

CHAMPAIGN COUNTY BOARD OF HEALTH

**Monthly Meeting
Tuesday, September 29, 2009**

Call to Order

The Board of Health (BOH) held its monthly meeting on September 29, 2009 in the Jennifer Putman Meeting Room at the Brookens Administrative Center, 1776 East Washington, Urbana. The meeting was called to order at 6:03 p.m. by Board President Julian Rappaport.

Roll Call

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

The absent Board members were Prashanth Gowda and Stan James. James's absence was excused because he had notified the President in advance of the meeting.

Also present were Deb Busey (County Administrator), Carol Elliott (CUPHD Board Member), Nancy Greenwalt (Smile Healthy Executive Director), Julie Pryde (CUPHD Administrator), Jim Roberts (CUPHD Environmental Health Director), and Peter Tracy (Mental Health Board & Developmental Disabilities Board Executive 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 minutes for the July 28, 2009 regular meeting and the August 18, 2009 regular meeting; seconded by Segal.

Peterson requested that the attendance information be separated out to make it more readable in the minutes. Rappaport made a correction to the July 28, 2009 minutes on line 241-242 about the program's name.

Motion carried with all ayes.

Public Participation on Agenda Items Only

There was no public participation on the agenda items.

ADDENDUM

Correspondence and Communications

Approval of Request to Waive Construction Permit Fee

Rappaport stated it was appropriate for one government agency to waive the permit fee for another.

MOTION by Peterson to waive the construction & operation permit fee for IDOT's Illini Prairie Rest Area (I-57) project; seconded by Huls. **Motion carried with all ayes.**

Smile Healthy

Monthly Report for July 2009

MOTION by Ramirez to receive and place on file the Smile Health monthly report for July 2009; seconded by Anderson. **Motion carried with all ayes.**

Renewal of Participation Agreement for FY2010

Greenwalt confirmed the only changes to the renewal of the participation agreement from the previous year were the dates and the budget amount.

MOTION by Ramirez to approve the FY2010 renewal of the Smile Healthy Participation Agreement; seconded by Huls

Segal inquired if the renewal was valid when the agreement used the name "CIDES." Greenwalt confirmed Smile Healthy and CIDES were both legal names of the organization.

Motion carried with all ayes.

Greenwalt reported that the Cooperative Extension Newsletter contained an article about working with Smile Healthy. Bright Smiles from Birth begun at Frances Nelson Health Center last Thursday and constituted a real victory for Smile Healthy. This program works with Francis Nelson providers to begin oral health needs assessments and referrals. Smile Healthy will also be working with Crisis Nursery.

Scholze entered the meeting at 6:10 p.m.

Treasurer's Report

Approval of CUPHD Invoice for July 2009

Peterson stated the invoice amount was consistent with the contract.

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

CUPHD FY2010 Budget

Rappaport explained that he was asked at the last meeting to write a letter to CUPHD, with Busey's assistance, making suggestions and CUPHD responded with a letter dated September 1st. The September 1st letter was sent to all BOH members. Peterson felt the letter left things up in air. Rappaport took the CUPHD Board up on their offer to attend their board meeting on September 14th. At this meeting Rappaport presented a statement to the CUPHD Board written on the BOH's behalf with the assistance of Busey and Tracy. This statement was included in the agenda packet. The BOH confirmed they had seen all of the correspondence. Rappaport asked if there was any further communication. Elliott confirmed the CUPHD Board has not met since September 14th. Rappaport stated the BOH has made a proposal with the money it has available in FY2010 to fund CUPHD activities in the county and asked CUPHD to take a look at their costs to find a way to come together based on what the BOH can afford. The BOH has not received a formal response from CUPHD to date. Rappaport asked if there were any questions about the budget documents Busey provided in the agenda packet. He suggested discussing the CUPHD FY2010 budget in the context of decisions the BOH will make about its relationship with the Mental Health Board and legal assistance. Rappaport said he understood the BOH is required to give notice a year in advance if it was going to change its relationship with CUPHD, via the agreement between the two boards. Rappaport asked the BOH to decide if they now wanted to formally approve a letter communicating an intention to change the relationship with CUPHD or wait until after they have the discussion about the BOH's administrative support and technical assistance. Peterson suggesting having a discussion about the budget first and noted Rappaport has driven this issue down the road in the last month. Rappaport said he thought he was following the direction of the BOH at its last meeting and decided the only way to move forward was to get help. He did not think the BOH was capable of dealing with all of the details on its own, hence the proposed changes in the memorandum of understanding with the Mental Health Board and the request for legal services. Busey observed that the CUPHD FY2010 budget is separate issue from any possible notification about the agreement. There is a \$40,096 difference between the BOH and CUPHD concerning the FY2010 CUPHD contract budget. Rappaport pointed out the BOH voted on the budget and Busey acknowledged there has been communication between the two boards since the budget was adopted by the BOH.

