

# OFFICIAL RECORD OF PROCEEDINGS

## **Boulder County Board of Health (BOH) Regular Meeting Boulder County Public Health (BCPH) Auditorium October 14, 2019**

**BOH Members Present:** President Gregg Thomas and Board Members McKenzie Rieder; Morgan McMillan; and Landrey Fagan, M.D. **Absent:** Vice President Jorge DeSantiago.

**Staff Members Present:** Public Health Director Jeff Zayach; Director of Health Divisions Heath Harmon; Director of Administrative Services Megan Hatten; Strategic Initiatives Branch Director Susan Motika; Environmental Health Division Manager Joe Malinowski; Community Health Division Manager Nadine Bridges; Health Equity Coordinator Sheila Davis; TEPP Program Specialist Gretchen Smith; Communicable Disease Control and HIV Prevention Program Coordinator Carol Helwig; Healthy Beverage and Food Advisor Tessa Hale; Consumer Protection Program Coordinator Lane Drager; Built Environment and HEAL Program Coordinator Rachel Arndt; Air Quality Program Specialist Cindy Copeland; Air Quality Program Lead Collin Tomb; OASOS Program Specialist Rachel Gellert; Community Mental Health Initiative Coordinator Marcy Campbell; and Administrative Assistant Rita Mangeyn.

### **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.**

The consent agenda included the following items:

- A. Approval of September 9, 2019, Board of Health Regular Meeting Minutes.
- B. Approval of September 2019 Financial Statement.

***Board Member McMillan made a motion, which was seconded by Board Member Rieder, to approve the consent agenda, as presented. With all board members present voting in favor of the motion, President Thomas declared the motion approved. Absent: Vice President DeSantiago.***

### **ITEM 3: Policy Discussion.**

Strategic Initiatives Branch Director Susan Motika introduced newer staff members, Dr. Sheila Davis, who is BCPH's Health Equity Coordinator, and Community Health Division Manager Nadine Bridges. Ms. Motika also announced that Consumer Protection Program Coordinator Lane Drager was now serving as co-chair for the Colorado Association of Local Public Health Officials (CALPHO).

#### **A. Overview of Upcoming 2020 Legislative Session.**

Ms. Motika and Environmental Health Division Manager Joe Malinowski facilitated an overview of the upcoming 2020 legislative session. Ms. Motika said there may be opportunities for Board of Health members to assist in the legislative process by providing testimony, attending meetings, and providing written statements.

Mr. Malinowski said 2020 legislative priorities will be adopted by the County Commissioners in January 2020, and the new legislative session begins January 8. He said Boulder County was well-represented in the current legislature, which consists of 65 state representatives (41 Democrats and 24 Republicans) and 35 state senators (19 Democrats and 16 Republicans).

Priority areas for 2020 include a wide area of topics, and the following BCPH subject matter experts gave updates:

**Air Quality:** Air Quality Team Lead Collin Tomb said climate action was a new strategic priority for BCPH and would soon be integrated into the agency's strategic plan. She said the agency's Climate Action Team included staff experts who've been working on climate change efforts the past several years.

- **Senate Bill (SB) 96:** This is a climate bill before the Air Quality Control Commission (AQCC) that addresses the collection of greenhouse gas (GHG) emissions data to facilitate implementation of measures that will allow Colorado to most cost-effectively meet its GHG emissions reduction goals. There will be an update on the progress of efforts in November, a rulemaking request is scheduled for February, and hearings will occur in May. Additional proposals are anticipated.
- **SB 181:** Air Quality Specialist Cindy Copeland said rulemaking hearings for this oil and gas bill began this fall and feature a strong local government coalition. She described other air quality highlights that include ozone nonattainment and the Environmental Protection Agency's (EPA) serious area reclassification and the state's implantation plan revision; the EPA's new source performance standards rollback for methane controls on oil and gas; air quality research studies with ongoing Boulder Reservoir air monitoring and planned air quality modeling analysis; Boulder County air regulation revisions regarding oil and gas and BCPH assisting Boulder County Land Use and County Attorney's Office; and the Rocky Mountain National Park Initiative, which aims to reduce nitrogen impacts at the parks. Board Member McMillan asked what the expected outcome would be if all rule recommendation changes were adopted. She was told the goal is improvements in ozone levels and methane reduction. SB181 was only a starting point for Colorado to revise its regulations, and no immediate impacts were expected. Board Member McMillan asked how much improvement was sought for ozone reduction, but staff said exact estimates couldn't be provided at this time.

