

Tri-County Board of Health Meeting
April 5, 2011
Minutes

The Board of Health was officially called to order at 4:30 p.m. by Janice Brainard, Board President, at Tri-County Health Department, 6162 S. Willow Drive, Suite 100, Greenwood Village, Colorado 80111. Other members comprising a quorum included Thomas Fawell, M.D.; Joseph Anderson, M.D; Ruth Fischhaber; and Carole Adducci. Kaia Gallagher, Ph.D. arrived later. Dr. Richard Vogt, Executive Director, and several Tri-County Health Department (TCHD) employees were also in attendance.

Introductions

Michele Askenazi, Director of the Office of Emergency Preparedness, introduced Andrew Horvath, Emergency Preparedness Coordinator. Mr. Horvath will be in charge of the Office of Emergency Preparedness while Ms. Askenazi is on maternity leave.

Tom Butts, Director of Environmental Health, introduced Kevin Bock and Tom Martella, Environmental Health Specialists.

Anne Bennett, Director of Nutrition, introduced Joanne Holden, Nutrition Supervisor.

Approval of the Minutes of the February 8, 2011 Meeting

The minutes of the February 8, 2011 meeting were presented to the Board for review.

Dr. Fawell inquired whether automobile patrols of the Altura Plaza parking lot had commenced. Jeanne North, Director of Nursing, stated that the car was delivered Friday, April 1, 2011. Ms. Brainard asked whether TCHD had been able to get the other tenants to help pay for security services. Ms. North stated that we have not.

MOTION: Ms. Adducci moved to approve the minutes of the February 8, 2011 meeting as written and Dr. Fawell seconded. The motion was approved unanimously.

Approval of the Financial Statements Dated February 28, 2011

Dr. Vogt presented the financial statements for the year-ended February 28, 2011 to the Board for review. He noted that expenditures match the percentage of the year completed.

Dr. Fawell noted that Medicaid funding is down, but the number of patients has increased. He inquired whether TCHD would be able to provide care for all of them. Dr. Vogt stated that we do not want to turn patients away. We actively bill Medicaid to try to capture as much revenue as we can and make up the shortfall with general funds.

MOTION: Ms. Fischhaber moved to accept the financial statements dated February 28, 2011 as presented and Ms. Adducci seconded. The motion was approved unanimously.

Public Hearing: Proposed Changes to ISDS Regulation

Ms. Brainard opened the public hearing at 4:47 p.m. regarding the adoption of the proposed updates to Regulation I-02, Individual Sewage Disposal Systems (ISDS). The public hearing was duly advertised in *The Denver Post* on March 13, 2011.

Mr. Butts summarized the proposed additional ISDS regulation elements which are: implementing a “Minor Repair” permit, establishing a “Use Permit” program, and improving several other technical specification portions of the regulation to create a new “I-11” regulation. All fees are intended to be revenue neutral as required by state statute.

A Minor Repair permit would be required for septic tank replacement or the installation of a new lift station. The Minor Repair permit fee will be lower than the fee for a Major Repair permit and is intended to encourage replacement of failing tanks to prevent system malfunctions that can spread disease and contaminate water. The lower fee also reflects that less staff time and oversight is required for this type of repair.

A Use Permit would be required for the sale of property, the transfer of property, the addition of up to two bedrooms, change in property use (e.g., residential to commercial), the addition of a modular home onto the ISDS, and other situations as determined by TCHD. Activities involved with a Use Permit would include inspection by a third party certified inspector, repair of identified deficiencies, and application review and approval by TCHD staff. These activities would provide a significant increase in oversight of the more than 23,000 ISDS in use within our jurisdiction, which would help protect the environment and ensure buyers purchase homes with working septic systems. TCHD estimates an average of 880 Use Permits would be issued annually.