Peterson asked if anyone from CUPHD would address the budget issue. Elliott stated the CUPHD had a meeting, which Rappaport and Busey attended. The CUPHD Board did not have a response for Rappaport or Busey at that meeting. The CUPHD Board is trying to arrange their October meeting, but they cannot talk to each other between meetings. Elliott was sure the budget issues with the BOH would be an agenda item at their next meeting.

Busey stated a CUPHD FY2010 budget document was a necessary addendum to the CUPHD/BOH contract or the Champaign County Auditor would not pay the CUPHD invoice. She has requested an updated version of the budget document from CUPHD because the BOH will need to vote on the contract addendum, which is the basis for contract payments to CUPHD in FY2010. The County Board will receive and place on file the FY2010 Budget at its October 22nd meeting. The Board of Health budget included in the agenda packet will be included in the County Budget.

Board of Health FY2010 Budget Documents

These documents were provided for information.

Board of Health Administrative Support & Technical Assistance
Discussion of CUPHD/Board of Health Agreement

Rappaport proposed moving discussion of the agreement to October.

Proposed Changes to the Board of Health/Mental Health Board Memorandum of Understanding

MOTION by Scholze to adopt the proposed changes to the Board of Health/Mental Health Board Memorandum of Understanding; seconded by Ramirez.

Rappaport asked Tracy to take the BOH through the changes. Tracy explained the BOH and the Mental Health Board (MHB) currently have a memorandum of understanding that has been the basis of the cooperative perinatal depression program. Representatives from both boards have been meeting on quarterly basis. The MHB brought Harry Shellcross, a consultant, to a 2005 dinner to discuss how mental health and public health could work more closely together. There has been a lot of discussion about moving to more of a public health approach for dealing with mental health. Shellcross provided a presentation and training with the intention to lay the groundwork for an ongoing relationship between public and mental health. Ultimately, a memorandum of understanding was developed. Tracy described how the mental health board, public health board, and developmental disabilities board are the same entity within county government in a number of Illinois counties, such as DuPage County, McLean County, and Lake County. These boards are sometimes known as 553 boards. It is not a foreign concept to have the three boards work together. In talking with Busey and Rappaport in addition to the quarterly planning meeting, they have discovered the MHB has an administrative structure that operates fairly well for both the MHB and DDB. Because the BOH is on the short end of the funding stick with a low tax rate, they have not had adequate administrative support to develop standard operating procedures, guidelines for contracting, and other issues as a board. Tracy proposed expanding the MOU, which has been approved by the MHB and will be considered by the DDB in November. The MHB/DDB staff would provide administration support to help the BOH function as a board of health. The MHB/DDB staff would work with Bork at provide adequate staff support, attend all meetings, provide professional staff support and follow-up, work with CUPHD staff to ensure coordination and collaboration on contract oversight, advise the BOH on contracts, participate in contract negotiations, develop standard operating procedures and policies for the BOH's approval, and help with strategies for the BOH to develop a public identity within its jurisdiction outside the Cities of Champaign and Urbana. The MHB/DDB staff would also be able to help the BOH with planning processes to mobilize community stakeholders to improve community health in the county.

Tracy spoke about working with the Illinois Public Health Association to procure some consultation. Bob Keller is a recently retired administrator from McLean County and former President of the IPHA who has experience in a situation where developmental disabilities, mental health, and public health worked together in the same entity. The idea was for Keller to work with the BOH on a consultation basis to provide help with some longer term planning. This would be in

accordance with the report completed by Kevin Barnett recommending working with CUPHD, exploring consolidation, and looking into multiple county arrangements. Tracy's approach was for the BOH to look at all available options with same outside consultation to help with the decision-making process, while working with CUPHD at the same time to look at ways develop a shared governance structure within Champaign County. The joint planning meetings have been helpful and would continue. The MHB's focus is also on the county, not just the Champaign-Urbana area, and is looking at its service penetration outside of the cities.