**LGBTQ:** OASOS (Open and Affirming Sexual Orientation and gender identity Support) Program Specialist Rachel Gellert said there weren't any current policy issues for LGBTQ (lesbian, gay, bisexual, transgender, and questioning) youth, but staff was partnering with ONE Colorado to remain current on any efforts that might have an impact on LGBTQ youth.

- There are now three cases involving discrimination in the workplace for sexual orientation being considered by the Supreme Court, with decisions expected to be made no sooner than June 2020. There may be potential challenges if the decisions roll back protections currently in place.
- Another issue for LGBTQ youth was restrictions around housing/housing discrimination. Ms. Gellert said while housing protections were currently in place, they could be challenged by policy changes at any time.
- Regarding sexual education, the State of Colorado passed a comprehensive sexual education bill that now includes intersex people. Ms. Gellert said BCPH's OASOS team serves on CDPHE's (Colorado Department of Public Health and Environment) Oversight Committee, which opened a grant program to fund school districts that include LGBTQ issues. The team is also tasked with evaluating various school curricula for inclusion of LGBTQ voices. At the federal level, The Senate Appropriations Committee proposed an increase of federal funding of abstinence-only education for the Senate Fiscal Year 2020 spending bill and eliminated the CDC's (Centers for Disease Control and Prevention) Racial and Ethnic Approaches to Community Health Program, which specifically dedicated

funding to urban, rural, and tribal communities working to eliminate racial and ethnic health disparities.

**Mental Health and Substance Use:** Community Mental Health Initiative Coordinator Marcy Campbell said staff was coordinating the Mental Health Initiative, which included two goals – improving mental health for youth and promoting policy to improve access to services for all residents.

- Ms. Campbell said her team was most heavily involved in a parity bill that involves enforcement of parity laws that have been in place for a long time. This legislation would enforce parity that hasn't been implemented in other states, so this would be model legislation. For example, insurance companies wouldn't be able to increase premium rates unless they demonstrated they were achieving parity. She said strong standards have been established to outline what parity means, and she noted this will be an opportunity to become involved in the rulemaking process, both locally and regionally. The team will further work to develop educational materials for the public and providers to make them aware of changes and help the public understand where they can go for help because it will be a significant opportunity to help increase access and ensure parity in mental health services.
- Ms. Campbell highlighted a youth mental health education and suicide prevention bill passed last year that allows youth, ages 12 years and older, autonomy to access mental health support without parental consent. By partnering with Mental Health Colorado, the team will be well-poised to respond and understand community needs. On the horizon for 2020 was a change to licensing requirements for teachers to receive continuing education credits around mental health. In the meantime, Ms. Campbell and her team are working with the local school districts to bring mental health education and awareness to teachers and counselors. Board Member Fagan asked how reimbursements worked when adolescents with private health insurance accessed mental health services, and Ms. Campbell said her team would research and follow up on that.

**Mobile Home Parks:** Built Environment and HEAL (Healthy Eating & Active Living) Program Coordinator Rachel Arndt said the most comprehensive mobile home park bill in over 35 years was adopted last year.

- Ms. Arndt said she is serving on a team that's working on rulemaking to outline parameters for resident disputes and an enforcement program. Residents are especially vulnerable to maltreatment and retaliation because they don't own the land where their mobile homes sit.
- The team is working with a broad coalition of partners and mobile home park residents to examine second-tier issues, such as home ownership ability and the opportunity to purchase, right-of-first refusal, water billing retaliation discrepancies, and adding the definition of "retaliation" to the Mobile Home Park Act. They are further discussing how to provide protections against rent increases without rescinding rent control at the state level and how to ensure at least a one-year or multiyear lease by right for residents.

**Opioids:** Communicable Disease Control and HIV Prevention Program Coordinator Carol Helwig gave an update on an interim study committee on opioids, which was in its third study committee session. The advisory group involved in the passage of bills is comprised of various stakeholders from health care, law enforcement, government, etc., and there are five draft bills that will be heard November 29, including:

- *Prevention:* All health plans in Colorado would need to cover physical therapy, occupational therapy, and acupuncture.
- *Treatment:* Would require a community assessment every two years, an MSO (management services organization) action plan draft every two years, insurance to pay for sub-treatments, a loan-for-giveness funding increase, and a provision for family-centered substance use.
- *Treatment in Jail Criminal Justice:* Requires jails, prisons, etc. to provide medication-assisted treatment (MAT) and continuity of care, as well as safe stations for returning illicit substances. Board

Member McMillan asked if funds for opioids could be used for other substances, and Ms. Helwig said they could.

