

CHAMPAIGN COUNTY BOARD OF HEALTH

Monthly Meeting Tuesday, February 23, 2010

Call to Order

The Board of Health (BOH) held its monthly meeting on February 23, 2010 in the Lyle Shields Meeting Room at the Brookens Administrative Center, 1776 East Washington, Urbana. The meeting was called to order at 6:01 p.m. by Board President Julian Rappaport.

Roll Call

Board members present at the time of roll call were Mark Huls, Stan James, John Peterson, Cherryl Ramirez, Julian Rappaport, Bobbi Scholze, and Betty Segal. The staff member present was Kat Bork (Board of Health Secretary).

The absent Board members were Brenda Anderson and Prashanth Gowda. Gowda had sent notification via email that he would not be able to attend the meeting.

Also present were Candi Crause (CUPHD Infectious Disease Prevention & Management Director), Nancy Greenwalt (Smile Healthy Executive Director), Bob Keller (Illinois Public Health Association), Julie Pryde (CUPHD Administrator), Jim Roberts (CUPHD Environmental Health Director), Peter Tracy (Mental Health Board & Developmental Disabilities Board Executive Director), and Andrea Wallace (CUPHD Finance Director).

Approval of Agenda/Addendum

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

Approval of Minutes

MOTION by Peterson to approve the January 26, 2010 minutes; seconded by Segal.

Peterson asked if the November 24, 2009 minutes had been amended to reflect that the BOH was informed about the specific results of the County Board vote on the termination notice for the CUPHD agreement before being posted on the County's website. Bork confirmed the appropriate language had been added.

Motion carried with all ayes.

Public Participation on Agenda Items Only

There was no public participation on the agenda items.

Correspondence and Communications

Rappaport announced the receipt of an informational notice dated February 19, 2010 from Ameren concerning the Bondville Southwest Campus Transmission Line Project. James informed the BOH he has requested a place on the March 9th County Board Committee of the Whole agenda to give an update on public health issues and the BOH's activities.

Smile Healthy

MOTION by James to receive and place on file the Smile Health monthly report for January 2010; seconded by Segal.

Greenwalt stated the information on Give Kids a Smile event will be included on the February report. There was a recent article in the newspaper about the dental clinic at Frances Nelson.

Motion carried with all ayes.

CUPHD

Administrator's Report for February 2010

Pryde informed the BOH that CUPHD is investigating a food-borne illness outbreak and working on a resistant TB case. CUPHD has submitted a grant application for \$280,000 to expand the CATCH program to schools in Champaign County. The first four schools to receive the program will be in Rantoul if the grant is received. Pryde thanked Ramirez for her help with the grant application.

Rappaport noted the BOH has expressed concern in the past about being made aware of or giving its approval for any grants that involved the county. Pryde said she writes grants all the time and the BOH does not approve the grant applications. Once a grant is received, the BOH can decide to opt out and decline the funding for the county. James recalled the BOH discussed sharing the cost of a grant writer position to generate more funding at some point in the past. James asked how the BOH could have any input with grants that will benefit all residents if they are not involved in the process. Rappaport was trying to clarify the grant process that affects the BOH's responsibilities to the county residents. He thought the BOH should be informed about grant applications submitted on behalf of the county or approve them in advance instead of deciding whether or not to accept the grant money after it has been awarded. He wanted to review what the contract said about grants.

James described how Champaign County departments have to submit their grant applications to the County Board for approval. The timing of application deadlines mean that some applications are submitted before the approval is received from the County Board, but the Board's approval is for the application and acceptance of the grant if it is awarded. If the Board does not approve the grant, then it is not accepted. Peterson wondered at what point the BOH should become involved in the grant process. Pryde said the BOH is only involved once the grant is awarded, not during the proposal stage. Peterson said it would be nice to know what is being done in the BOH's

name. Pryde confirmed the CATCH grant was submitted under CUPHD's name and that she does not write grants in the BOH's name. Rappaport wanted to know more about what the BOH's responsibilities were and if they are responsible for all activities occurring in the county.

