

CHAMPAIGN COUNTY BOARD OF HEALTH

**Monthly Meeting
Tuesday, August 18, 2009**

Call to Order & Roll Call

The Board of Health (BOH) held its monthly meeting on August 18, 2009 in the Jennifer Putman Meeting Room at the Brookens Administrative Center, 1776 East Washington, Urbana. The meeting was called to order at 7:30 p.m. by Julian Rappaport. Board members Mark Huls, Stan James, John Peterson, Cherryl Ramirez, Julian Rappaport, and Betty Segal were present at the time of roll call. Prashanth Gowda and Bobbi Scholze arrived after roll was called. The only absent BOH member was Brenda Anderson. The staff member present was Kat Bork (Board of Health Secretary). Also present were Deb Busey (County Administrator) and Nancy Greenwalt (Smile Healthy Executive Director).

Approval of Agenda/Addendum

MOTION by James to approve the agenda; seconded by Huls. **Motion carried with all ayes.**

Approval of Minutes

MOTION by James to approve the Joint Study Session with CUPHD Board minutes for July 28, 2009 and the July 14, 2009 Study Session; seconded by Ramirez.

James asked if the minutes were accurate on Line 117 where Julie Pryde said CUPHD pays \$575,000 in staff costs each month. Bork confirmed the minutes accurately reflected what Pryde said at the meeting.

Motion carried with all ayes.

Public Participation on Agenda Items Only

James indicated two people from his area were present to address their concerns about a CUPHD restaurant inspection. He asked if the matter could be heard before the budget discussion, which could be lengthy. The BOH agreed to hear the public concerns first. Larry Petkus introduced himself and his wife Tammy as owners of Tam's in Rantoul and distributed documentation. They are having serious problems with CUPHD concerning a restaurant inspection. CUPHD inspected the restaurant and Petkus felt the process was flawed.

Gowda arrived at 6:08 p.m.

Petkus spoke about how he owned the Naomi's ice cream shops and approximately five years ago a CUPHD inspector performed a restaurant inspection. The inspection was determined to be improperly conducted and the issue involved litigation. The same inspector recently arrived to perform the inspection of Tam's. Petkus stated the inspector reminded him of the incident that occurred five years ago and stated her disapproval about what had occurred. Petkus described their

latest inspection experience. He felt the inspector has overstepped her bounds by telling the owners to remove equipment and replacing white caulk on sinks with clear caulk because the inspector does not like white caulk. He stated the inspector made sarcastic remarks against other businesses in their presence, suggested the owners call the inspector before they buy something, and left rude messages on their answering machine. He quoted the inspector as saying there were two sets of standards: the inspection standards and her standards. Petkus took his concerns to the inspector's supervisor, who also remembered Petkus from the legal action involving Naomi's. The supervisor refused to deal with the situation and suggested they let the lawyers figure it out. Petkus stated his business has been closed and described the losses they have incurred. He did not feel his complaint was being taken seriously by CUPHD and thought this was a reprisal because of the lawsuit that occurred five years ago. The CUPHD supervisor called Petkus today and set the re-inspection date a week from next Wednesday. He appealed to the BOH for help. Petkus continued to describe that CUPHD has never completed an official report on his building because the inspector did not file it. The CUPHD supervisor would not talk to Petkus until he had the inspection report, but the inspector never submitted a report. Tammy Petkus stated they would be bankrupt before they even opened the doors and it would result in a loss of jobs to the community. Larry Petkus said his restaurant was looked over by other food services owners who said the facility would receive passing marks on an inspection. The deficiencies found by the inspector have been corrected. The Petkuses said they wanted to uphold the food safety code and were only asking to be treated like any other restaurant.

