

# OFFICIAL RECORD OF PROCEEDINGS

## Boulder County Board of Health (BOH) Regular Meeting Boulder County Public Health (BCPH) Auditorium February 12, 2018

**BOH Members Present:** Vice President Olga Bermudez and Board Members Morgan McMillan, Jorge DeSantiago, and Bobbie Watson. Absent: President Gregg Thomas.

**Staff Members Present:** Public Health Director Jeff Zayach, Director of Health Divisions Heath Harmon, Director of Strategic Initiatives Susan Motika, Environmental Health Division Manager Joe Malinowski, Water Quality Program Coordinator Erin Dodge, Environmental Health Specialist Wendy Blanchard, and Business Operations Manager Tammy Golden.

### 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 January 8, 2018, Board of Health Meeting Minutes.

*Board Member Watson 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, Vice President Bermudez declared the motion approved. Absent: President Thomas.*

### ITEM 3. Onsite Wastewater Treatment System (OWTS) Variance Public Hearing – 7209 Valtec Court, Boulder, Colorado (Applicant: Al Lechman).

Environmental Health Specialist Wendy Blanchard introduced Ed Glassgow, PE (professional engineer), of Scott, Cox & Associates, Inc. She said the applicant, Al Lechman, submitted a variance request to locate the soil treatment area (STA) 10 feet from the existing structure at 7209 Valtec Court, Boulder, Colorado; the required setback distance is 20 feet. Most of the 1.01-acre parcel is occupied by a commercial structure and parking lots, so available space for locating the OWTS is limited.

Ms. Blanchard said Mr. Lechman's application met OWTS variance requirements, including:

1. Providing technical justification from a registered professional engineer (RPE), Mr. Glassgow, who supported Mr. Lechman's proposed variance request and confirmed it did not increase risk to public health and/or the environment.
2. Evaluating alternatives in lieu of the requested variance, which included: 1) requesting property line easements from surrounding property owners and BNSF Railroad, all of which were declined; and 2) looking into designing the STA with an unlined sand filter with long-term acceptance rate (LTAR) of TL3 (treatment level 3) effluent.

Ms. Blanchard said staff reviewed Mr. Lechman's variance request and recommended Board of Health approval since:

1. Installation of the STA ten feet from the building was the best and only viable option. Ms. Blanchard said it was important to note that the State of Colorado recently amended state OWTS requirements to reduce the required setback distance from 20 to 10 feet. This reduced setback requirement has also been included in Boulder County's revised OWTS regulations that will be voted upon by the Board of Health in April. Until the revised regulations have been approved, however, the required setback distance remains 20 feet.
2. The variance poses no increased risk to public health and/or the environment.

Vice President Bermudez opened the variance request public hearing and asked for public comment. There being none, she closed the public hearing.

***Board Member McMillan made a motion, which was seconded by Board Member DeSantiago, to approve the variance request, as recommended by staff. With all board members voting in favor of the motion, Vice President Bermudez declared the motion approved. Absent: President Thomas.***

#### **ITEM 4. Legislative Update and Approval of 2018 Boulder County Legislative Agenda.**

Environmental Health Division Manager Joe Malinowski introduced Boulder County Policy Analysts Summer Laws and Leslie Irwin. He said Boulder County annually drafts the *Boulder County Legislative Agenda*, which is adopted by the Board of County Commissioners (BOCC) and referred to throughout the year by all Boulder County staff when taking positions on legislative matters or policies. The *2018 Boulder County Legislative Agenda* was adopted by the BOCC on January 11, 2018. Mr. Malinowski said the Board of Health adopted the *2018 BCPH Legislative Priorities at a Glance* on January 8, 2018, authorizing staff to take positions on public health matters in a timely manner on behalf of Boulder County Public Health and the Board of Health.

Ms. Irwin said Summer Laws, previously BCPH's policy planner, was a new member of the County's Policy Team, which is comprised of herself, Ms. Laws, and Mark Ruzzin. The County Policy Team collaborates with staff from all County departments regarding any Boulder County and State of Colorado policy and legislative matters.

