if the state has a recommendation to local regions to adopt Regulation 43 or create stricter local requirements.

Staff recommends the Board of Health to adopt Regulation 43 by reference. This will still allow SJBPH staff to make some rules stricter.

Board member asked if local engineers and SJBPH are in agreement with Regulation 43 and potential stricter provisions.

Yes, engineers have been informed of Regulation 43 revisions and support having requirements that are more consistent among different counties.

Board Member asked if staff at La Plata County has asked for amendments.

Specific requests from county commissioners could fall under local annexes and will be considered now that the Board has received an official request from the La Plata County Commissioners.

Board member asked if the city and county have regulations regarding vacation rentals to monitor or restrict the number of people in a residence.

There has been discussion at La Plata County Board of County Commissioners meetings for the last two years to develop a registration system since they do not have the statutory authority to issue business licenses. This would help make sure a wastewater treatment system can keep up with the occupancy of the residence. The county has also worked with residents to adopt good neighbor practices in regards to vacation rentals and allowing RVs on their property.

Board member asked if all items SJBPH recommends not changing in Appendix A with Regulation 43 are current state and local regulations.

All provisions SJBPH recommends keeping the same are current SJBPH regulations that are state compliant. There are options that local Boards of Health can choose; however SJBPH is recommending not changing any of the binary options in Appendix A.

The Board agreed that there was no discussion needed for items in Appendix A, as they would remain the same in the new regulations.

Board member asked why violations are voluntary compliance and if SJBPH will have authority to regulate violations.

SJBPH will still have authority to issue violations as well as regulate the violation process. SJBPH would like to simplify the violation/warning process by allowing staff to go straight from an initial warning to a cease and desist order. This would allow staff to solve violations faster, without having to take an extra step when unnecessary.

Board member asked how SJBPH is notified of violations.

SJBPH becomes aware of failing systems and violations when staff receives complaints or when staff receives a request for inspection.

Board member asked if some regulations proposed in SJBPH stricter provisions are due to public input.

SJBPH staff held informal public meetings to receive public input when considering local amendments for Regulation 43.

At this point, Michael Whiting arrived. The Board then had a quorum and was able to make decisions and approve the agenda.

Legal counsel advised the Board the benefits of using SJBPH statutory authority to address the use of public health nuisance. This could be an asset in limited-use occupancy areas because it is a much broader tool and would not have to adhere to a certain time frame. If someone is dumping raw sewage, this would allow SJBPH the ability to issue a public health nuisance without having to wait 120 days to issue a violation. It would be at the discretion of the Board to whether or not a situation would require the use of a public health nuisance.

Board member asked if the Board of SJBPH staff would make the distinction regarding a public health nuisance for limited-use occupancy violations.

Staff would make the distinction. The Board would be an appellate body to whom a resident receiving the public health nuisance could bring an appeal.

Board member asked whose responsibility it would be to issue a violation or warning if someone is dumping raw sewage, especially near a water source.

This scenario could utilize the issuing of a public health nuisance which would be enforced and followed up by SJBPH staff. There are currently issues differing between land-use issues, which is under County authority, or public and environmental health issues, which would be SJBPH authority.

Board member asked how inspections are currently conducted.

Currently they are surface inspections and the customer receives a report and SJBPH collects an inspection fee.

Board member asked if they could decide to disallow expanded use of wastewater ponds. This would disallow the addition of bedrooms for residencies utilizing wastewater ponds.

The Board of Health could disallow expanded use of wastewater ponds and it would encourage community members away from lagoon use, however there may be some disadvantages to the community. There are often cases in which homes have had bedrooms added to the property many years ago that SJBPH was not aware of and only become aware of these extra rooms when homeowners apply for a new permit. This would be a costly system upgrade for those residences that currently have lagoons as their system to convert to a septic tank or other wastewater treatment system.

New wastewater ponds are not allowed.

Board member asked what the public input has been regarding wastewater lagoons and what the proper process to reclaim a lagoon is.

Replacing of lagoons on a property would increase cost but there is an understanding among the community that no new lagoons will be considered. Lagoons must be filled in a certain manner and properly closed.

Board member asked if this region has the most problems with soil conditions and if this caused a higher rate of lagoon installation.

The region under SJBPH jurisdiction is not the only region in Colorado with soil problems, nor the region with the most problems; however it did choose to solve the soil problem by allowing the installation of

lagoons and is one of the regions with the most lagoons.

Executive Director asked if the Board would devote an hour of the next Board of Health meeting to land applied septage and Regulation 43.

Board agreed that they would devote time to discuss Regulation 43 options and land applied septage, as requested by the La Plata County Board of County Commissioners.

VIII. CONSENT ITEMS

- a. Approval of Minutes for meeting held on April 27, 2017
- b. 2017-2018 Title X Funding Grant Renewal
- c. Archuleta Collaborative Management Program MOU Approval
- d. Baby and Me Tobacco Free Grant Approval

There was no discussion. Terryl Peterson moved to accept all items simultaneously, Gwen Lachelt seconded. The Board unanimously approved.