Ramirez inquired if the Petkuses spoke to Jim Roberts, the Environmental Health Director Larry Petkus confirmed they did and Roberts was the one who suggested they let the lawyers figure it out. Rappaport stated the BOH has not experienced this sort of complaint and was not certain what the procedure would be. He confirmed the BOH would look into it. He explained that the BOH contracts with CUPHD for services, but CUPHD is a separate organization with authority over its employees. Petkus stated there was no system of checks of balances with CUPHD. Anytime a grievance is brought to CUPHD, there are swift reprisals. The Petkuses thanked the BOH for their time.

James explained the Petkuses contacted him as their County Board representative. The restaurant was previously open under the name of Skydive and The Hitching Post. James spoke with Jim Roberts as a County Board member. Roberts informed James that the Petkuses would not allow the same inspector back on their property. They forewarned Roberts they would have that particular inspector arrested for trespassing if she came back. Roberts indicated there was nothing CUPHD could do if the owners do not allow the inspector on the property. James offered his services as a public official to be present as an observer during the inspection so the Petkuses would agree with the inspection. Roberts agreed to relay that offer to the Petkuses. When James spoke to Roberts today, he had not offered the Petkuses the options of having James attend the inspection as an observer, but it had been cleared with Julie Pryde. Roberts said he would call the Petkuses back.

Scholze entered the meeting at 6:20 p.m.

James did not like being in the middle of this and did not think it was his job to do. He felt there should be a mechanism for someone to intervene when this type of friction happens.

Rappaport remarked the BOH has no supervisory authority in this matter, but he wondered how much the re-inspections will cost. The BOH could pass the complaint onto the CUPHD Board. James said constituents and fellow Republican County Board members do not like any oversight on building or health codes because there is no way to correct improper oversight. Rappaport inquired if there had been any other complaints. James said he has received other complaints from constituents. Busey explained the television show "Extreme Makeover: Home Edition" was rebuilding a home in Philo. The project had to be kept confidential until the day it starts in order to surprise the family who was selected. The show contacted Busey to coordinate getting the right people to the table to make this happen. The show brings in 250-1,000 volunteers who work 24 hours a day for 7-8 days to build the house. CUPHD is involved because food is brought in through temporary catering services to serve to the volunteers onsite. CUPHD sent a representative to the coordination meeting held a month ago. There have been a couple of meetings since then, including one onsite, to confirm everything was in place with the various entities involved, all of which were attended by a CUPHD representative. Yesterday afternoon, the project coordinator contacted Busey because the CUPHD representative told him for the first time that the site had to provide hot and cold hand-washing stations for the temporary catering services. Busey spoke to Roberts who replied it was a CUPHD regulation. An IDPH representative confirmed a hot and cold hand-washing station was not a state requirement. IDPH only requires a place for food workers to wash their hands be provided. CUPHD approached the project coordinator and food vendors with paperwork to be completed on the day the project was to commence. Busey pointed out many agencies are cooperating to make this event happen for the family and community, including the Sheriff and police departments, and was frustrated by the treatment from CUPHD. She noted the BOH is the policy board for the Champaign County Health Department and they should determine what regulations are upheld in the county.

The BOH discussed the need for agencies to work cooperatively and discussed its lack of supervisory authority over CUPHD activities. Rappaport suggested the BOH should investigate service options. The BOH agreed Rappaport should compose a letter to the CUPHD Board, carbon copied to the Petkuses, to draw their attention to the Petkus complaint.

Correspondence and Communications

There was no correspondence or communications.