Dr. Anderson noted the recommended additional requirement for system cleaners to submit a record of the volume of septage disposed of at each facility in the past year as a condition of license renewal and the requirement that cleaners take an exam or fulfill other obligations to demonstrate knowledge of regulations. He advised caution on implementing creeping bureaucratic requirements that impact hard-working individuals.

Ms. Brainard noted that several individuals present wished to speak regarding the proposed changes to the regulation. Each was given three to five minutes to present their comments to the Board:

Tim Petz, owner of All Service Septic, spoke in favor of use permit implementation in terms of protecting home buyers.

Jeff and Kim Seipp, owners of High Plains Sanitation, stated that they have seen many septic system problems get passed from homeowner to homeowner. The implementation of a Use Permit would provide an opportunity to educate buyers on septic system maintenance. They also approve of requiring inspectors to be certified because they believe there is a legitimate need for standardization across the industry.

Bob Wright, a civil engineer with Church Onsite Wastewater Consultants, stated that this is basically a non-professionalized industry. Most installers have learned on the job and, only within the last few years, has standardized training begun. Per Mr. Wright, the State of Colorado mandates that homeowners are responsible for properly maintaining their septic systems; however, most don't know how to do this. He stated that individuals who oppose Use Permit implementation say that inspectors are trying to line their pockets; however, he could also argue the reverse and claim that realtors are lining their pockets at the buyers' expense. The bottom line is that problems are identified and repaired.

Joe Kordziel, owner of Kordziel Engineering, spoke in favor of Use Permit implementation. He explained that this would ensure that homeowners know what's going on with their septic system and ensures identified problems are addressed. He pointed out that there are other Colorado counties that require Use Permits.

Susan Bailey serves on the Board of Directors for Antelope Hills Homeowners Association (HOA) and is opposed to Use Permit implementation. Their HOA covenants require septic systems to be inspected annually. She stated that in order to conduct a septic system inspection, the tank must be pumped, which is an additional expense. Also, all septic system inspectors are either cleaners or installers, which she views as a conflict of interest. This requirement has proven to be very costly for the HOA and the inspectors are failing them more than the ISDS systems are. She also inquired how a seller buying a use permit was going to educate the new owner on septic system maintenance.

Gary VanDyke with Antelope Hills HOA stated that he has been on a septic system his entire life, has never had a septic system pumped and has never had a problem. He believes if a septic system is installed correctly, then it doesn't need to be inspected. He stated that TCHD has too much power already and he doesn't need any more government regulation. He stated that TCHD should distribute educational materials to homeowners about proper septic system care.

Rich Flemming, a Real Estate Broker with Assist 2 Sell in Jefferson County, is in favor of implementing a Use Permit program. He stated that the Jefferson County Department of Public Health and Environment implemented a Use Permit program in 2003 and that it has become a well-accepted program. Mr. Flemming stated a Use Permit program is a consumer protection mechanism that not only protects buyers, but also protects sellers from lawsuits, in which the realtor ultimately gets involved. He has incorporated the Use Permit program in his listing agreements with sellers and provides them with an informational booklet developed by the Jefferson County Department of Public Health and Environment and a list of certified inspectors.

Scott Kellogg, owner of Douglas County Septic, spoke in favor of Use Permit implementation. He gave an example of an issue that arose at a 40-year-old property where the new owners were planting a tree and discovered that they had a collapsed septic tank. It will cost the new owners approximately \$7,000 to \$10,000 for a new septic system. Mr. Kellogg stated that septic systems are like cars, if properly maintained, they will last for a long time.

Rachelle Cline, owner of Cline Utility Contractors, Inc. in Frank Town, Colorado, stated that she is in favor of Use Permit implementation because it provides an opportunity for homeowners, home buyers and real estate agents to be educated and raises the bar for septic system inspectors.

Harvey Crandall of Strasburg, Colorado is against Use Permit implementation. He stated that he has installed approximately 500 systems and believes most are still working properly today. He has seen 1,000-gallon tanks that have not been pumped for ten or 15 years have only two feet of solids in the bottom. He stated that he is afraid that some inspectors will take advantage of homeowners and force them to fix something that isn't broken. Finally, he stated that Use Permits are probably just another ploy to raise money.