Ms. Irwin said after the Colorado legislative session ends in May, the County Policy Team will begin working on the 2019 legislative process. They will meet with each County department over the summer to identify legislative gaps and needs and update the County's Legislative Agenda for adoption by the BOCC later this year.

Ms. Irwin said the *2018 Boulder County Legislative Agenda* includes 107 positions that will serve as the County's "marching orders" this year as bills surface. She said the Policy Team and staff will be able to engage in the legislative process, as needed, without getting BOCC or BOH approval on each topic. She said adoption of the legislative agenda also provides transparency for the public.

Ms. Irwin briefly detailed the following legislative priorities at a glance, which include: Climate change; PERA (Public Employees Retirement Association), affordable health care, oil & gas, child welfare funding structure, immigration and human rights (e.g. gender change on driver's license), affordable housing, and public lands (e.g. conservation easements to protect open space).

Ms. Irwin said while the following legislative principles are the same each year, but they are often called by different names: Environmental sustainability, lands and natural resources, public service integration

and collaboration, social justice and equity, health and human services, local control, and fiscal responsibility. She said state budget priorities include child welfare funding, Child Care Assistance Program funding, Area Agencies on Aging funding, and transportation funding.

New positions for 2018 include:

- *Energy, Environment & Sustainability*: Support statutory codification of aggressive and enforceable goals to reduce net statewide heat-trapping emissions.
- *Environmental Health*: Support increased funding and regulatory changes for enforcement of safe drinking water standards to ensure safe and quality drinking water.
- *Land Use & Transportation*: Support adoption by Colorado Air Quality Control Commission of California's motor vehicle emission standards, including requirements for zero-emission vehicles.
- *Oil & Gas*: Support legislation and other policy approaches to reduce public health and safety impacts of oil & gas development.

Policy discussions of note in the Colorado General Assembly this session include the Family Medical Leave Insurance (FAMLI) Program, tobacco retail licensing, opioids (there are six bills). Federally, there is concern about the continuing funding cuts to the Public Health Prevention Fund, which includes funding for the Centers for Disease Control and Prevention (CDC) and basic public health support.

Vice President Bermudez said there was a critical lack of available beds for people needing mental health treatment and offered her assistance when advocating for increased mental health support.

Ms. Irwin said Boulder County was no longer part of Colorado Counties, Inc., but does work collaboratively with other legislative partners, including Colorado Communities for Climate Action (CC4CA), Counties & Commissioners Acting Together (CCAT), and Colorado Association of Public Health Officials (CALPHO).

The Board thanked Ms. Irwin and Ms. Laws for providing the legislative update. Mr. Malinowski noted the only difference in legislative priorities between BCPH and Boulder County was BCPH's opposition to the expansion of unregulated, potentially hazardous foods (e.g. unpasteurized milk products), which he said were also opposed by most other local public health agencies.

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

**Public Health Modernization Act (small and large counties):** Public Health Director Jeff Zayach said the Colorado Association of Local Public Health Officials (CALPHO) was reaching out to foundations requesting support for this effort, which would help to ensure sustainable public health funding was available for the provision of core public health services. He said four other states have already done so, and there was statewide and executive-level support for it in Colorado.

**PHIP Steering Committee:** Director of Strategic Initiatives Susan Motika reported that the Public Health Improvement Process (PHIP) Steering Committee conducted interviews with Good Samaritan Medical Center regarding mental health challenges. She said due to the lack of available beds the hospital has 72-hour holds with mental health patients who are watched by security guards, which only exasperates the situation. She said they have evaluated solutions for serving jail and mental health populations in emergency rooms, and they're especially in need of case management, transitional, and housing services. Ms. Motika said the community was looking to public health for help in addressing access, increasing the number of providers in the system, and the early childhood population. She talked about the importance of mental health first aid, the need for a gap analysis, and a roadmap to help address the

issue. Public Health Zayach agreed and said this was a huge policy issues at the state level that must be fixed, as there are not nearly enough available services to meet demand.

**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.**

None.

**ITEM 7. Adjournment.**

There being nothing further to discuss, Vice President Bermudez declared the meeting adjourned at 6:49 p.m.



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Olga Bermudez, Vice President



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Jeffrey J. Zayach, Public Health Director