Treasurer's Report

Approval of CUPHD Invoice for June 2009

MOTION by Peterson to approve payment of the CUPHD invoice for June 2009; seconded by James. **Motion carried with all ayes.**

FY2010 Budget

Approval of FY2010 CUPHD Budget in Accordance with the Agreement Between CUPHD & the County Public Health Department for the Provision of Public Health Services

Rappaport summarized that the BOH approved the FY2010 dollar amounts to fund the Smile Healthy and Crisis Nursery programs at its July meeting. The BOH asked Busey to meet

with Pryde and Wallace about the CUPHD budget. Busey met with Pryde and Wallace and was informed CUPHD had cut \$32,400 from their FY2010 budget request through administrative staffing changes. Busey offered, subject to BOH approval, to pay for the Crisis Nursery Beyond Blue program from the BOH fund balance, because it appears to be a one-time expense. The \$20,852 in FY2010 revenue would then be added to the CUPHD budget. This left a remaining difference of \$40,000 between CUPHD's budget proposal and BOH budget. Pryde, Wallace, and Busey talked about how fee increases would be appropriate and should be reviewed. Busey left the meeting with the understanding that CUPHD would look at implementing fee increases and additional cuts to cover the remaining \$40,000 deficit. Busey described her subsequent communication with CUPHD via email. Wallace had responded to Busey via email there could never be enough fee increases to cover the \$40,000. Any fee increase recommendation should come from CUPHD staff because they can perform the analysis and comparison with other health departments. This has not been provided by CUPHD. Without that information, Busey distributed the charts she prepared with the three different proposals for the FY2010 budget based on actual revenue, funding requests, and the fund balance goal. The 16.59% cuts were applied to the Smile Healthy and Crisis Nursery programs. The first scenario showed full funding of the CUPHD result at \$677,802. This would be a 2.6% increase over last year's budget while the BOH is facing a 3.4% decrease in revenue. The first scenario results in a \$60,948 deficit in FY2010. The second scenario presents a balanced budget by lowering the CUPHD budget to \$616,854, a 6.6% decrease from FY2009. The third scenario appropriates the Crisis Nursery funding from the fund balance and transfers that money to CUPHD. This results in a \$637,706 for CUPHD in FY2009. This is \$40,000 less than CUPHD requested, but it would enable the BOH to have a balanced budget. She detailed how each scenario would affect the fund balance.

Scholze asked if the balanced budget included the percentage decrease that the programs were asked to make. Busey confirmed the third scenario would reduce the CUPHD budget by 3.48% from FY2009 funding levels. The programs were directed to cut 16.59% from their FY2010 budget request and CUPHD's FY2010 request was higher than the FY2009 budget. The FY2009 budget included \$77,000 for the mobile program, which is being used towards core services in FY2010.

Referring to Pryde's letter to the BOH dated August 11th, Ramirez wondered if CUPHD would provide any services to the BOH if another \$40,000 is not added to the CUPHD budget. Busey explained Pryde was requesting \$677,802 for CUPHD to provide services. The \$40,000 amount came from Busey's attempts to work out a compromise by moving \$20,000 more to CUPHD in FY2010 if the BOH is willing to pay for the Crisis Nursery program out of its fund balance. The difference is really \$60,000. Busey apologized to BOH if she misspoke; she was trying to reach a compromise budget with CUPHD. She expected more cuts from CUPHD expenses or increased revenue.

Rappaport felt the BOH could see where it is headed with the budget. The next thing to be eliminated will be the Smile Healthy program because there will be nothing left to cut in order to increase funding to CUPHD. He suggested presenting the dollar amount the BOH can afford to spend on services and ask CUPHD to do the best they can with that amount. He clarified that CUPHD should determine the amount of services they could provide for the amount and then divide it into 12 monthly segments, as dictated by the agreement between the two boards. Once the set

amount of money runs out, CUPHD should stop providing services. He acknowledged the BOH can not afford the level of services CUPHD currently provides. Scholze stressed that the core services should be funded first and Gowda agreed. Busey expressed the budget response from CUPHD only included grants and core services. It appeared to Rappaport that the BOH was on the track to becoming a pass-through agency to give all its funds to CUPHD and he did not believe that was the BOH's purpose. He thought the agreement between the boards indicated services would be provided at an amount agreed upon by both sides.

