

CHAMPAIGN COUNTY BOARD OF HEALTH

Monthly Meeting Tuesday, October 27, 2009

Call to Order

The Board of Health (BOH) held its monthly meeting on October 27, 2009 in the Jennifer Putman Meeting Room at the Brookens Administrative Center, 1776 East Washington, Urbana. The meeting was called to order at 6:00 p.m. by Board President Julian Rappaport.

Roll Call

Board members present at the time of roll call were Brenda Anderson, Stan James, John Peterson, Cherryl Ramirez, and Julian Rappaport. Board member Mark Huls arrived after roll was called. The staff members present were Kat Bork (Board of Health Secretary), Bob Keller (Board of Health Consultant), and Peter Tracy (Mental Health Board & Developmental Disabilities Board Executive Director).

The absent Board members were Prashanth Gowda, Bobbi Scholze, and Betty Segal. Scholze had notified Rappaport she would be unable to attend the meeting and her absence was excused.

Also present were Lynn Ambrose (Crisis Nursery staff), Deb Busey (County Administrator), Carol Elliott (CUPHD Board Chair), Julie Pryde (CUPHD Administrator), Jim Roberts (CUPHD Environmental Health Director), Jennifer Sampson (Crisis Nursery Family Specialist), Laura Swinford (Crisis Nursery Program Director), Deb Townsend (Mental Health Board President), and Andrea Wallace (CUPHD Finance Director).

Approval of Agenda/Addendum

Rappaport asked to move all addendum items to the next meeting to allow enough time for discussion of the budget and non-budgetary items. James, who had submitted the items on the addendum for informational purposes, agreed with deferring them to the next meeting.

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

Rappaport moved the Revised FY2010 CUPHD Contract Proposal item to the end of the items under the CUPHD heading.

Approval of Minutes

MOTION by Peterson to approve the September 29, 2009 minutes; seconded by Ramirez. **Motion carried with all ayes.**

Public Participation on Agenda Items Only

There was no public participation on the agenda items.

Crisis Nursery Beyond Blue Program Quarterly Report

Swinford introduced Jennifer Sampson, the new Family Specialist who replaced Cherylanda Trice, and Lynn Ambrose, who serves clients in the Champaign-Urbana city limits via the expanded program funded by the Mental Health Board. Crisis Nursery is holding successful support and parent/child interaction groups in Rantoul and hopes to commence groups in Philo soon.

Huls entered the meeting at 6:04 p.m.

MOTION by James to receive and place on file the Crisis Nursery Beyond Blue Program Quarterly Report; seconded by Ramirez. **Motion carried with all ayes.**

RPC Senior Wellness Program Quarterly Report

MOTION by James to receive and place on file the RPC Senior Wellness Program Quarterly Report; seconded by Anderson.

Peterson asked if this was the program's last report. James responded there would be a final report for the last quarter. He wanted someone from RPC to be present to thank the organization for operating the Senior Wellness Program.

Motion carried with all ayes.

Smile Healthy

Monthly Report for August 2009

MOTION by Peterson to receive and place on file the Smile Healthy August 2009 monthly report; seconded by Ramirez. **Motion carried with all ayes.**

Correspondence and Communications

October 19, 2009 Letter From Carol Elliott, CUPHD Board Chair

Rappaport said the letter from Elliott would be discussed in context with the other items concerning the CUPHD budget. He asked if Elliott wanted to add anything else to what was communicated in the letter. Elliott did not have any additional comments and stated she issued the letter to get something out in response to the BOH. Tracy asked if any formal action was taken at the CUPHD meeting following the verbal and written statements provided by Rappaport at the same meeting. Elliott verified the CUPHD Board took no action to change their previous position regarding the budget. Tracy asked if the CUPHD Board considered the points raised by Rappaport about reducing the administrative costs. Elliott stated the CUPHD Board decided they are not changing their previous position. Rappaport asked if the CUPHD Board had voted on the budget submitted to the BOH by CUPHD staff. Elliott did not think the CUPHD Board has to or would

vote on the budget proposed to the BOH. The CUPHD Board votes on their total budget, which is submitted by their staff. James thought the BOH-related portion of the CUPHD budget would be approved as part of the total CUPHD budget. Rappaport asked Busey if that approach was sufficient for the County budget process. Busey had assumed the CUPHD Board would vote on the BOH-related budget because it represented a specific contract, but that did not appear to be true.

CUPHD
Administrator's Report

Rappaport asked if Pryde wished to add or clarify anything in the report she sent via email. Pryde reported CUPHD is working on their H1N1 response. CUPHD held preschools clinics four days last week and staff were in Rantoul tonight. Healthcare workers, pregnant women, families with babies, and preschoolers have been vaccinated. In Rantoul, CUPHD vaccinates any children older than preschoolers who show up at the clinic. In response to James's question about their vaccine supply, Pryde stated CUPHD did not receive the anticipated vaccine last week. They are hoping to receive more on Thursday. CUPHD is using both shots and spray to vaccinate. Peterson said the hospitals starting swimming in it two weeks ago and are testing for H1N1 on a regular basis. The flu does not seem to be affecting the child population. Pryde added that Carle was seeing a huge increase in flu patients and many students are out sick from school. Rappaport visited a CUPHD flu clinic administering to children earlier in the week and found it a delightful, well run operation.

