

# **OFFICIAL RECORD OF PROCEEDINGS**

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## **Boulder County Board of Health (BOH) Regular Meeting Boulder County Public Health Auditorium December 14, 2015**

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

**Staff Members Present:** Public Health Director Jeff Zayach; Director of Strategic Initiatives Susan Motika; Director of Administrative Services Stephanie Martz; Environmental Health Division Manager Joe Malinowski; Budget Coordinator Jeff Rank; Water Quality Program Coordinator Erin Dodge; Consumer Protection Program Coordinator Lane Drager; Food Safety Team Lead Gina Bare; and Business Operations Manager Tammy Golden.

### **Meeting Called to Order.**

President Thomas called the meeting to order at 5:34 p.m.

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

None.

#### **ITEM 2. Consent Agenda.**

- A. Approval of November 9, 2015, Board of Health Meeting Minutes.
- B. Approval of October 2015 Financial Report.
- C. Approval of Resolution 2015-05, Approval of Revised 2015 Operating Budget.

Resolution 2015-05 approves a revised 2015 operating budget for BCPH with the following additions:

- Boulder County Department of Housing and Human Services (DHHS) Human Services Safety Net grant for \$212,677 (and related decrease of other funds to put toward 2016).
- Colorado Department of Public Health and Environment (CDPHE) Ebola grant for \$14,286 (2015 portion).

These budget revisions adjust the 2015 Operating Budget from \$14,108,335 to \$14,120,268, a net increase of \$12,933. The changes also increase the Reserve Fund balance from \$1,347,233 to \$1,365,489, a net increase of \$18,256, bringing the Reserve Fund balance to 9.7% of 2015 expenditures.

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

#### **ITEM 3. Update on the SepticSmart Program.**

Water Quality Program Coordinator Erin Dodge presented this item and gave a brief history of the SepticSmart Program. She said it was created in collaboration with community partners to strategize protection of water quality in Boulder County from the impacts of onsite wastewater treatment systems

(OWTS), commonly referred to as septic systems. She said septic systems were the second most frequently cited source of groundwater contamination in the country. Unapproved, aging, and failing septic systems can have a significant, detrimental impact on the quality and safety of the community's water supply. Boulder County Public Health initiated the SepticSmart Program in the fall of 2008. The ultimate goal of the program is to document and approve the approximately 4,700 unapproved OWTS in Boulder County by the year 2023. When the program began, the average age of unapproved OWTS was 50 years, and the average age of approved OWTS was 23 years.

Ms. Dodge discussed the six SepticSmart strategies: 1) Complaint investigations (e.g. complaints received from neighbors); 2) referrals from Boulder County Land Use (automatically done when people apply for building permits); 3) Boulder County property transfer regulation (one of most successful and popular strategies); 4) outreach to owners of approved but unpermitted systems (i.e. 1,043 systems were approved but never received final permits); 5) education and outreach to owners of all unapproved systems, emphasizing high-risk areas; 6) cleanup of BCPH database (e.g. updating township/range to street addresses, transitioning from one database to another, establishing a SepticSmart webpage for property owners to check if their systems have been approved and explaining what they must do to get approved if they are unapproved).

Of the 14,100 OWTS in Boulder County, only 1,610 of the original 4,700 undocumented OWTS still need to be documented and approved. In 2015, 72 undocumented systems were repaired, and 260 permits were applied for through November (27% were for undocumented OWTS).

Consumer Protection Program Coordinator Lane Drager (and formerly the Acting Water Quality Program Coordinator) explained the process the program used to identify OWTS in the county, including the undocumented systems. He said BCPH lacked any records on approximately 3,600 systems because property ownership was established in the days of mining claims. Many properties also began as summer homes and were converted to permanent residences that never received final approval. He said the goal is to ensure that wastewater is being properly treated for current use.

There are approximately 120 OWTS that must be replaced in high-impact areas like Wondervu, Raymond, and Big Elk Meadows. About 100 OWTS were severely impacted by the devastating flooding that occurred in September 2013 (i.e. some of the systems weren't damaged but the properties were impacted by flood-related challenges such as washed-out roads); 88 OWTS were actually damaged by the flooding, and Environmental Health Division Manager Joe Malinowski has applied for and received funding from the State of Colorado to help property owners repair these OWTS.