Pryde explained a lot of grants are received in two pieces, one for CUPHD and one for the county. Other grants are directly addressed to a single entity. Most grants are written for CUPHD. Segal suggested Pryde add a section to her monthly report listing any pending grants or have a running record of grants so the BOH is kept informed. Pryde said she could accommodate that request and also include a listing the CUPHD grants that benefit the county. Pryde described the grant process. She writes the grant applications and receives the contracts if the grant is awarded. CUPHD's legal counsel reviews the contracts and the CUPHD Board approves the grant contracts for Pryde to sign. She confirmed that she never signs contracts without the CUPHD Board's approval. Rappaport said the addition to the monthly report was a great idea and thanked Pryde for agreeing to provide that information at future meetings.

James asked about the Environmental Health Division's activities. Pryde said her report contains a summary and the division's monthly reports are on the CUPHD website. James asked about the system failure complaint filed against the Cherry Orchard Apartments by the State's Attorney's Office. He has received calls about it from politicians and asked if there was more information. Roberts confirmed a court date is set for March 4th and thought there are different options for the parties to address. This will be the first time this particular complaint case is going to court. Rappaport asked whether Cherry Orchards was in the BOH's jurisdiction. Roberts stated it is in the unincorporated area of Champaign County, outside of Rantoul. If there was no County Board of Health, he would not have jurisdiction in this area.

James noted he raised the Cherry Orchard Apartments issue several months ago and the state could also step in to address the matter. Roberts doubted the state would become involved because the state thinks local governments should handle these issues. There has been a complaint against Cherry Hills Apartments since September 2007. Now it is in the State's Attorney's hands.

The BOH discussed Pryde's suggestion to review and revise the Champaign County Health Ordinance. Peterson acknowledged an Ordinance Committee was established in the past that included himself and Susan McGrath of the State's Attorney's Office. The committee was waylaid and did not make any recommendations on revising the ordinance. Rappaport supported the BOH updating the Health Ordinance and noted the BOH purchases its legal representation from the firm of Heyl, Royster, Voelker & Allen. He was not sure if the County Board understands that fact. Champaign County has a State's Attorney's Office and Rappaport felt that office, in theory, could be providing the BOH with legal counsel. He felt the BOH should move ahead with updating the County Health Ordinance, but not move ahead without the necessary legal advice. He said it would be nice if the County Board would provide the BOH with the legal counsel to update the Health Ordinance instead of the BOH paying a private firm for the advice it requires. James spoke to Susan McGrath, who informed him she was still working on the ordinance. He remarked employees are spread thin in government agencies. He suggested the BOH fine-tune the existing ordinance by comparing it to other counties' ordinances. Once the document is prepared by the BOH, it could be reviewed by legal counsel. He noted an attorney would just give an opinion and attorneys' opinions vary. A revision of the County's Health Ordinance would tie nicely with the

Zoning Ordinance revision he has been trying to convince the County Board to do. He definitely thought an ordinance revision needed to be done. Bork reminded the BOH that they received a letter from the State's Attorney at the September 29, 2009 meeting that assigned their legal representation to the firm of Heyl, Royster, Voelker & Allen, not the State's Attorney's Office.

Pryde stated CUPHD would be revising its ordinances and would want the district's and county's ordinances to be the same. It would be helpful to work together to develop the ordinances. Roberts announced the ordinance and fees changes were a backburner issue. James suggested CUPHD or Peterson obtain Susan McGrath's notes. Peterson committed to meet with Roberts next month to move the issue forward. Rappaport thanked Peterson for being willing to pursue the matter.

MOTION by James to receive and place on file the Administrator's Report for February 2010; seconded by Scholze. **Motion carried with all ayes.**

Approval of CUPHD Invoice – December 2009

MOTION by Peterson to approve payment of the CUPHD invoice for December 2009; seconded by Huls.

James asked about the \$175 for non-community water surveys. Roberts explained the BOH's's potable water supply program has non-community transit water supply standards. CUPHD has an agreement with IDPH to perform surveys and water sampling for this program. The samples are sent to IDPH.

Motion carried with all ayes.

