

# OFFICIAL RECORD OF PROCEEDINGS

## **Boulder County Board of Health (BOH) Regular Meeting Boulder County Public Health (BCPH) Auditorium January 13, 2020**

**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 Administrative Services Megan Hatten; Director of Strategic Initiatives Susan Motika; Environmental Health Division Manager Joe Malinowski; Consumer Protection Program Coordinator Lane Drager; Water Quality Program Coordinator Erin Dodge; Business Sustainability Program Coordinator Zac Swank; KICP Program Coordinator Kevin Peterson; EH Specialist Scott Coulson; and Business Operations Manager Tammy Golden.

**Special Guests:** Boulder County Policy Team Members Mark Ruzzin and Summer Laws.

### **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:

- A. *Approval of December 9, 2019, Board of Health Regular Meeting Minutes.*
- B. *Approval of November 2019 Financial Report.*

***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. Update on Boulder County and BCPH Organizational Structure Changes.**

Public Health Director Jeff Zayach said Boulder County was transitioning to the county administrator model of government that will result in several changes to the County's organizational structure. The changes include relocating BCPH's Keep it Clean Partnership (KICP) Program and Business Sustainability Program (including its Partners for a Clean Environment [PACE] Program) to the County's new Office of Sustainability, Climate Action, and Resilience (OSCAR) Department. Susie Strife, who currently manages the County's Sustainability Office, will manage OSCAR, one of the few departments that will report directly to the Board of County Commissioners (BOCC).

The goal of the reorganization is improved efficiency and an improved experience for residents seeking county services. It will also help to ensure consistency and stewardship while expanding the County's work in climate, sustainability, and partnerships.

Business Sustainability Program Coordinator Zac Swank, Water Quality Program Coordinator Erin Dodge, KICP Program Coordinator Kevin Peterson, and EH Specialist Scott Coulson gave background on the KICP Program, which began as a partnership of communities located in the Boulder and St. Vrain Watersheds (i.e. Boulder County; cities of Boulder, Longmont, Lafayette, and Louisville; and towns of Erie and Superior). The original purpose of KICP was to implement a regional stormwater management program to ensure compliance with federal Phase II stormwater regulations, combine resources, and increase program efficiency and consistency; however, it has evolved to address a broader range of watershed and water quality issues. Mr. Coulson will continue working to ensure that Boulder County remains compliant with the federal stormwater requirements.

Mr. Swank said PACE began by offering expert advisor services with the auto industry to help reduce greenhouse gas emissions. PACE has since grown into a one-stop-shop working with a multitude of businesses to provide financial incentives, employee education, and advising services to help the businesses reach sustainability goals for a cleaner environment. PACE includes a recognition program that helps to direct business to PACE-certified businesses.

Mr. Swank said it made sense to consolidate all of the County's sustainability programs into a single county department. President Thomas said he agreed, noting that the City and County of Denver recently made similar organizational structural changes.

Mr. Swank said his staff was looking forward to joining the County's other sustainability programs, but they were sad to leave BCPH. Board Member McMillan asked if there were any issues with the changes. Public Health Director Zayach said BCPH would lose some indirect funding, although the agency had sufficient reserve funding to help cover the loss of funding. He also noted that, at least for the interim, PACE and KICP staff would remain housed at BCPH.

Environmental Health Division Manager Joe Malinowski said BCPH had one of most progressive environmental health departments in the country, which was somewhat attributed to PACE and KICP. He said the two programs will continue collaborating closely with BCPH's Environmental Health Division.

***Board Member Rieder made a motion, which was seconded by Board Member Fagan, to approve moving the PACE and KICP Programs from BCPH to Boulder County. With all board members present voting in favor of the motion, President Thomas declared the motion approved. Absent: Vice President DeSantiago.***

**ITEM 4. Legislative Update and Approval of 2020 Legislative Priorities.**

Environmental Health Division Manager Joe Malinowski introduced Boulder County Policy Team Member Mark Ruzzin and Summer Laws (Ms. Laws participated via telephone).