Another issue is the increased cost of replacing OWTS. When the SepticSmart Program began, the average cost to replace an OWTS was about \$15,000; now that figure is closer to \$26,000-\$30,000.

OWTS regulation revisions being considered will be more comprehensive and will focus more on treatment of wastewater (e.g. type of soil, etc.). Some of the items that will be addressed are floodplain or floodway issues and properties unable to connect to municipal systems (e.g. in areas like Ward and Allenspark).

Moving forward, staff is focusing on cost (e.g. financing opportunities, sliding fee scale, etc.), data (including database upgrades), and enforcement (e.g. high-risk cohort enforcement strategy). Staff will also re-evaluate the effectiveness of SepticSmart strategies to determine how to reach the goal of permitting all undocumented systems by 2023.

Maximum allowable fees are established by State Statutes; therefore, the Water Quality Program can't increase fees to fully fund the current level of services. Boulder County does help to subsidize staffing costs, and staff will be conducting a time study to determine if other increases are possible to help offset actual costs, such as an increase in the property transfer fee.

The Board thanked staff for the update.

**ITEM 4. Update on Food Safety Program.**

Consumer Protection Program Coordinator Lane Drager presented this item and said the Consumer Protection Program encompasses BCPH's Food Safety, Body Art, and Vector Control Programs.

Mr. Drager explained how staff identifies which facilities to inspect, based on risk. The program does not have sufficient staff resources to conduct regular investigations on all retail food facilities, so this risk-based inspection program helps to prioritize BCPH resources and allows staff to focus on facilities presenting the highest foodborne illness risks. Criteria considered by staff include:

1. The facility's menu and risk associated with the foods they serve.
2. The facility's operations and types of activities they undertake (e.g., if they cool foods for service at a later time, if they employ specialized processes, etc.).
3. The volume of meals the facility serves.
4. The facility's past inspection history.
5. Length of time since the facility's last inspection to ensure it isn't overlooked later.

There are many areas in Colorado where local food safety programs do not have strong support from the local boards of health. Mr. Drager said BCPH's Food Safety Program is very fortunate because it does have very strong support from both the Board of Health and the Board of County Commissioners. Mr. Malinowski agreed. He also noted that BCPH's Food Safety Program is more collaborative than most food safety programs because it emphasizes collaboration with retail food facilities rather than enforcement.

The program strives to comply with U.S. Food and Drug Administration (FDA) Voluntary National Retail Food Regulatory Program Standards (aka FDA Voluntary Standards), which outline suggested program resources and standards for food safety programs:

1. Regulatory Foundation.
2. Trained Regulatory Staff.\*
3. Inspection Program Based on HACCP Principles.\*
4. Uniform Inspection Program.
5. Foodborne Illness and Food Defense Preparedness and Response.\*
6. Compliance and Enforcement.
7. Industry and Community Relations.\*
8. Program Support and Resources.
9. Program Assessment.\*

\*Standards that BCPH was audited for and found to be fully compliant.

Vice President Misch asked about the recent challenges Chipotle Mexican Grill is experiencing on the national level. Mr. Drager said Chipotle has a strong commitment to use fresh foods and has implemented strong food safety control practices, including active managerial control to help ensure food safety. He said there hasn't been any food safety reports associated with any of the local Chipotle establishments.

Mr. Drager said norovirus is highly contagious and is easily spread by contact with infected persons or contaminated food or surfaces. One challenge in preventing norovirus is that the food service industry employs many workers who can't afford to miss work and stay home when they are sick.

Mr. Drager invited any interested Board members to accompany staff on a restaurant inspection. He said his staff works very proactively with restaurants. The Food Safety Program promotes and publicly recognizes businesses that proactively address food safety by placing a high priority on implementation of best practices. The program conducts a marketing campaign that includes partnering with Yelp to encourage the public to patronize these facilities. Staff works with facilities to identify what they should do to protect the public from foodborne illness. Staff encourages them to join BCPH's Food Safety Advisory Committee, become a Partner for Food Safety and achieving certification.

