

OFFICIAL RECORD OF PROCEEDINGS

Boulder County Board of Health (BOH) Regular Meeting Boulder County Public Health Auditorium October 12, 2015

BOH Members Present: President Gregg Thomas; Vice President Don Misch, M.D.; and Board Members Olga Bermudez, Sonya Jaquez-Lewis, and Jorge DeSantiago.

Staff Members Present: Public Health Director Jeff Zayach, Director of Administrative Services Stephanie Martz, Director of Health Divisions Heath Harmon, Director of Strategic Initiatives Susan Motika, Environmental Health Division Manager Joe Malinowski, Community Health Division Manager Andrea Poniers, Family Health Division Manager Heather Matthews, Air Quality and Business Sustainability Program Coordinator Pam Milmoie, Consumer Protection Program Coordinator Lane Drager, TEPP Program Coordinator Jen Kovarik, OASOS Program Coordinator Heather Crate, Food Safety Team Lead Gina Bare, Business Sustainability Specialist Collin Tomb, Oil and Gas Specialist Patrick Murphy, and Administrative Division Manager Tammy Golden.

Special Guests: Boulder County Policy Analyst Mark Ruzzin and Intern Sarah Goff.

Meeting Called to Order.

President Thomas called the meeting to order at 5:32 p.m.

ITEM 1. Public Comments (on unscheduled agenda items).

None.

ITEM 2. Consent Agenda.

A. Approval of September 14, 2015, Board of Health Meeting Minutes.

B. Approval of August 2015 Financial Report.

Vice President Misch made a motion, which was seconded by Board Member DeSantiago, to approve the consent agenda, as presented. With all Board Members voting in favor of the motion, President Thomas declared the motion approved.

ITEM 4. Election of New BOH President and Vice President.

Board Member Jaquez-Lewis made a motion, which was seconded by Board Member DeSantiago, to nominate Gregg Thomas to serve another term as President and Don Misch, M.D., to serve another term as Vice President. With President Thomas abstaining and all other Board Members voting in favor of the motion, President Thomas declared the motion carried.

ITEM 3. Update on Public Health Policy Development and Overview of the 2016 Colorado Legislative Session.

Environmental Health Division Manager Joe Malinowski presented this item and introduced Boulder County Policy Analyst Mark Ruzzin. Mr. Malinowski said that he and Mr. Ruzzin present the Boulder County legislative agenda to the Board of Health annually for approval. By adopting the County's legislative agenda, the Board of Health (BOH) authorizes staff to take positions on proposed legislative bills.

Having this preauthorized approval is essential because timing often becomes an issue during the legislative session.

The BOH indicated earlier this year that it would like to be more active in policy development and advocacy before the legislative agenda is adopted by the County. The purpose of this presentation was to outline potential policy matters of public health interest anticipated during the upcoming legislative session. Mr. Malinowski asked several BCPH staff members (i.e. subject matter experts) to provide updates.

Public Health Director Jeff Zayach said this opportunity allows the BOH to comment on, support, or oppose potential legislative issues. He invited the BOH to notify staff if they are interested in any legislative issues not presented by staff. Board Member Jacquez-Lewis said she appreciated the opportunity to participate in the legislative process. She said it enables the BOH and BCPH to contemplate upcoming legislative issues.

Public Health Director Zayach thanked staff for providing their updates to the Board. He said Boulder County was highly regarded throughout the state for its active participation during the legislative session that often includes testimonials from BCPH staff to state legislators.

Mr. Ruzzin said Boulder County's Policy Team consists of himself, Megan Davis, Leslie Irwin, and Pete Salas. The team collaborates with all Boulder County departments, as well as community partners and stakeholders to develop the County's annual legislative agenda and follow legislative activities throughout the year. He said the legislators have expressed appreciation of this collaboration in Boulder County, as they are assured that the County's legislative positions have not only been vetted internally, but also with the County's community partners and stakeholders.