Kate Carney, President of Colorado Professionals in Onsite Wastewater, spoke in favor of Use Permit implementation and homeowner education on proper system maintenance.

Heather Whiteman with Cline Utility contractors, Inc. also spoke in favor of Use Permit implementation and homeowner education.

Mr. Butts presented a letter of support written by Julie Vlier, P.E., on behalf of Chatfield Watershed Authority. He also presented the Chatfield Watershed Authority's policy for commercial and industrial ISDS.

Dr. Anderson stated if septic tanks were installed properly, a Use Permit is not needed. He stated that TCHD should be inspecting the installers.

Ms. Brainard verified that all individuals present had had an opportunity to speak and closed the public hearing at 5:47 p.m.

Dr. Fawell inquired whether a system should be set up to ensure those who inspect the ISDS are not the ones performing repairs. Mr. Butts explained that homeowners have the ability to decide whether the inspector's company or another company fixes identified issues.

Dr. Gallagher asked whether consumers could access and share information concerning septic systems and ISDS inspectors on the TCHD website. Mr. Butts informed her that we have information on proper septic system care and a list of licensed inspectors on our website. We currently do not have a way for citizens to share information.

Dr. Fawell asked Mr. Flemming whether he provided paper copies of the informational booklet developed by the Jefferson County Department of Public Health and Environment and a list of certified inspectors to sellers. Mr. Flemming stated that he does provide hard copies of this information to everybody who lists with him. Mr. Flemming also agreed that there is potential for misbehavior for the contractor who pumps, inspects and then does the repair. He agrees that something needs to be done to ensure that these inspectors don't pad their pockets with unneeded repairs.

Dr. Gallagher recommended that TCHD staff take all suggestions to heart. She is particularly concerned about the potential for ISDS inspector conflicts of interest.

Ms. Brainard thanked all who expressed their thoughts, views and concerns. She reminded them that TCHD is charged with safeguarding the public health of the 1.3 million residents in our jurisdiction.

MOTION: Ms. Fischhaber moved to adopt all proposed changes and the new I-11 version of the Individual Sewage Disposal System Regulation and Ms. Adducci seconded. The motion was approved by all except Dr. Anderson who opposed.

Public Hearing: Proposed Changes to Illegal Drug Laboratories Regulation

Ms. Brainard opened the public hearing at 5:58 p.m. regarding the adoption of the proposed amendments to Regulation IDL-06, Concerning the Cleanup of Illegal Drug Laboratories. The public hearing was duly advertised in *The Denver Post* on March 13, 2011.

Mr. Butts explained that proposed revisions to the current regulation, IDL-06, would update the language to match the state statute which was revised in 2009 and eliminate the separate fee schedule in the regulation and, instead, reference fees for services approved by the Board of Health each year.

Ms. Brainard confirmed that nobody from the public was present to speak on this issue and closed the public hearing at 6:03 p.m.

MOTION: Dr. Fawell moved to accept the proposed revisions to Regulation IDL-06, Concerning the Cleanup of Illegal Drug Laboratories, and Dr. Gallagher seconded. The motion was approved unanimously.

Public Hearing Request: Proposed Environmental Health Fee Changes

Mr. Butts explained that, pursuant to C.R.S. 25-1-508(5)(j) and C.R.S. 25-10-107(1), the TCHD Board of Health may assess fees equal to actual and direct costs. A fee calculation formula previously adopted by the Board of Health is used annually to adjust Environmental Health fees. Mr. Butts presented the proposed fees to the Board and summarized the major changes. He explained that TCHD's financial books have not been closed for 2010; therefore, the numbers presented are an estimate. This could result in a slight adjustment to proposed figures. Actual figures will be presented to the Board at the June 14, 2011 meeting.