Mr. Drager said the Food Safety Program is focusing on FDA Voluntary Standard #8, Program Support and Resources. The FDA recommends the ratio of staff to facilities, but BCPH has a shortfall of approximately 4 FTE due to lack of funding.

Home rule counties (e.g. City and County of Denver) are able to establish their own retail food establishment fees, but fees for counties that aren't home rule aren't adequate. A fee increase is the most logical way to subsidize actual program costs, although fees are established by State Statute and must be approved by the legislature. BCPH received two FDA grants to help subsidize staffing, and the program receives funding from Boulder County. Local municipalities and State of Colorado, however, do not provide funding for the program. Mr. Drager said there are current efforts to advance legislation to increase fees, but it's challenging because fee increases are very politically charged, and the industry employs very powerful lobbyists.

Environmental Health Division Manager Joe Malinowski said consumers aren't necessarily aware and would probably be surprised about the infrequency of food inspections. Most people assume retail food facilities receive regular inspections, not according to risk. President Thomas agreed and said disease outbreaks at food establishments are low, so restaurant inspections aren't a high priority for the public. Staff works with local retail food facilities by showing them how to have a significant impact by properly training facility workers to help protect the public from foodborne illness.

Board Member Bermudez said she recently vacationed in Canada where restaurants publicly display red, yellow, or green stickers to indicate their food safety rating. Staff said the industry in Colorado is opposed to having such a rating system and posting letter grades at their establishments. There are efforts to create a better rating system in Colorado that won't unfairly burden facilities.

Board Member DeSantiago asked about food trucks and was told food trucks are also retail food establishments and must be licensed. They are becoming increasingly popular but can be hard to regulate because of their mobility. Food truck regulations also vary from city to city.

The Board thanked staff for the update, and staff said it would keep the Board apprised of any legislative developments that impact the program.

**ITEM 5. Director's Report.**

**Grant Funding:** Director of Strategic Initiatives Susan Motika said seven Denver metro counties, including Boulder County, received a collaborative grant for the State Innovation Model (SIM). The grant will fund a public education campaign on mental health stigma; an assessment of each county's progress on providing access to integrated primary care and behavioral health services; and health systems

interventions that improve screening, referral, and follow-up rates. Work on the three-year grant will begin in first quarter 2016.

**Emergency Preparedness Training:** Board Member Bermudez asked about BCPH's emergency preparedness (EP) training. She was told the agency strives to ensure that its staff is properly trained for emergency preparedness and is aware of and comfortable with their EP roles.

**Water Quality at San Lazaro Mobile Home Park:** Board Member DeSantiago asked about water quality issues at San Lazaro Mobile Home Park in Boulder. He said residents were afraid to consume their tap water due to water potability concerns. He asked if there was a way for residents to test their own tap water. Environmental Health Division Manager Joe Malinowski said they couldn't adequately test the water themselves, but they could submit samples for testing at a water quality laboratory.

Director Motika noted she's been working with University of Colorado law students to help investigate water quality issues at San Lazaro and mobile home parks. With the current push towards increased consumption of water in lieu of sugary drinks, she said it's important that tap water be safe for people to consume. She said she'd be happy to discuss this matter further with Board Member DeSantiago.

**ITEM 6. New Business/Announcements.**

**A. Discussion on Tabled Consent Agenda Items.**

None.

**B. Old and New Business.**

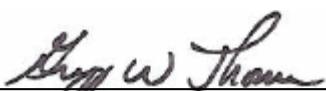
None.

**C. Announcements.**

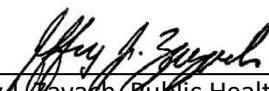
President Thomas said he would like to acknowledge and thank the Board of Health for its improved attendance this past year.

**ITEM 7. Adjournment.**

There being nothing further to discuss, President Thomas declared the meeting adjourned at 7:00 p.m.



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Gregg Thomas, President



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Jeffrey J. Zayach, Public Health Director