Rappaport was amazed and happy that the MHB and DDB were willing to essentially provide these services for free in an effort to improve good government and coordination among health services in the county. Rappaport did contact Stan James about this proposal and he was not in opposition to it. The BOH needs to have a person who deeply understands public health and would view it from the county's viewpoint. Bork distributed Keller's vitae to the Board. Peterson and Rappaport confirmed Keller was very well respected. A budget line would be established with \$7,500 from the BOH reserve funds and the BOH would only be charged for what is actually used.

Peterson asked if the DDB had to approve the MOU. Tracy explained that his contract is with the MHB and they have made the decision that this is an acceptable use of his time. He has had conversations with the DDB and does not anticipate any particular problems with the amended MOU. Peterson asked if the BOH activity would highly interface with the DDB. Tracy thought it did because there are public health issues related to people with developmental disabilities.

Rappaport thought the public health, mental health, and developmental disabilities responsibilities and services for the county are interrelated, at least conceptually, and each entity would benefit from knowing about each other. There was no proposal to change the policy or decision-making structure of those boards. Each board would still exist as an independent entity. This would create a structure to facilitate communication across the county with regard to related services.

Peterson inquired if the boards would jointly hold meetings. Tracy expressed that the MHB and DDB have study sessions that the BOH members are welcome to attend. The planning committee talked about holding a joint study session on transportation in the county. Rappaport was willing to open up the quarterly planning committee meetings to any Board members who are interested. Tracy said they consider the BOH a sister agency within Champaign County and they thought it was important to help out sister agency.

Scholze echoed Rappaport's thanks to have someone of Tracy's experience help the BOH. She felt it was what the BOH has been looking for and it is great idea that will help the Board. Peterson asked if Tracy would be the BOH's Executive Director or a consultant. Rappaport and Tracy confirmed he was a consultant. Tracy stated this amendment MOU would help the BOH with meetings and establish administrative structure. It would not encroach on the CUPHD contract, which provides an Administrator. Rappaport thought the BOH has the option to appoint any qualified person as its Administrator and was not legally required to appoint CUPHD Administrator in that capacity. He was not proposing a change at this time. He saw the whole history of the BOH/CUPHD relationship as unpredictable and confusing because the BOH does not have a professional staff. It has been difficult for the BOH to determine the best positions to take because

it lacks professional advice. He said the Board needs to move towards helping itself understand what the range of possibilities are for a Board of Health in Champaign County and what would it take to make changes. He thought this is a small investment to explore the options in a systemic way. Rappaport consulted with Busey on the feasibility of this approach from the beginning.

Peterson wanted the Board to understand this is a major move. It was been discussed by previous boards and past committees. He acknowledged the BOH has needed help since the Vito years and Keller, the McLean County Administrator, was identified three years ago as a potential consultant because he is nearby and his public health department was among the best in the state. Peterson had no objections to having a consultant and was interested in seeing how the proposal has sprung up in this form. He did not think Board members would be out of line if they wanted to take another meeting to think about this major organizational change.

Rappaport said whether this was a major change would depend on what advice comes forth and how this is handled by the BOH. They are only agreeing to receive advice at this point. They might make changes or may end up deciding to not change anything. Rappaport has thought the BOH could function more efficiently and knowledgably.

Peterson gave the background of how three years ago the BOH put a line item in its budget for a joint grant writer with the MHB to have someone help look at funding possibilities and structural differences. This morphed into the perinatal depression program. Peterson was not opposed to this proposal.

Rappaport asked if any other members wished to speak. When none did he asked if they were ready to vote, to which they agreed.

Motion carried with all ayes.

Segal exited the meeting at 6:54 p.m.

Proposal for Legal Assistance

Rappaport said this proposal for legal assistance was made at Busey's suggestion. Busey spoke to Julia Rietz, the State's Attorney, and obtained a cost estimate for the BOH to have an attorney. Busey explained that only the State's Attorney can decide who represents the BOH and there was interest in having an attorney represent them who had more specific expertise than the general civil assistance in the State's Attorney's Office. A letter from Rietz appointing the law firm Heyl, Royster, Voelker & Allen to provide legal representation to the BOH was distributed. Rietz also negotiated a fee structure the BOH would be charged. Busey advised the BOH to specifically document what question or issue they have at a meeting and this will be communicated to the law firm. The BOH would expect to receive responses back in a timely manner. Busey recommended setting aside \$3,000 or \$3,500 from reserve funds in the FY2010 budget. Julia Rietz has appointed firm to represent the BOH. The BOH would amend the FY2010 budget to reflect the legal representative and MHB MOU changes it approved in the previous motion.