Dr. Fawell noted the Certified Pool Operator Training Course fee was calculated to cost TCHD \$100 more than we charge for the class. Mr. Butts explained that our proposed fee is commensurate with competitors' rates.

MOTION: Dr. Fawell moved to hold a Public Hearing to consider adoption of proposed Environmental Health fees on June 14, 2011 and Ms. Fischhaber seconded. The motion was approved unanimously.

CPPW Public Service Announcements

Stacy Weinberg, Director of Epidemiology, Planning and Communication, showed a video produced by the Bennett School District on their CPPW accomplishments. Ms. Weinberg also planned to show ten public service announcements developed through TCHD's partnership with Rocky Mountain PBS and The Children's Hospital; however, they were tabled to the June 14, 2011 Board of Health meeting due to time constraints.

CPPW Update

Ms. Weinberg announced that TCHD has awarded a second round of grants to fund one-time purchases of items to promote physical activity (e.g., new playground equipment, bike racks, fitness pads, etc.). Every school district in our jurisdiction will receive approximately \$50,000.

Also, TCHD held a training session with CPPW community grantees and city planners and subsequently developed a handbook entitled "Built Environment and Health," which is available on our website. Our handbook was so well received by the Centers for Disease Control and Prevention (CDC) that they plan to disseminate it to CPPW grantees nationwide.

Ms. Weinberg reported on the CPPW Annual Conference that was held in Atlanta March 27-30, 2011. The 1,200 conference attendees were very enthusiastic and have a real desire to make this a nationwide movement. As a result of this enthusiasm, TCHD is planning to host a large gathering of our stakeholders (e.g., mayors, superintendents, city planners, etc.) in June to celebrate our accomplishments over the past year and to build momentum for year two of the CPPW grant.

Legislative Day at the Capitol

Legislative Day at the Capitol was organized by CALPHO in conjunction with public health leaders from across the state in an effort to emphasize the importance of public health and attempt to stave off additional budget cuts. A total of seven elected officials and 14 staffers attended the luncheon on March 17, 2011 and listened to presentations on important public health activities. The afternoon was spent talking to legislators hosting key bills.

Talking Points for Board of Health Members

Talking points for Board members will be presented at the June 14, 2011 meeting.

Space Update

Administrative Office

Bruce Wilson, Deputy Director, informed the Board that ten nurses with TCHD's Nurse Family Partnership program have relocated to the Administrative Office.

Pecos Office

Plans to relocate our Pecos Office to Broadway and 70th are proceeding on schedule. We are currently reviewing construction bids and expect construction to be complete by the end of October 2011. The lease at our current location ends November 30, 2011.

Aurora Office (Altura Plaza)

We continue to address security at this location. A car has been added for parking lot patrols. TCHD phones have been installed in the basement conference room and at the guard desk. Walkie talkies have also been obtained and are used for communication with security guards between floors. Also, the remodeling project is expected to take a couple of years due to the current economic climate.

ED Report

Lead in Turmeric Spice

In 2010, two home investigations conducted in response to elevated blood lead levels in children identified spices from India as possible sources of lead exposure. In response, TCHD launched an investigation and subsequently detected elevated lead levels in turmeric imported from India and sold by a local retailer. TCHD contacted the Environmental Health and Sustainability Division at CDPHE and the United States Food and Drug Administration (FDA) to coordinate additional investigative efforts and a potential product recall. Subsequent testing conducted by the FDA verified elevated lead, at levels of concern, in one source of turmeric. The FDA is actively working with the importer/supplier in California to initiate a recall.

Household Chemical Round-Ups

Tri-County Health Department will be operating five Household Chemical Roundups in 2011 on the following dates:

Saturday, May 7 – Hyland Hills Water World in Federal Heights

Saturday, May 14 – Joint Services Facility in Parker

Saturday, August 13 – Shea Stadium in Highlands Ranch

Saturday, September 17 – Town of Castle Rock Utilities in Castle Rock

Saturday, September 24 – Thornton IMC in Thornton

All events are from 9:00 a.m. – 3:00 p.m.