- *Recovery Bill*: Extends the Opioid Study Committee another four years, increases existing housing allocation, and increases funding to recovery organizations. Board Member McMillan asked who conducted community assessments under recovery and was told MSOs facilitate that process.
- *Harm Reduction Bill*: Allows pharmacies to sell syringes to anyone with no criminal repercussions, thereby removing all civil and criminal liability. Board Member Rieder asked how pharmacies currently sold syringes. She was told that was a hit-or-miss scenario, with some selling but others refusing to do so. Board Member Fagan further asked if individuals were requesting insulin or other types of syringes and was told customers were seeking to buy insulin syringes and a specified insulin brand to make purchases easier and less suspicious, given that the syringes were also used for other substances. Ms. Helwig said the overall goal was for pharmacies to sell syringes with no judgment or liability, which would help to ensure the health and safety of individuals.
- Other updates from Ms. Helwig included expansion of the Good Samaritan Law to remove criminal liability when Narcan (i.e. Naloxone) is used in good faith. She said schools can also have Naloxone onsite, and the requirement for local boards of health to approve syringe access programs in their communities has been removed.

**Vaping:** Tobacco Education and Prevention Partnership (TEPP) Program Specialist Gretchen Smith gave an update on vaping and said Colorado was one of the worst states in the nation for youth vaping use. She added that it was especially high in Boulder County.

- There is consideration at the state level to raise the tobacco purchase age to 21 years, as well as considerations on pricing and licensing. The City of Boulder recently adopted an ordinance raising the purchase age for tobacco and nicotine products to 21 years and banning flavored electronic liquids and vape products, with the exception of mint menthol. The team is now working with Boulder to develop communications and ordinance enforcement for retailers, as businesses have had many questions on how the ordinance will affect them. The team will also be meeting with the Consortium of Cities to better coordinate youth access strategies across communities. Since things varied between jurisdictions, it was critical to ensure consistencies of best practices strategies. Board Member McMillan asked why mint menthol was excluded from the ordinance and was told businesses had expressed concerns, so this provided a middle ground so they could deplete their stock in the immediate future.

**CALPHO:** Consumer Protection Program Coordinator and new CALPHO (Colorado Association of Local Public Health Officials) Co-chair Lane Drager said many of the issues highlighted by staff were also on CALPHO's radar. There are other actions, like finding middle ground on immunization rates and tobacco and nicotine usage, that CALPHO was also discussing.

- Larimer County was addressing revenue deficiencies around onsite wastewater treatment systems (OWTS) permitting due to statutory caps.
- The issue of funding deficiencies for public health overall and the understanding of these funding gaps was a hot topic.
- CALPHO was involved in many policy issues that it was prepared to support.
- Board Member McMillan asked if any work was being done on family medical leave and was told there may potentially be involvement, but it wasn't known yet and hasn't been shared. This is a priority in Boulder County, but it's not clear if any family medical leave legislation will be proposed. Ms. Motika said staff would provide a more detailed briefing on this and firearms.
- Mr. Zayach said Mr. Drager assumed the CALPHO co-chair role previously held by Mr. Malinowski, who served in that position the past ten years. Mr. Zayach thanked Mr. Malinowski for his service and wished Mr. Drager success in his new role.

Mr. Zayach reiterated the great collective expertise that exists within the agency and how such expertise was often leaned on by so many other entities around the state. He thanked staff for the updates and the excellent work that they were providing in these efforts.

**B. *Approval of Resolution 2019-05, Designating Childhood Obesity as an Epidemic in Boulder County.***

Healthy Beverage and Food Advisor Tessa Hale said she's worked the past four years to address childhood obesity through the reduction of sugary drink consumption. In partnership with CDPHE and a regional group, her team has worked to find ways to reduce childhood obesity.

Although Colorado is considered to be a lean state, Colorado children are experiencing overweight and obesity at 12.4%, which is roughly 5 points higher than in Minnesota. Ms. Hale said one in four Boulder County children was experiencing overweight and obesity. Recent Women, Infants, and Children (WIC) Program data showed higher overweight and obesity rates in children 2-4 years old in Boulder County than the rates in 14 other Colorado counties.