IX. ITEMS TO BE CONSIDERED FOR DECISION

a. 2016 Haynie & Co Finance Audit Report by Nick Warnick

Haynie & Co. auditors visited SJBPH in April to analyze all risks, controls, awards, and other financials. The audit must be reviewed by Board before June 30th and filed by July 31st. The audit shows compliance with federal awards and no violations.

Finance committee discussed that they met with auditors via telephone in April prior to review the auditing process. They had a phone conference again with the auditors during the monthly finance committee meeting in June to discuss the results of the audit, which showed no violations or concerns.

There was no further discussion.

Michael Whiting moved to accept the audit, Gwen Lachelt seconded. The Board unanimously accepted.

b. April and May 2017 Financial Reports by Finance Committee

Finance committee met in May and June to discuss financial reports. Committee member stated that the new committee member is contributing great feedback to SJBPH staff and helping analyze reports. The finance committee will meet in person in July to discuss 2nd quarter reports.

Michael Whiting moved to accept the reports, Gwen Lachelt seconded. The Board unanimously approved.

c. Office of Planning, Partnerships, and Improvement Contract Renewal by Liane Jollon

This is a contract signed annually.

There was no further discussion. Terryl Peterson moved to approve, Gwen Lachelt seconded. The Board unanimously approved.

d. Healthy Communities Contract Renewal by Liane Jollon

Health Care Policy and Financing is allowing 5% indirect, which is below required indirect. SJBPH has had discussions with HCPF to negotiate a higher indirect rate.

There was no further discussion. Gwen Lachelt moved to accept, Michael Whiting seconded. The board unanimously approved.

e. Temporary Assistance for Needy Families (TANF) Parents Plus Renewal by Liane Jollon

Due to budget changes at La Plata County, the TANF program will not be funded by the county after January 1st of 2018. SJBPH will be looking at the 2018 budget to see if the organization can continue funding the program.

Michael Whiting moved to approve, Terryl Peterson seconded. The Board unanimously approved.

f. Colorado Health Foundation WIC Grant by Liane Jollon

SJBPH Assessment and Planning director reviewed the potential fiscal impact SJBPH will incur since indirect is not allowed on the CHF WIC Grant. This will be discussed further in the upcoming budget process.

Board member asked for clarification that there will be no funding provided for administrative costs.

There will be some but not enough to cover the full administrative costs. The grant has been awarded but has not yet been signed in order to seek approval from the Board of Health.

Gwen Lachelt moved to approve, Michael Whiting seconded. The Board unanimously approved.

g. Connect for Health Colorado Funding by Liane Jollon

Indirect will be limited at 10%, which has been assessed by SJBPH accounting staff.

Staff reiterated the need to closely track the recent trend of contracts and/or grants limiting administrative indirect and/or occupancy expenses. This will be reviewed more closely in the 2018 budget cycle.

There was no further discussion. Terryl Peterson moved to approve, Gwen Lachelt seconded. The Board unanimously approved.

h. Colorado Health Foundation Advancing Collective Impact for Behavioral Health by Flannery O'Neil

Staff discussed that this will help train SJBPH staff that addresses population health and have the knowledge to accurately track and continue moving forward with local public health issues related to suicide.

There was no further discussion. Gwen Lachelt moved to approve the staff pursuing funding, Michael Whiting seconded. The Board unanimously approved.

XII. NEXT REGULAR BOARD MEETING

Thursday, July 27th at 9:00 a.m., Pagosa Springs, Colorado

XIII. EXECUTIVE SESSION

There was no need for an executive session.

XIV. OTHER BUSINESS

La Plata County Commissioner and Board of Health member, Gwen Lachelt, discussed the Animas Mosquito Control District, which works to mitigate mosquitos in La Plata County. Rather than spraying, the company now uses more natural and occasionally organic means to control mosquitos through techniques such as applying pellets to ponds. The control district has had significant problems gaining access to approximately 24 properties in La Plata County and they do not have the authority to enter properties if a land owner refuses. This entity is different from other mosquito control districts because the Animas Control District is considered a special district.

Gwen Lachelt requests legal counsel to research special mosquito control districts to see how Animas Mosquito Control District may be able to enter properties.

Legal counsel recommends Animas Mosquito Control District to work with SJBPH to utilize public health nuisance

so Animas Mosquito Control District can be granted access to properties in which they are unable to obtain owner consent.

SJBPH communicable disease staff is conducting surveillance for West Nile Virus in the area.

Board member asked reasoning for properties objecting to mosquito mitigation.

Some has to do with former community concerns regarding health, some property owners are absent and Animas Mosquito Control District is unable to enter land and conduct mitigation procedures without property owner approval.

Legal counsel will review and make recommendations for next steps.

XV. MEETING ADJOURNED at 11:31 a.m.

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