Pharmaceutical Take-Back Program

As one of the partners of the Colorado Medication Take-Back Pilot Project, TCHD continues to offer medication disposal services for the residents of our three counties. As of March 3, 2011,

TCHD collection boxes have amassed 749 pounds of pharmaceuticals. As a whole, the Colorado Medication Take-Back Pilot Project has collected 8,426 pounds of medications to date. Again this year, the DEA will hold medication collection events at various locations in our three counties as part of their National Pharmaceutical Take Back Collection Day on April 30, 2011.

Crisis Communication Training

The Office of Emergency Preparedness (OEP) hosted crisis communication training for key staff members March 7-9, 2011 to prepare them to assist in TCHD communication planning and response efforts. By providing this training, we are continuing to build depth and capacity in our agency to ensure resources are available in the event of a large-scale emergency.

NACCHO Model Practice Awards

TCHD will receive three National Association of County and City Health Officials (NACCHO) Model Practice Awards at the annual conference in July 2011: **“Colorado Circle of Protection Tdap Program”** by Megan Koepsell, Public Health Nurse; **“Non-Community Water System Inspection, Recordkeeping, and Compliance Toolkit”** by Hope Dalton, Water Quality Specialist; and **“Using Cost Benefit Analysis to Help Sustain an Accredited Public Health Dietetic Internship Program and Increase Financial Evaluation Skills in New Public Health Nutrition Professionals”** by Heidi Fritz, Nutrition Manager. Additionally, the following submission was designated as a Promising Practice: **“I ♥ All My Animals: Promoting Rabies Vaccination for Domestic Animals Through A Collaborative Multi-Media Campaign”** by Dr. Jen Brown, Public Health veterinarian and Disease Intervention Specialist, and Gary Sky, Public Information Officer. No other health department has received model practice awards for eight consecutive years.

9Health Fairs

Dr. Vogt announced that TCHD will be participating in eight 9Health Fairs in March and April 2011. We may receive additional invitations from other 9Health Fair sites.

Set the Agenda for the June 14, 2011 Board Meeting

The agenda for the June 14, 2011 Board of Health meeting will include: 1) A public hearing on proposed Environmental Health fees; 2) the draft 2010 Auditor’s Report; 3) the 2012 budgetary dynamics; 4) updated Board of Health talking points; 5) CPPW public service announcements; and 6) a report on legislative activities at the state and federal levels.

Other Items

Public Health Heroes of the Year Awards Ceremony and Reception

Dr. Vogt reminded the Board members that we hold a reception and awards ceremony every June to recognize our Public Health Heroes. He proposed we do this at 4:00 p.m. on June 14, 2011 followed by the Board of Health meeting at 5:00 p.m.

CONSENSUS: The Board members agreed with Dr. Vogt’s suggestion.

New Colorado Legislation

Anne Bennett, Director of the Nutrition Division, informed the Board that new state legislation was passed requiring WIC Educators to report suspected cases of child abuse and neglect.

Board Member Remarks

Public Health Reform

Dr. Gallagher expressed her interest in opportunities related to health care reform. Dr. Vogt stated that, while attending the NACCHO Board meeting in Washington, DC last month, he met with legislative assistants for U.S. Senator Mark Udall, U.S. Senator Michael Bennett and U.S. Representative Mike Coffman. He explained that the current emphasis is on keeping the government running; however, health care reform will definitely become a focus. Dr. Vogt agreed to keep the Board apprised of future health care reform developments.

Closing Remarks

Ms. Brainard thanked those present for their support. She reminded everyone that this is National Public Health Week and stated that she is very impressed with TCHD.

Adjournment

MOTION: Dr. Gallagher moved to adjourn the Board meeting at 6:53 p.m. and Dr. Fawell seconded. The motion was approved unanimously.

Janice Brainard, President

Ruth Fischhaber, Secretary