ADDENDUM

Approval of Changes to FY2010 Budget

Rappaport was operating from Busey's suggestion that the BOH establish \$7,500 and \$3,000 as budget lines that could be funded in FY2010 by drawing on the reserve.

Segal re-entered the meeting at 6:58 p.m.

MOTION by Scholze to amend the FY2010 budget to include a budget line of \$10,500 to be used for the purposes of consultation and legal services; seconded by Huls.

Rappaport stated having a reserve fund makes these types of expenditures possible and that is why the reserve existed. Peterson concurred. Scholze agreed the BOH needed to explore its options.

Motion carried with all ayes.

Champaign County Health Ordinance Revision

Rappaport asked who was on the committee to look into revising the Champaign County Health Ordinance. Peterson said he was and he would like to study the revised ordinance more closely before voting on it. Bork explained the BOH already approved the food code changes to the ordinance in November 2008 at the request of Jim Roberts at CUPHD. Any ordinance changes also have to be approved by the County Board. Susan McGrath was going to prepare a resolution to send the food code amendments to the County Board, but this has not occurred to date. McGrath has submitted a revision of the entire ordinance this month, including the food code amendments, plus updates according to statutory changes. Because the revised ordinance included updates not previously approved by the BOH, Bork brought the ordinance back to the BOH for consideration. McGrath sent a memo describing the revisions she made to the ordinance. Busey noted that County Board needs to approve the changes the BOH approved in November 2008 for them to take effect in the ordinance and so CUPHD Environmental Health can move forward. The additions changes to the ordinance reflect changes in notations in the statutes, which bring the ordinance up-to-date with the current law. Rappaport said that was not entirely clear to him.

Peterson was disappointed no penalties were included in the ordinance. Busey said the ordinance could be amended again next month, but the issue was to allow CUPHD to move forward with the food code changes. She explained the entire revised ordinance was sent by McGrath to be placed on a County Board addendum just over forty-eight hours before the Board meeting. It was too substantive to send to the County Board with such short notice. It was determined the most advisable approach was to allow the BOH to vote on all the revisions. This way the document being sent to the County Board accurately reflects the action taken by the BOH. Roberts explained that he is waiting on IDPH to codify those amendments so he can execute them. He needed to have the food code amendments approved by the BOH and County Board to have the appropriate legal base to be able to tell IDPH he is ready to go when the amendments are codified.

Rappaport said this was the type of thing he would like to discuss with an attorney to understand the implications and ask if changes could be made. Peterson stated he, Jim Roberts, and McGrath comprised the committee who were tasked to look into this issue. He recalled that McGrath stated in the summer of 2008 that the Health Ordinance was completely out of date and it was supposed to be reviewed on annual basis. The ordinance has never been reviewed since it was first passed. He said they made some progress on penalties, but did not complete this work. Rappaport said he wondered about a number of things in the ordinance without legal counsel. He was relying on McGrath's recommendation that the BOH approve the revisions. Peterson asked if the timing was so critical that it could not be passed next month. Busey pointed out this was intended to be approved by the County Board in December 2008 and that was when Roberts had expected it. Busey said the BOH could ask McGrath to write a resolution to incorporate the food code amendments approved by the BOH in November 2008 into the Health Ordinance. This resolution could then be sent to the County Board in October and the BOH could move forward with a total revision at another time. This would not require any additional action by the BOH because they already took action in November 2008. The Board directed that Susan McGrath prepare a resolution adding the Food Services Sanitation Code changes approved by the Board in November 2008 to the County Health Ordinance and forward it to the County Board.

Rappaport asked if the other revisions to the ordinance would reappear on the agenda soon. Bork stated it depended on whenever Rappaport directed that it be placed on the BOH agenda. Peterson said the piece he was responsible for putting together has proven to be difficult because of scheduling conflicts. He wanted to put the penalties section and fees structure in the ordinance in November. He felt levying fines against recalcitrant establishments would be a method of giving some teeth to the ordinance and a way for Environmental Health to recoup its costs. Peterson agreed to take responsibility for having the language ready for the November meeting.

Other Business

There was no other business.

Public Participation on Non-Agenda Items Only

There was no publication on non-agenda items.

Adjournment

The meeting was adjourned at 7:15 p.m.

Respectfully submitted,

Kat Bork
Board of Health Secretary