Well Water Testing Program Recommendation

Roberts described the two testing types, each with a bottle and lab report, in the well water testing program. One type is chemistry and the other is microbiological. The numbers are based on the CUPHD cost center. Roberts showed the BOH the sample kits. CUPHD receives the sample bottles, mailing materials, and instructions free of charge from IDPH. The materials are sorted into sample kits by CUPHD administrative staff prior to distribution. When residents inquire about well water testing, the staff (either a Sanitarian or an Administrative Assistant) reviews the sampling procedures and shipping options with the resident. A resident must stop by the CUPHD office to pick-up a sample kit. The two shipping options are: 1. the resident sends sample to IDPH or 2. the resident returns the sample to CUPHD, who then sends it to IDPH via UPS. CUPHD has learned neither the United States Postal Service nor a UPS pick-up site guarantees delivery of the time sensitive samples. IDPH must have the sample within thirty hours or it is invalid, so CUPHD transports the sample to the UPS store on Marketview Drive. It costs \$5-\$5.30 to ship a bottle via UPS, not including CUPHD staff labor and mileage costs to take to sample to the store. The bottles are sent to the IDPH lab and CUPHD receives a monthly bill from IDPH for all charges. The IDPH lab notifies CUPHD of the test results by mail. Roberts wanted to make the BOH aware that a lot of the testing was done for real estate transactions. Realtors tend to wait until the last minute and request express service for the well testing. The realtors ask CUPHD contact the IDPH to learn the

test results and then fax them the results. This express service takes extra labor from CUPHD staff. Roberts presented a samples chemistry test report.

If the test returns a satisfactory result, CUPHD gives the resident an explanation of water analysis and a copy of the lab results. As part of CUPHD's Groundwater Safety Education Campaign, the residents receive a pamphlet from the Illinois Association of Groundwater for Professionals Water Well System & Owners Guide to help them understand how to maintain the well. For real estate transactions, CUPHD calls IDPH to obtain the results and faxes or mails copies of the results to the buyer, seller, lender, and realtor of the property. This service adds to the labor costs.

If the test returns an unsatisfactory result, CUPHD staff follow the satisfactory procedure and additionally issue instructions on how to disinfect the well. CUPHD advises residents to disinfect their wells and resample. This information typically generates a phone call because the residents do not understand the supplied information. Sometimes there is a sampling error. Labor costs increase with unsatisfactory results because they can require multiple samplings. Sometimes the residents ask CUPHD to visit their property. CUPHD staff visit the site and suggest corrective measures or recommend they contact a well driller. Roberts thought the total labor costs were skewed due to unsatisfactory results and the express service provided for real estate transactions.

Segal asked if CUPHD charged one fee or if a second fee was charged for re-sampling in unsatisfactory cases. Roberts said CUPHD charged a \$20 fee for the first sample and occasionally charged an extra \$10 fee for a second test.

James related his experience in testing his well and how he was on the phone with public health for thirty minutes. He understood the testing can be labor intensive. He asked what jurisdiction public health had if a sample comes back unsatisfactory and whether CUPHD could shut down the well. Roberts answered no because it is a well on private property. They recommend residents not drink from the well until it is disinfected and resampled. The district is required to inspect new construction and encourage new owners to test the well. He was amazed some people do not test their well after paying \$8,000 to have it drilled.

Rappaport thanked Roberts for providing details about the well water testing program. He included a *News-Gazette* article in the agenda packet describing how the Extension Service handles well water testing. According to the article, the costs seem relatively trivial for health departments and a small fee is charged. CUPHD recommends charging a \$125 fee for well water testing because some testing cases involve more staff time. Rappaport asked if it was feasible to charge a differential fee cases with the unsatisfactory results and when the customer requests express service for a real estate transaction. Those cases appear to drive up the total program costs. Customers whose wells test satisfactorily could be charged a smaller fee because they do not generate as much work for CUPHD staff. All customers should not have to pay for a few bad wells. Segal added the *News-Gazette* article portrays a testing procedure where most of the work is dumped back on the local health department, hence the low fee charged by the Extension Service.

Pryde inquired how CUPHD would get some customers to pay a higher fee since the fees are usually paid up front. Roberts suggested charging the customers again for any retesting. James

agreed Rappaport's fee approach was fair, but he, as a consumer, would object to paying a higher fee for an unsatisfactory result. If people do not want to pay the \$125 fee they can go somewhere else to find a better deal.