Additionally, the County's Housing and Human Services (HHS) Policy Committee represents Boulder County Public Health, Housing and Human Services, and Community Services, and the County collaborates with the Colorado Counties, Inc. (i.e. statewide agency for county commissioners), Colorado Association of Local Public Health Officials (CALPHO) and Colorado Public Health Association (CPHA).

There are 100 legislators in Colorado (65 Representatives and 35 Senators), 8 of whom comprise the Boulder County delegation of Representatives Mike Foote, KC Becker, Dianne Primavera, Jonathan Singer, Dickey and Lee Hullinghorst; and Senators Rollie Heath, Matt Jones, and Tim Neville.

Staff outlined the following timeline for developing Boulder County's annual legislative agenda:

1. October: HHS Policy Committee sets broad legislative priorities.
2. November: Board of County Commissioners (BOCC) adopts countywide priorities (aka Boulder County Legislative Agenda).
3. December/January: BOH adopts the County Legislative Agenda.
4. December: BOCC has breakfast meeting with Boulder County legislative delegation.
5. January: General Assembly convenes.

The Boulder County Legislative Agenda includes a wide range of topics and outlines roughly 100 priorities. The 2015 legislative priorities that were adopted pertained to disaster recovery, energy efficiency and renewable energy, oil and gas authority, human services (public benefits and child welfare), land use, public health, and public lands. Additionally, 2015 budget priorities included emergency management and disaster recovery, human services, aging, and alternative transportation.

Staff gave the following updates regarding public health matters that could be discussed during the upcoming legislative session:

- **Retail Food License Fees (Lane Drager):** Retail food establishment license fees are established by State Statute; however, retail food programs are significantly (40%) underfunded. There is currently a stakeholder process involving the State, local public health, and the retail industry that is examining potential changes to retail programs, as well as how the programs are funded from license fees.
- **Cottage Foods Act (Gina Bare):** There is a current rulemaking process to address newly added acidified foods (i.e. pickled vegetables) as a Tier 2 cottage food. There is potential for a new bill to be introduced to further expand cottage foods.
- **Tobacco Tax (Jen Kovarik and Andrea Poniers):** Amendment 35 is the most recent tax passed in Colorado to fund tobacco programs, such as BCPH's Tobacco Education and Prevention Partnership (TEPP) Program. There are several pieces of tobacco legislation being introduced in the coming session. Potential topics include: 1) Raising the price of tobacco products, which is considered a best practice; 2) Raising the age to purchase tobacco products from 18 years to 21 years (this has also been introduced at the federal level); 3) Assuring statutory authority for counties to include electronic smoking devices in minor-in-possession (MIP) laws; and 4) A registry for tobacco retailers (not the same as a license, which would be the preferred method of regulation).
- **Family Medical Leave Act (FMLA) Wage and Working Wage (Heather Matthews):** Due to social determinants of health, people are paying close attention to this. The current minimum wage in Colorado is \$8.23/hour, which is less than the poverty level for a family of 2; whereas, the minimum wage in other states is over \$15/hour. A bill died last year that would've increased Colorado's minimum wage to more than \$12/hour.
- **Family Leave (Heather Matthews):** The U.S. is the only "rich" nation that doesn't offer paid maternity leave (policy gap only allows for unpaid medical leave), yet a child's birth can make or break a family due to loss of income. One proposal would allow someone to receive a portion of their salary while caring for a family member, but that was reduced to draw on federal funds to conduct a feasibility study (Colorado lost out on receiving that by two votes). Another bill also failed that would've granted unpaid leave to attend parent/teacher meetings and kids' activities. Ms. Matthews said staff is working to help develop other family-friendly policies.
- **Long-Acting, Reversible Contraception (LARC) Funding (Susan Motika):** The Colorado Department of Public Health and Environment (CDPHE) tried to raise \$2 million to fund this. Director Motika said Boulder County is temporarily funded by a safety net, and it's uncertain what will happen during the next legislative session.
- **Child Care Regulations/Deregulation (Kara Kaiser):** CDPHE is likely to approve new child care regulations, including required radon and lead testing; loosening of some food service requirements to allow providers to prepare healthier foods; prohibiting amphibians, poultry, and reptiles in areas for children under five years (is okay for older kids); adding new licensing regulations; limiting sugar-sweetened beverages; prohibiting the viewing of TV/videos for children under two years; and encouraging physical education for child care. During the last legislative session a bill was introduced to exempt smaller child care operations. With the adoption of the new regulations, staff is anticipating another bill that would deregulate these facilities.
- **Birth Certificate Modernization Act (Heather Crate):** This act was defeated last session and would have enabled transgender people to change gender markers on their birth certificates, as is allowed in some other states.
- **Sugar-Sweetened Beverages (Susan Motika):** During the last legislative session, a bill was proposed by Senator David Balmer that would've repealed state sales tax on sugar-sweetened beverages; Director Motika and Jefferson County Public Health Director Mark Johnson testified against it. Senator Balmer is interested in repealing Governor Ritter's "sin taxes." Director Motika also referenced "Bridging the Gap," a Robert Wood Johnson Foundation program in 34 states and the District of Co-