Health equity factors play a significant role with Hispanic children in high school and among children from homes with lower incomes, according to Healthy Kids Colorado. Ms. Hale said the focus was sugary beverages since they are widely shown to be the most prominent factor in increasing childhood obesity rates. She said the City of Lafayette passed a 2017 ordinance requiring the availability of healthy beverages (e.g. milk and water) in kids' meals. That was supported by top health organization recommendations that only water and unflavored milk be offered as healthy drink options for children under the age of five years.

Ms. Hale stressed that adoption of Resolution 2019-05 would help BCPH partner with other organizations, businesses, and community agencies that were also focused on this effort, allowing them to act in a more concerted approach toward reaching that goal. Another coalition is working on a similar ordinance in Longmont, and the City of Longmont has requested BCPH's help in that effort, which has resulted in increased awareness about the dangers of sugary drinks among local high school students.

Board Member McMillan said adopting the resolution would help to raise overall awareness about childhood obesity, which is overshadowed by adult obesity. President Thomas asked if there was information on how it has affected the white non-Hispanic population and if the lack of children's physical activity was a more serious health factor than consuming sugary drinks. Ms. Hale said research indicated that the lack of physical activity did contribute to obesity, but a diet high in sugar was more detrimental.

President Thomas emphasized that this resolution expressed the concerns of BCPH and were not necessarily a call to action. Director of Administrative Services Megan Hatten said healthy diets were sometimes a challenge for people on low incomes due to the expense. Ms. Arndt said financial constraints were a significant barrier, but there are many programs in Boulder County to help residents deal with rising food costs. Community partnerships have also allowed healthy food access to become a reality for people with low income.

***Board Member McMillan made a motion, that was seconded by Board Member Rieder, to approve Resolution 2019-05, Designating Childhood Obesity as an Epidemic in Boulder County, Colorado. With all board members present voting in favor of the motion, President Thomas declared the motion approved. Absent: Vice President DeSantiago.***

**ITEM 4. Discussion and Approval of Proposed Revisions to Board of Health Bylaws.**

President Thomas said the board asked staff to determine if the BOH bylaws could be amended to allow for remote participation by board members if a meeting quorum was in jeopardy. Upon consultation with the County Attorney's Office and the County Commissioners Office, staff discovered there weren't any legal or Boulder County restrictions on remote participation by board members, as long as that was the exception and not standard practice. President Thomas said he felt it was a good amendment, as some BOH meetings in the past had to be canceled due to the lack of a quorum.

***Board Member Fagan made a motion, that was seconded by Board Member Rieder, to approve the revised Board of Health Bylaws to allow for remote participation from board members, as needed. With all board members present voting in favor of the motion, President Thomas declared the motion approved. Absent: Vice President DeSantiago.***

**ITEM 5. Election of BOH President and Vice President.**

President Thomas gave a brief overview of the role of the board president and said he would be happy to continue serving as board president for another term.

***Board Member Rieder made a motion, that was seconded by Board Member Fagan, to nominate President Thomas as BOH President and Board Member De Santiago as BOH Vice President for the next year. With all board members present voting in favor of the motion, President Thomas declared the motion approved. Absent: Vice President DeSantiago.***

**ITEM 6. Director's Report.**

**Behavioral Health:** Mr. Zayach said a meeting on behavioral health recommendations has been scheduled for October 16. This will be a gathering of community partners to hear the results of a recent behavioral health assessment and discuss recommendations for strengthening the behavioral health system in Boulder County. He emphasized these are only recommendations and not part of the current strategic plan. Mr. Zayach said he provided an update on the recommendations to the County Commissioners because the recommendations will have an impact on the county, at large. He said staff would provide an update on the community meeting to the board.

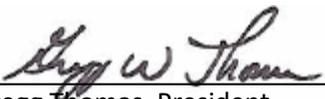
**Cemex:** President Thomas asked if there was any thought about the high manager turnover rate at Cemex leading to inconsistencies in plant operations. He further asked if there were options or tools available at the county level. Mr. Zayach said staff would provide the board with an update on Cemex.

**ITEM 7. Old & New Business and Announcements.**

Board Member Rieder announced she recently secured a position at Children's Hospital and was no longer working full-time at the Boulder County Jail. She said she would still be available at the jail on an on-call basis and still resided in Boulder County.

**ITEM 8. Adjournment.**

There being nothing further to discuss, President Thomas declared the meeting adjourned at 7:06 p.m.

  
\_\_\_\_\_  
Gregg Thomas, President

  
\_\_\_\_\_  
Jeffrey J. Zayach, Public Health Director