

OFFICIAL RECORD OF PROCEEDINGS

Boulder County Board of Health (BOH) Regular Meeting Online/Telephonic Meeting July 13, 2020

BOH Members: President Gregg Thomas (arrived at 5:50 p.m.); Vice President Jorge DeSantiago; and Board Members Morgan McMillan and Landrey Fagan, M.D. Absent: Board Member McKenzie Rieder.

BCPH Staff: Public Health Director Jeff Zayach; Director of Administration and Finance Megan Hatten; Director of Strategic Initiatives Susan Motika; Communicable Disease and Emergency Preparedness Division Manager Indira Gujral, Ph.D.; Environmental Health Division Manager Joe Malinowski; Community Health Division Manager Nadine Bridges; Health Equity Coordinator Sheila Davis, M.D.; Community Substance Abuse Prevention (CSAP) Program Coordinator Allison Bayley; Healthy Futures Coalition Program Specialist Audrey Schroer; Tobacco Education and Prevention Partnership (TEPP) Program Specialists Vanessa St. Clair and Gretchen Smith; Administrative Assistant Rita Mangeyn; and Business Operations Manager Tammy Golden.

Meeting Called to Order.

Vice President DeSantiago called the meeting to order at 5:38 p.m. and asked all participants to identify themselves for the record (see above). He declared that a quorum was present and that notice of the meeting had been posted on the Board of Health website, including call-in information for the public to participate. Due to COVID-19, the need for social distancing, and the public health order in place, Vice President DeSantiago said the meeting was being conducted online and telephonically.

ITEM 1. Public Comments (on unscheduled agenda items).
None.

ITEM 2. Approval of May 21, 2020, Regular Meeting Minutes.
Board Member McMillan made a motion, which was seconded by Board Member Landrey, to approve the May 21, 2020, Board of Health minutes, as presented. With all members present voting in favor of the motion, Vice President DeSantiago declared the motion carried. Absent: Board Member Rieder and President Thomas.

ITEM 4. Update on BCPH 2020 Approved Budget.

Director of Administration and Finance Megan Hatten gave an overview on the 2020 Approved Budget and said Boulder County and BCPH were awaiting final guidance from the State of Colorado and grant funders, which has delayed BCPH's budgeting process.

Ms. Hatten said the State of Colorado has indicated Tobacco Education and Prevention Partnership (TEPP) funding would not be cut this year and that overall budget impacts for the rest of the year should be minimal. She said she had initial concerns about potential loss of funding due to COVID-19, but at present it currently looked like the majority of funding would be sustained. Additional funding has also been received from Coronavirus Aid, Relief, and Economic Security (CARES) Act to help offset the agency's COVID-19 expenses.

Ms. Hatten said she and Contracts, Purchasing, and Budget Manager Maryel Barron will share the 2021 Recommended Budget at the August 10 budget study session. She said COVID-19 will have an impact on the 2021 budget, but staff likely won't have a clear understanding on that until December. Ms. Hatten acknowledged the efforts of all BCPH staff to absorb COVID-19 work in addition to their regular jobs.

A resolution to approve the revised 2020 Operating Budget will be presented at next month's Board of Health meeting in addition to the 2021 Recommended Budget study session.

ITEM 3. Update on Public Health Implications of HB19-1230 and Marijuana Hospitality Establishments.

Director of Strategic Initiatives Susan Motika introduced Community Substance Abuse Prevention (CSAP) Program Coordinator Allison Bayley; Healthy Futures Coalition Program Specialist Audrey Schroer; and Tobacco Education and Prevention Partnership (TEPP) Program Specialists Vanessa St. Clair and Gretchen Smith.

Ms. Schroer referenced HB19-1230, which became effective January 1, 2020. The bill authorizes marijuana hospitality spaces and marijuana hospitality and sales establishments, and allows retail marijuana, retail marijuana products, and marijuana concentrates to be consumed in establishments if they've received marijuana hospitality business licenses from State and local licensing authorities. The establishments are exempt from the Colorado Clean Indoor Air Act, so smoking was allowed inside these venues. Local municipalities have the option to: 1) opt in to issue these business licenses and adopt State-level regulations or set more stringent local provisions; 2) opt out; or 3) take no action with regard to marijuana hospitality licenses; therefore, these establishments won't be allowed in these jurisdictions.

Ms. Schroer said staff had health concerns associated with marijuana hospitality businesses. Ms. St. Clair said these establishments' exemption from the Clean Air Act would cause issues with secondhand smoke and the same cancer-causing issues that are associated with tobacco. She said indoor marijuana smoke protections are included in the Clean Air Act, but since marijuana hospitality business licenses were exempt from the Act, staff in the facilities would be exposed to secondhand smoke. It will also increase challenges for people trying to quit and will increase visibility and normalization of marijuana use, which is already an issue for youth. She said marijuana can take 6-8 hours to fully process through the body, so it will remain present in the people who leave marijuana hospitality establishments and then operate vehicles. Ms. St. Clair said several cities in Colorado have initiated discussions on the new business license, including Glendale (opted in) and Silverthorne (opted out).