The Boulder County Policy Team works throughout the summer and fall with staff from all Boulder County departments, community partners, legislators, and stakeholders to draft the legislative agenda for the upcoming legislative session. Once finalized, the legislative agenda is adopted by the BOCC to outline Boulder County's core legislative and budget priorities for the upcoming legislative session.

Ms. Laws said the BOCC approves an updated legislative agenda at the beginning of each year. It serves as an informative reference tool that includes information and background on the County's positions on a wide range of public policy issues, including housing and human services, aging and behavioral health, community justice and equity, community and environmental health, land use and transportation, etc. The legislative agenda is referenced throughout the year by staff, state legislators, residents, and

community partners regarding Boulder County's positions on legislative issues that could have an impact on Boulder County and its residents.

Mr. Ruzzin said there are 100 legislators in the Colorado General Assembly; 65 Representatives and 35 Senators. He said Boulder County was well-represented in the state legislature by eight delegates:

- Representatives KC Becker, Matt Gray, Edie Hooton, Jonathan Singer, and Sonya Jaquez-Lewis (a former Boulder County Board of Health member)
- Senators Stephen Fenberg, Mike Foote, and Tammy Story

Mr. Ruzzin said the 2020 Legislative Session began on January 8 and will last 120 days, ending in May. He said staff anticipated roughly 500-600 pieces of legislation being introduced this year, with Boulder County likely lobbying 125-150 bills. Boulder County staff members often participate or testify in the legislative process as subject matter experts. Local government has a lot of influence at the State Capitol because it's the form of government closest to constituents, a fact that is recognized by the legislators.

There is broad collaboration across three policy teams:

- *BOCC Policy Team*: Leslie Irwin, Mark Ruzzin, Summer Laws, George Twigg (all registered lobbyists).
- *Health & Human Services (HHS) Policy Committee*: Established 7-8 years ago and includes Boulder County Public Health, Housing & Human Services, and Community Services. The work of this committee is critical since up to 70% of all legislative work pertains to HHS issues. BCPH staff members Joe Malinowski and Susan Motika are actively involved in the HHS Policy Committee.
- *CALPHO (Colorado Association of Local Public Health Officials)*: Includes public health officials from throughout the state. BCPH Consumer Protection Program Coordinator Lane Drager currently serves as a co-chair for the CALPHO Policy Committee.

The policy teams also regularly interact with:

- *CCAT (Counties & Commissioners Acting Together)*: County commissioners from around the state; CCAT advocates on key priorities that include health care and affordable housing.
- *CHSDA (Colorado Human Services Directors Association)*: HHS directors, including Boulder County Housing and Human Services Frank Alexander, as well as Boulder County Policy Analyst Leslie Irwin.
- *CC4CA (Colorado Communities for Climate Action)*: Formed about 5 years ago and currently includes 32 local governments focused on climate. CC4CA also provides tools to local governments so they can pursue their own climate action goals.

Staff reviewed Boulder County's legislative priorities for 2020, which included: *Child Welfare, Affordable Health Care, Behavioral & Mental Health, Manufactured Housing Communities, and Tobacco & Vaping*. Public Health Director Zayach said immunization will be a big priority this year, and BCPH Communicable Disease and Emergency Management Division Director Indira Gujral is co-chairing a state committee that includes other key stakeholders that will be discussing immunizations.

Staff gave updates on Fiscal Year 2020-2021 State budget priorities, which include paid family and medical leave, early childhood funding and services, behavioral health, and air quality and oil and gas enforcement.

Environmental Health Division Manager Joe Malinowski said the 2020 Legislative Agenda includes several public health priorities, but climate change will need to be added because it's a major focus right now in public health. He said all priorities are viewed through the lens of the agency's strategic plan.