Rappaport asked if Keller had any thoughts on the issue. Keller explained that the McLean County Public Health Department used volunteers to assemble the sample kits in mass, put people in touch with the testing facility, and responded with the results. If results were bad, McLean County Public Health referred the person to a private driller because it was private sector function, not a mandated public health function. This approach enabled McLean to establish a \$20 fee. There was about a \$6-\$7 per test subsidy from the health department. The labor costs involved were very low. McLean staff never visited the customers' property nor sent the bottles in for the customers. McLean County offered a different service than CUPHD. Roberts remembered that the county residents voted overwhelming not to have a county health department. He felt they may have won over a few people by doing outreach and good work by sending staff to their property.

MOTION by Peterson to set the well water testing program fee at \$125 as recommended by CUPHD and for the Board of Health to address any future costs that develop with the program to ensure it remains revenue neutral; seconded by James.

Huls asked if the BOH needed to set an effective date for the fee to be implemented. James, after listening to the comments, suggested the fee start at \$100 to see if that amount would be sufficient to cover costs. He wanted to start at a lower, round number and wait a year to see if the fees will cover the program's costs. Roberts stated they would review the fee annually to determine if it is keeping pace with costs. He wanted James to understand that if the fee was set at \$100 for a service that it costs CUPHD \$125 to provide, then someone will have to pay the \$25 difference. Rappaport suggested CUPHD could give the BOH credit if the \$125 fee is too much. James was willing to rely on CUPHD's expertise, but thought going to \$125 was a big jump in the fee. Scholze preferred a lower fee for those residents whose reports are satisfactory. The customers with good wells should not have to cover the costs for those with well problems who cause more work for staff.

Pryde asked Roberts to explain how he collected the cost data. Roberts said he reviewed one year's costs. There were 72 water sample bottles sent to the lab in that year and he averaged the total costs across all users. Keller would bet the major share of the unit costs is caused when CUPHD visits a property at the request of the customer, due to mileage and labor time expended. That service would skew the cost for the rest of customers. James pointed out that homeowners have other options than using the public health department and paying the fee. Rappaport suggested putting an asterisk next to the fee to tell county residents that this service would be paid for if they raised the public health tax levy in Champaign County. James was against any tax increases.

Wallace stated a flat fee is easier to administer because it is collected up front. A structured fee would require billing the client. Rappaport suggested charging an extra fee before staff visit the property and asked if that was feasible. Pryde confirmed it was feasible to charge the customer before staff go to the property. Peterson asked what the reduced fee would be when the site visit costs are removed. Roberts said he would have to think about it. Wallace stated CUPHD could analyze the costs on a month-to-month basis with a lower fee and report back in six months.

Rappaport summarized the BOH's intention was to push the costs onto those customers who cause more labor intensive work and set an additional fee as the mechanism to pay for those services. Scholze agreed with setting a lower fee and then charging customers who require extra services the cost of providing those services. If customers want extra assistance, a site visit, or a rush put on their results; it will cost more. Roberts said he would return with recommendations for a range of fees. James suggested building in some safeguards to ensure the fees cover the costs. A plumber's visit costs \$100 for first hour and then time and materials for each proceeding hour. He recommended CUPHD structure the fees in a similar manner to ensure all costs associated with the program are covered.

MOTION by Peterson to defer; seconded by James. **Motion carried to defer the item.**

Roberts said he would need to know what fee to charge if he starts receiving reports from the IDPH lab because residents have mailed in samples on their own or through another entity. The BOH agreed he should set a fee to cover his costs for the service. Rappaport thanked Roberts for spending the time and effort on the issue.

Other Business

Illinois Public Health Association Consultant Update/Discussion

Keller gave an update on his work for the BOH. When he began the project in October, one of the BOH's major issues was whether they would undergo a contract renegotiation this year, which was scuttled. Keller met with Rappaport, Deb Busey, and Peter Tracy to determine the fundamental issues to focus on in his report; working within the context of the existing contract. In March, he will present a budget template that integrates more physical data along with the programmatic data to review unit costs and provide a more definitive budget breakout. The budget template will integrate into the new budget process. He will also calculate the cost of the minimum services. Keller will give a full report in May about the responsibilities of this board and what are the minimum services that must be provided with finite resources. He will provide recommendations on how to structure reporting and negotiations along with suggestions about how to interface with the CUPHD Board. His report will be more mechanical than theoretical compared to the 2005 report on public health.