lumbia that aims to improve the understanding of how policies and environmental factors affect diet, physical activity, and obesity among youth and youth tobacco use. Repealing existing laws in Colorado would make Colorado out of step with the rest of the nation.

- **Farmers Market/SNAP (Susan Motika):** LiveWell Colorado would like to file a statewide application to the U.S. Department of Agriculture (USDA) to fund this program, which allows clients to use food vouchers (i.e. food stamps) to purchase fresh fruits and vegetables at their local farmers' markets.
- **Oil & Gas (Patrick Murphy):** Last year the BOH supported a proposed study to evaluate the health impacts on people living in close proximity to oil and gas production; however, that legislation was defeated. A new recommendation from the Governor's Task Force would enable CDPHE to fund a central gathering center for collecting and analyzing statewide information regarding resident concerns on oil and gas activities, coupled with a mobile air quality monitoring device for use in responding to problem areas and collecting data. There doesn't seem to be a lot of potential for oil and gas legislation next year; however, there is potential for increased pressure to increase local government control in oil and gas matters. Board Member Jaquez-Lewis asked Mr. Murphy about Encana leaving Colorado, and Mr. Murphy said Encana was sold to another company that has said it will honor Encana's agreement with the Town of Erie.
- **Clean Power Plan (Collin Tomb):** This plan will target existing coal power plants to cut emissions by 32% by the year 2030; the goal in Colorado is 28%. There is opposition to this plan, however, and more than 20 states are considering suing the Environmental Protection Agency (EPA), although a coalition is being formed to help support the plan.
- **Marijuana, Public Consumption (Heath Harmon):** Senator Jonathan Singer is interested in introducing a bill to allow for consumption of marijuana in places other than private homes. It wouldn't extend to restaurants and bars and most likely would be in "cannabis clubs" to ensure there is no exposure to secondhand smoke, including for employees.
- **Marijuana Tax Distribution (Heath Harmon):** Proposition BB would allow the State to use tax revenues from marijuana sales for school construction and state/local programs that include youth-focused substance abuse prevention and education. If defeated, the excess revenues would be returned to taxpayers – including marijuana businesses, in compliance with the TABOR Act.
- **Marijuana Code Changes in Boulder (Heath Harmon):** The City of Boulder is revising its local marijuana regulations. Most of the changes are focused on improving clarity and consistency for businesses. Many of the existing health provisions contained in the city code would remain intact.
- **TABOR (Susan Motika and Intern Sarah Goff):** Regarding the hospital provider fee exemption, Director Motika explained that hospitals pay fees to the State, they are then used to secure matching Medicaid funding from the federal government, and they are then distributed back to the hospitals to serve lower-income clients. TABOR would bar rebates starting in 2018, and hospital provider fees earmarked for health care would be exempted from the TABOR cap. Unless this is changed, revenues to the State would be reduced significantly (by hundreds of millions of dollars). On the other hand, "Band-Aid fixes" could impact the ultimate goal of eliminating TABOR altogether, so Mr. Ruzzin said there may be ballot measures introduced next year that reduce or eliminate TABOR.
- **Student Information/Data Sharing (Jeff Zayach):** St. Vrain Valley School District (SVVSD) has its own in-house prevention/intervention programming, and Boulder Valley School District (BVSD) is part of BCPH's Youth Connections Program (formerly the Prevention/Intervention Program). There are proposed changes on how these programs can share information with key school district staff to help support students address/prevent impacts.
- **Universal Health Care (Susan Motika):** Initiative 20 would amend regulations on health care by initiating ColoradoCare, a resident-owned, non-governmental health care financing system designed to ensure comprehensive, accessible health care for all Colorado residents. It would enhance comprehensive health care services required by Medicaid and the Affordable Care Act, and premiums would be based on income.