Peterson remarked the biggest shortfall in is Environmental Health's food inspections and wondered how much those fees would need to be increased to be close to covering the service costs. Busey stated the food protection permits generate \$90,000, private sewage generates \$32,600 and the well water program generates \$16,338 in revenue. Peterson figures the BOH would have to increase its food protection fees by at least 50%. He discussed comparables with other counties, including DuPage County that charged \$1,083 for a food inspection permit. Gowda pointed out the demographics of DuPage County are different than Champaign County and Peterson concurred. James said the BOH would have to redraft its ordinance to raise fees, which would take time. He also thought raising fees was a double-edged sword because increased fees might drive people out of business in the smaller communities. James felt the BOH has made a commitment to make across the board budget cuts. If the services cannot be provided for the reduced amount, then the services and staff should be cut. If CUPHD refuses, then the BOH better have a Plan B. CUPHD has been made aware of the BOH's budget situation. James thought the BOH settled on a fair budget and it was time to move forward. He was astonished to learn that realtors pay very little for the well water testing and the rest of the cost is borne by the BOH. The well water fee could be increased to cover this cost. Peterson noted the BOH asked at the July meeting for the well water fees be increased to cover the actual costs and CUPHD did not do so, according to the letter from Pryde. James mentioned the fees structure has been in development for two years and nothing has come of it. He wanted to approve the budget and if CUPHD declined to provide services, then the BOH should move onto a Plan B.

Rappaport said the BOH would need legal counsel. There are a number of grants that fund activities in the entire county and are administered by CUPHD. The BOH might be in a position to ask for the grant revenue if the BOH moved to an alternative provider. He recommended the BOH look around to consider any possible services delivery options. He supported proposing the fee change and asked CUPHD to do the best it could with the budget the BOH provides. Peterson noted he suggested cutting the number of inspections from three to two in order to reduce the deficit in Environmental Health. Either more revenue needs to be generated or expenditures need to be cut in this area. CUPHD has not come back with any fee changes. James thought Jim Roberts indicated the three inspections were required as program standards. The BOH continued to discuss its budget condition.

James asked for Busey's perspective on the situation because she deals with numerous department budgets as the County Administrator. Busey confirmed services are adjusted according to the level of revenue. James asked Busey's opinion for the best avenue the BOH should pursue. Busey suggested appropriating the Crisis Nursery program funding from the fund balance in FY2010. She believed the BOH has made a step in good faith by appropriating all incoming revenue towards programs that are considered core services, noting that Julie Pryde has identified

dental as a core service. The Smile Healthy program took a bigger cut than CUPHD. She recommended informing CUPHD the proposed budget is all the BOH has to work with in FY2010. Busey stated 7-9% budget cuts are being implemented across the board in the General Corporate Fund. The BOH has to be able to implement a 3.5% cut to the CUPHD allocation. She asked if anyone contacted the state to determine if reduced services, such as fewer restaurant inspections, was a possibility. Peterson did not think the BOH would have any trouble with the state when they reduce services they cannot afford to provide. He acknowledged limiting the number of inspections will not lower the budget enough to solve the deficit, but coupled with a fee increase it could help make up the deficit. Busey stated if CUPHD presents a reasonable recommendation for fees increases and estimates the annual value of those increases; the BOH could consider increasing the CUPHD's expenditure budget by the same amount. CUPHD has been asked to provide a recommendation for fee increases and have failed to provide it. Rappaport thought the CUPHD Board was unwilling to direct its staff. He did not agree that the CUPHD Administrator should be telling the BOH what services they can and cannot provide. He felt the BOH was being bullied out of a potentially long-term, positive relationship with the Mental Health Board. Rappaport believed the BOH would be badgered out of supporting the only effective dental program that has ever existed in this county because the BOH will have to spend all its revenue on CUPHD's costs. He said the county residents should not expect much with a three-cent tax rate. The BOH continued to discuss the budget proposal and the affects on services. Peterson objected to seeing the fund balance drop. Peterson summarized the BOH's direction was for CUPHD to:

1. fully charge for water inspections,
2. reduce restaurant inspection to two a year,
3. look at fees increase to make up the shortfall, and
4. let the budget otherwise stand.