James thought the BOH was looking for options available if there was a split. Keller confirmed that will be included in the report. James did not remember any discussion about budget comparison because it is an area that fluctuates with revenues and depends on what agency delivers those services. He realized the BOH had a contract with Keller for a set amount and asked for documentation on any payments that have been made. He asked Rappaport why he has not been provided with that information as requested. Rappaport said he understood from Deb Busey that the BOH allocated a dollar amount for the consultation services that would be paid in periodical amounts when requested. He believed one invoice had been received and paid. Keller confirmed the Illinois Public Health Association submitted an invoice for the period of October 19, 2009 thru December 9, 2009. This invoice was itemized. Rappaport had understood from Busey that the invoices did not require Board approval for payments because a set amount and a contract had been approved. The invoices are processed by the Champaign County accounting system. Bork had a copy of the invoice at the meeting and confirmed it had been paid. Rappaport had no problem with

the BOH seeing the invoice as an information item on future agendas. James said the BOH had a contract with CUPHD but the monthly invoices are approved for payment at the meeting. He thought the Board should see any item when they are paying for any services. He said the BOH sees all sorts of documents and fees, but he had to request the consultant invoice from the Auditor's Office. The invoice states it is an advance payment and James objected to paying any money when the BOH had not received any services. James did not like when the BOH nitpicks some groups for more documentation and does not follow its own parameters with others. He wanted everyone to be treated fairly and for the documentation to be in the BOH's hands. Rappaport asked James to explain what exactly he was requesting. James said he wanted the BOH to get a billing when Rappaport got it as the Board President. Rappaport clarified that he never received BOH bills, they are sent to the county office. Keller confirmed the invoice went from the Illinois Public Health Association to Peter Tracy, who is the administrative conduit. Bork supplied the example of Smile Healthy to demonstrate the BOH pays invoices in accordance with a contract that has been approved by the BOH without approving the individual invoices. The CUPHD contract states the invoices will be presented to the BOH, hence why those invoices are approved at the meetings. James thought the BOH received a copy of what Smile Healthy has expended each month. Rappaport said the BOH received a monthly report of Smile Healthy's activities, not their expenses. He was happy to do whatever James wanted if he would make it clear what he wanted. James wanted any bill from Keller for services rendered included in the board packet so they are aware of the amount expended from the line item to know the BOH is meeting its obligations with the contracts. He stated this is done at the County Board level with contracts and when bills become payable. He wanted the BOH to exercise due diligence to make sure their services have been provided and the bills are not inflated. Rappaport would ask Busey to forward any future invoices that are received so they can be included in the agenda packet. James said the invoices did not have to be itemized as long as he knew they were coming in. Keller confirmed the invoices will be itemized as a standard practice. James spoke about the County Auditor routinely receiving bills that are ninety days late and voiced his frustration with having to contact the Auditor's Office to obtain the invoice when the BOH just questioned Roberts about every minute detail about the well water testing program.

Approval of Closed Session Minutes

MOTION by Peterson to approve the October 27, 2009 closed session minutes; seconded by James.

The members confirmed all had read the minutes. Rappaport had a question about making a notation in the minutes to indicate an error of fact. James stated the closed session minutes could not be discussed in open session because they are confidential. The BOH would have to enter into a closed session to have a substantial conversation about the content of the minutes. James stated the BOH could not enter into a closed session because it was not on the agenda. Rappaport asked for the minutes to be deferred and a closed session be placed on the next agenda to allow for discussion of the minutes.

MOTION by Scholze to defer the approval of the closed session minutes; seconded by Ramirez. **Motion carried with one vote against by James.**

Segal asked if she could read the closed session minutes at the Administrative Services Department some other time. Bork volunteered to make the minutes available to Segal anytime during regular business hours.

Public Participation on Non-Agenda Items Only

There was no public participation on non-agenda items.

Adjournment

The meeting was adjourned at 7:53 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.