- **Sustainability Tax (Mark Ruzzin):** The BOCC previously considered a sustainability tax to fund sustainability efforts long-term; however, the BOCC decided against it in favor of a flood recovery tax. The BOCC would like to revisit the sustainability tax, which includes connecting to and supporting municipal initiatives.
- **Countywide EcoPass (Joe Malinowski):** Boulder County did a feasibility study in 2014 on a county-wide EcoPass. Concurrently, as part of her Regional Institute for Health and Environmental Leadership (RIHEL) Project, BCPH Built Environmental and HEAL (Healthy Eating and Activing Living) Coordinator Rachel Arndt is conducting a health impact study on a community-wide EcoPass program, which coincides well with the County's efforts. Air Quality and Business Sustainability Program Coordinator Pam Milmoie said this would be a tremendous asset for elderly and low-income residents, as well as for the environment.

Vice President Misch acknowledged the significant work of Boulder County Public Health and its staff to protect the public's health. He said residents most likely don't realize the amount of effort and energy BCPH does to protect the community's health, and he expressed gratitude to staff. Board Member DeSantiago also thanked staff and said the presentation was very beneficial. Mr. Ruzzin echoed this, saying how much he enjoyed working with BCPH staff on legislative issues.

Mr. Malinowski said there will be opportunities during the legislative session for the Board of Health to offer comments, support, or opposition on proposed legislation. Public Health Director Zayach said the 2016 Boulder County Legislative Agenda will be presented to the Board for approval in January 2016.

ITEM 5. Director's Report.

Body Art: Board Member Jaquez-Lewis asked about the local body art facility recently cited and was told the violation had to do with spore testing.

Watershed Discharge: Board Member Bermudez asked about the recent watershed discharge incident, and Environmental Health Division Manager Malinowski said it didn't have an impact on the aquatic system. He said there are hundreds of mines in Boulder County, some of which are Superfund sites, and the Environmental Protection Agency (EPA) is working to close some of them. Public Health Director Zayach added that BCPH categorizes and prioritizes all known mines in Boulder County for mitigation.

Sugar-Sweetened Beverage Policy: President Thomas asked if the extra time Public Health Improvement Process (PHIP) Coordinator Summer Laws will dedicate to the sugar-sweetened beverage policy would impact her PHIP work, and Director Motika said it would not.

ITEM 6. Old and New Business/Announcements.

A. Discussion on Tabled Consent Agenda Items (if any).

None.

B. Old and New Business.

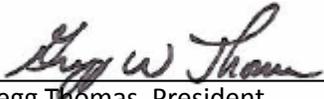
None.

C. Announcements.

Board Member DeSantiago said the recent Annual Compañeras Women's Summit and Youth Conference was a great success and thanked everyone for the tremendous support the event received from the community. He said more than 175 people participated this year, including over 20 organizations at the wellness expo. The Board and staff acknowledged the active participation of BCPH Health Planning and Epidemiology Manager Namino Glantz in this event.

ITEM 7. Adjournment.

There being nothing further to discuss, President Thomas declared the meeting adjourned at 7:44 p.m.



Gregg Thomas, President



Jeffrey J. Zayden, Public Health Director