Rappaport inquired about the progress made by the fees review group consisting of Peterson, Jim Roberts, and Susan McGrath. Peterson said they decided to only focus on penalty enforcement instead of looking at the entire health ordinance when they last met. There would not be sufficient revenue recovered through penalties to cover the shortfall between the costs for providing services and the revenue received through fees. The restaurant inspections in the county are relatively expensive due to the travel time, so cutting the third inspection enables staff to get more done in a day. The BOH discussed fees revenues and the various budget options to arrive at a balanced budget. Busey explained CUPHD's original request for core services and grants was \$703,766. This has been decreased to \$677,702 and the BOH cannot afford it. The BOH continued to discuss balancing the FY2010 budget.

Scholze was afraid that the agency who could afford to take budget cuts would not take the same percentage cut as agencies who manage to run leaner operations. This meant the agencies who could least afford to take a budget cut had to bear the brunt of it. She questioned why the BOH should adopt the third budget option when CUPHD was not cooperating by increasing fees as necessary to cover their costs. James wondered if fee increases would generate much more revenue because businesses might close. Peterson stated Sangamon County charges \$825, Peoria County charges \$400, and McLean County charges \$426 for restaurant permits while Champaign County charges \$300. Peterson notes it was difficult to consider changing the fees without any input from CUPHD. Rappaport asked if the BOH members wanted to suggest budget cuts to CUPHD, such as

paying for an Information Specialist. James did not think the BOH should be specific about making cuts to CUPHD operations. He preferred setting the CUPHD budget at a certain amount and directing CUPHD to make the necessary cuts to reach that amount. Rappaport stated the BOH pays 10% of the CUPHD Administrator's salary and the Administrator should be making recommendations on budget cuts. James was disappointed that no one from CUPHD, even the Administrator, was present at tonight's meeting.

Ramirez was in favor of advocating concrete ways for CUPHD to cut its budget for county services, but in her mind Pryde had already responded to the third budget option. Pryde indicated CUPHD would not proceed with the agreement without additional money. Busey did not think the agreements allowed it. CUPHD cannot back out of the agreement without giving the BOH twelve months notice. James spoke about how the BOH's revenue was public information and he wondered if CUPHD would be asking for the same amount if they thought the BOH had less revenue. He thought there was always a way to make an adjustment to a lesser budget, though he acknowledged it would be hard. Ramirez said the BOH needed to seriously look into establishing a Plan B. James felt the BOH had to consider that option and he thought the County Board may be involved soon. Ramirez advised talking to the County Board to make them aware of the situation the BOH is facing.

Peterson stated Pryde's letter did not give a figure and asked what was CUPHD's current request after the meeting with Busey. Busey understood that CUPHD request for core services and grants was \$677,802. The BOH agreed it would abide by a budget for CUPHD of \$616,000. Rappaport remarked the BOH understood Busey tried to negotiate with CUPHD over about \$40,000 and he did not want to leave her out on a raft when she did the best she could on behalf of the BOH. Based on this, Rappaport was willing to agree to give CUPHD the FY2010 revenue that would have gone to the Crisis Nursery program that will be paid for with fund reserves. Peterson asked if Busey offered the \$20,000 more to CUPHD in an effort to stimulate CUPHD into negotiating. Busey said she was trying to get CUPHD to cut the remaining \$40,000 or generate revenue to offset those expenses and CUPHD did not respond. She thought there would be some movement on CUPHD's part. Busey made the suggestion about the Crisis Nursery program because she thought it was a project that would end. This leaves the BOH operating budget to fund the CUPHD agreement and Smile Healthy program. She noted the BOH has moved quite a bit to try and meet CUPHD's budget because the money previously used for additional services and the mobile unit program was being redirected to core services and grants. CUPHD's initial FY2010 request was a 25% increase over the FY2009 budget. Scholze asked why the BOH should allow CUPHD \$637,706 when they had not made any movement in negotiations. James said the reason was to appease. Busey said it would minimize the argument that the BOH funds programs other than core services. The proposed budget has the BOH putting all of its operating dollars in FY2010 into what Pryde has defined as core services at meetings: CUPHD core services and grants and the dental services through Smile Healthy. Busey noted the remaining difference between the CUPHD and BOH was \$40,000 while CUPHD has budgeted \$150,000 for administration on a \$670,000 contract. She thought this was high for administrative costs.