Mr. Ruzzin said this will be a TABOR (Taxpayers Bill of Rights) year, meaning there will be funding implications on general funds since funding will need to be returned to taxpayers.

Mr. Malinowski said staff requested BOH approval of the entire Boulder County 2020 Legislative Agenda because bills often move quickly through committee, and there isn't sufficient time to seek BOH support on individual bills. BOH approval of the entire Boulder County 2020 Legislative Agenda would enable staff to act swiftly on legislative matters on behalf of BCPH and the Board of Health.

Director of Strategic Initiatives Susan Motika said a comprehensive update on current legislative priorities was included in the January 2020 Director's Report.

***Board Member Fagan made a motion, which was seconded by Board Member McMillan, to approve the Boulder County 2020 Legislative Agenda. With all board members present voting in favor of the motion, President Thomas declared the motion approved. Absent: Vice President DeSantiago.***

**ITEM 5. Update on Boulder County Body Art Regulations.**

Consumer Protection Program Coordinator Lane Drager said he and EH Specialist Melissa Ellis are currently reviewing the local body art regulations, which were last updated in 2010, to determine how they compared with model regulations that were recently released by the National Environmental Health Association (NEHA) for use throughout the country. Applicable NEHA regulation components are being incorporated in the *Boulder County Body Art Regulations*. Mr. Drager noted that the State of Colorado has not taken a position on the national regulations, nor are local regulations required by State Statute.

Mr. Drager said several technical pieces and jewelry specifications are being added to the local regulations. He said changes are necessary to remain current with industry standards, including the proper use of new equipment. Mr. Drager said BCPH held two stakeholder meetings with local body artists to share the proposed regulation changes, and the body artists were generally supportive of the revisions since the regulations also provide protection for them.

Environmental Health Division Manager Joe Malinowski said the Colorado Department of Regulatory Agencies (DORA) licenses and regulates cosmetologists and requires training for permanent makeup artists.

Mr. Drager said once finalized, the revised body art regulations would be presented at a public hearing for adoption by the Board of Health.

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

**Director of Health Divisions Vacancy:** Public Health Director Jeff Zayach said the vacancy for former Director of Health Divisions Heath Harmon was being evaluated by the department. He said BCPH's directors, Management Team, and Leadership Support Team (i.e. program managers) were strategically evaluating the department's current and future needs, which will be presented at the February Board of Health meeting.

**New Budget, Contracts, and Purchasing Manager:** Director of Administrative Services Megan Hatten announced that Maryel Barron recently began as BCPH's new Budget, Contracts, and Purchasing Manager. Ms. Barron previously worked at Boulder County Community Services.

**Gaynor Lake Odors:** Environmental Health Division Manager Joe Malinowski gave an update on the odor issue at Gaynor Lake, which is located between Niwot and Longmont. There is no groundwater source

for the lake, and it contains water year-round, so nutrients and gas build up due to the lack of water circulation. This results in offensive odors, which are concerning to local residents. Boulder County Parks and Open Space owns half of the lake, and the other half is owned by a private owner. When the problem first occurred in 2005, Boulder County conducted air monitoring that indicated there were no dangerous public health exposures. The County installed aerators, but there isn't sufficient water depth, which is required to off-gas properly. Unfortunately, staff said there wasn't much else that could be done, but the County continues working with the local residents to address the odor problem.

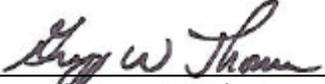
**Program Updates:** At one time, BCPH programs rotated to give program updates to the Board of Health and provide more in-depth education and information on current program services, accomplishments, and challenges. With the changeover in board membership since the program updates were discontinued, the board members said they'd like to hear program updates again in the future.

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

None.

**ITEM 8. Adjournment.**

There being nothing further to discuss, President Thomas declared the meeting adjourned at 7:19 p.m.

  
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Gregg Thomas, President

  
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Jeffrey J. Zayach, Public Health Director