There are also racial equity issues to consider, as marijuana businesses have typically been shown to disproportionately benefit white people more so than people of color. Ms. St. Clair said the tobacco industry has also been known to target populations of color.

Staff was concerned that impacts to municipal budgets from COVID-19 may make marijuana hospitality business licenses more attractive to cities as a way to generate revenue.

CSAP and TEPP are working with the Healthy Futures Coalition (HFC) and a Youth Advisory Team to discuss feedback, concerns, and strategies regarding marijuana hospitality establishments. These groups all support encouraging local municipalities to opt out of this new business license and are working to provide information (e.g. air quality, youth, and health equity) to help municipalities in their decision making.

The Board thanked staff for the update, and Ms. Motika and Public Health Director Jeff Zayach announced that Ms. St. Clair was leaving Boulder County Public Health. They thanked her for her leadership and service in TEPP.

ITEM 5. Update on Current COVID-19 Pandemic.

Public Health Director Jeff Zayach gave an update on the current COVID-19 pandemic and said public health experts continued to learn more each week about the virus. He said cases were increasing at both the state and national levels.

Mr. Zayach said a main priority was safely returning children to school. Many experts (including state epidemiologists, the Denver metro area public health directors, and American Chapter of Pediatrics) have been collaborating to develop guidance for schools and parents, and Mr. Zayach has been working closely with local education partners and other public health officials on the reopening of schools.

Mr. Zayach said some people in Colorado are experiencing longer wait times to receive their COVID-19 test results. That isn't ideal for testing purposes, so public health officials have been asking the State to increase testing capacity in Colorado. He also noted the importance of ensuring availability of personal protective equipment (PPE), including masks, an essential tool in the COVID-19 toolbox.

Mr. Zayach said there are currently over 1,500 cases and 73 deaths in Boulder County due to COVID-19, although Boulder County numbers were lower than in other metro Denver areas. State hospitalizations have started to increase, but those are also lower in Boulder County and have been declining since the end of April. BCPH staff meets weekly with the local hospitals to discuss current status and share data. The local hospitals have indicated they feel they are prepared to meet a surge in demand and don't expect any problems meeting demands for intensive care provision.

There are now many visitors to Boulder County from areas that have increased cases, such as Arizona, Texas, and Florida. Mr. Zayach said individual behaviors drive outcomes; therefore, social distancing, wearing facial coverings, and handwashing were essential. He said the more people adhered to that guidance, the sooner the community could move to the next phase of reopening. Mr. Zayach said the largest increase in case numbers was in the 20-39 year age group. He also noted the importance of caring for populations of color.

To enter the next phase of "Protect Our Neighbors," counties must meet several thresholds, including low disease transmission levels; local capacity for testing, case investigation, contact tracing, and outbreak response. Boulder County currently only meets about half of those requirements.

The Board commended BCPH staff for their COVID-09 work and offered their support, as staff has been working hard under intense circumstances and conditions. Mr. Zayach thanked them and also noted that BCPH was very dedicated to supporting and promoting racial equality in Boulder County.

Mr. Zayach discussed COVID-19 challenges, including funding. He said without the additional funding the agency wouldn't be in a position to hire needed positions, including COVID-19 investigators. He said BCPH was working closely with local code enforcement staff from other entities (e.g. Boulder County Land Use) to provide them with information and education regarding enforcement of public health orders. He noted another challenge will be the onset of flu season in addition to COVID-19.

ITEM 6. Director's Report.

COVID-19 Contact Tracers: The Board discussed the importance of having trained bilingual staff

available to help conduct contact tracing. Mr. Zayach agreed and said many people in the Latinx community were already wary of government entities, so it'll be important to garner their trust and encourage them to participate in contact tracing to prevent further spread of the COVID-19. BCPH is recruiting staff from other BCPH divisions (e.g. Environmental Health) and other Boulder County departments, particularly bilingual staff, to serve as case investigators and contact tracers. The State and University of Colorado are providing AmeriCorps volunteers and public health students to help conduct investigations. Mr. Zayach said for every positive COVID-19 case 4-5 contacts will likely need to be investigated.

Board Member Fagan mentioned the recent federal government decision to not provide states with COVID-19 testing funding. She also said turnaround time for test results has noticeably increased the past few weeks. Mr. Zayach said the State of Colorado has the ability to conduct 3,000 tests per day but was now receiving over 5,000 tests per day. He said there clearly was a need to build capacity and there are no clear answers yet. He said private labs can also determine how soon and how much to charge to process tests, and the State has little influence over that.

President Thomas asked if BCPH was experiencing issues with personnel resources due to grant restrictions. Director of Administration and Finance Megan Hatten said her staff was providing frequent updates and guidance to grant managers.

ITEM 7. Old & New Business / Announcements.

President Thomas referenced a federal appeals court ruling made recently affecting an area of northern Weld County that was previously omitted from the nine-county "nonattainment" area. The ruling will require oil and gas operations in northern Weld County to begin operating more cleanly or reduce output to meet air pollution limits.

ITEM 8. Adjournment.

There being nothing further to discuss, Vice President DeSantiago declared the meeting adjourned at 6:54 p.m.



Gregg Thomas, President



Jeffrey J. Zayach, Public Health Director