MOTION by Peterson to approve a FY2010 budget appropriation for CUPHD in the amount of \$637,706 with the stipulations of reducing the number of Category I restaurant

inspections to two a year and increasing the well water testing fees to fully fund the service; seconded by James.

James wanted to see comparables of other counties. Scholze wanted the administrative charges to not exceed 20% of the CUPHD budget. Busey stated the percentage of administrative costs on a \$637,706 budget was 23.5%. The BOH discussed its fund balance goal and the possibility of setting a policy on administrative or indirect costs. James called the question. Rappaport asked if the BOH was ready to vote and there were no objections.

Motion carried with all ayes.

James asked Rappaport to send a letter to CUPHD communicating the BOH's decision. Rappaport agreed to do so with Busey's assistance tomorrow morning. The BOH asked for language to be included in the letter directing CUPHD to continue the well water testing program by increasing the fee to cover all costs. James asked if a special meeting will need to be called if the CUPHD rejects the budget. Busey reminded the BOH that both boards have to agree, based on the written agreement. She suggested them may want to ask if the CUPHD Board is willing to agree to a joint meeting with a mediator.

Approval of FY2010 Board of Health Budget

MOTION by James to approve the total FY2010 Board of Health Budget in the amount of \$775,600, as listed on Pages 5 & 6 of the handouts provided by Busey; seconded by Peterson.
Motion carried with all ayes.

Other Business

Rappaport asked how the BOH should proceed in exploring its future options. Busey recommended obtaining the public health ordinances from surrounding counties. There is a retired McLean County Public Health Administrator who might be willing to do some consulting. Peterson mentioned someone closely allied to the county might be willing to serve as a Director. The BOH discussed how it could gather information and the dynamics of past administrations.

James exited the meeting at 7:45 p.m.

The BOH discussed the possibility of purchasing public health services through neighboring counties. Ramirez noted the question of merging the two health departments could be placed on the ballot. Peterson remarked the BOH has not received an explanation concerning the full legal ramifications of such a question. The political implications and differing tax rates were discussed. Rappaport recalled that the BOH paid a consultant to prepare a report on the health department in 2005 and requested the report be resent to all BOH members. Peterson spoke about some of the history with CUPHD and the budget process. He acknowledged that CUPHD has subsidized county health services in the past, but CUPHD have not done the cost reduction as requested with this budget.

Segal asked for the letter about the inspection raised during public participation to be sent to the CUPHD Board and carbon copied to Pryde and Roberts. Rappaport said he intended to simply make the CUPHD aware the BOH had received the complaint. Gowda said the BOH should not be involved in daily CUPHD activities. James wanted to require restaurants to post signs telling patrons to call CUPHD with complaints. Rappaport stated the BOH could not make a judgment of what should happen with the complaint; it could only forward it to the CUPHD Board.

Public Participation on Non-Agenda Items Only

Greenwalt described how Smile Healthy participated in an event to get kids ready for school by providing dental exams. Today the American Academy of Pediatrics did a Bright Smiles from Birth training at Frances Nelson.

Adjournment

The meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Kat Bork
Board of Health Secretary

Secy's note: The minutes reflect the order of the agenda and may not necessarily reflect the order of business conducted at the meeting.