Approval of CUPHD Invoice for August 2009

Peterson stated the August 2009 invoice was consistent with the contract.

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

Approval of H1N1 Grants Acceptance

MOTION by James to accept the H1N1 grants; seconded by Peterson.

Busey said BOH needed to formally document acceptance of the H1N1 grants. James likened the grants to pass through money. Pryde said they received an extra \$40,000 by having two public health departments in Champaign County. James asked if any of the grant funding paid for vaccine. Pryde stated they receive the vaccine and some supplies for free. They pay for nurses to administer the vaccine.

Motion carried with all ayes.

Amendment of FY2009 Budget to Accommodate the H1N1 Grants

MOTION by Peterson to amend the FY2009 budget to include the H1N1 grants revenue and expenditures; seconded by Ramirez. **Motion carried with all ayes.**

Termination & Renegotiation of the Agreement with CUPHD

MOTION by Ramirez to send a letter to terminate the agreement with CUPHD and request the County Board authorize actions required to terminate the agreement; seconded by Peterson.

Rappaport noted the BOH has discussed this issue in the past several meetings. Under the current agreement with CUPHD, the BOH and the County Board have to jointly give CUPHD a year's notice to terminate the agreement in order to renegotiate its terms. This was a notice to negotiate an agreement within the next year, not to terminate the agreement for FY2010. The current agreement's language requires the County Board's approval to issue a notice. If approved, this request would be forwarded to next week's Policy, Personnel, & Appointments Committee meeting.

James expressed that he was uncomfortable taking action tonight and wanted to have more discussion about what the other service options were besides CUPHD. He was concerned issuing a termination notice would worsen the relationship with CUPHD and the BOH could be charged even more for services next year. He wondered about getting reports from other counties regarding how they operate a public health department.

Peterson had no real interest in terminating the agreement, but there needs to be some movement on the budgetary shortfall with CUPHD. This is a positioning statement for BOH to renegotiate. James asked whether CUPHD would be a player at the table if the intention was to renegotiate, not terminate. Rappaport answered yes. He has consulted with Busey and Tracy and confirmed the BOH was stuck with a legal technicality. The BOH has expressed that its first choice would be to continue a relationship with CUPHD, but there has been significant frustration with the BOH's inability to influence policy and procedures applied to County programs. The BOH was arranging a consulting agreement with Bob Keller, who will help advise the BOH on these arrangements. Rappaport remarked the BOH has not been able to get enough information to be a responsible Board of the Health because it lacks a professional staff. He wanted the BOH to be responsible partner in public issues, not simply a rubber stamp. James said public health departments are seeing different changeups and he likes change, but wanted to be clear this action was to be a better partner and was not meant as a slap in the face to CUPHD.

Pryde suggested the BOH members come to CUPHD if they wanted to know more about the programs. She stated CUPHD has tons of programs and if the BOH would come see what they do then the Board would not need a consultant to tell them what is going on in the public health district. She stressed that CUPHD's programs are rated extremely high and they perform more services outside of the Champaign-Urbana area than other county health departments do in the state. Pryde said the programs in the County are wonderful and were a good price. She pulls in lots of grants that benefit county residents. Pryde stated the termination notice will get into the media and confuse a lot of people. Rappaport thanked Pryde for being a good advocate for her programs, to which Pryde said she was a good advocate for public health. Tracy stated the issue was not the quality of services being provided, but the governance and whether this Board governs its area. Rappaport reiterated that a vote in favor of the motion is not a vote to terminate the agreement. Either party is required to give twelve months notice in order to have a substantive discussion about the agreement. He has felt there has been no room to have conversations with CUPHD and get

other information about public health in the state. BOH is responsible for providing good services for Champaign County residents and is trying to do so.

James compared the situation to the County Board employing a firm to operate the Nursing Home, where the consulting firm operates the home and the County Board sets the budget. The BOH is looking to take a more frugal approach to providing services because of the limits of its revenue. James saw government agencies spending and spending, then suddenly cutting because the revenue decreases. He applauds CUPHD's services, but the BOH has limited revenue and it must budget within that amount. They cannot increase payments just because agencies say their costs have increased, instead they have to learn to scale back. Some services will have to be reduced and people will be in need, but James felt the reality was not everyone could be helped. James did not want to tell CUPHD how to run its organization; he just wanted the BOH to be able to set the budget within its revenue sources.

Because Board members have asked about the long-term impact of tonight's decision over the budget, Busey summarized that the BOH is being asked by CUPHD to spend \$40,096 from its budget reserve in FY2010 to cover the CUPHD contract. This is the amount in excess of the BOH's operating revenues. The budget requested by CUPHD will result in the BOH fund balance decreasing from \$439,000 at the beginning of FY2009 to \$210,000 by the close of FY2010. The fund balance goal is set at \$196,000. This is the amount needed by the BOH just to maintain cash flow because its primary source of revenue is property taxes. If the BOH is again asked to spend in excess of its operating revenue for the CUPHD contract in next year's budget, the BOH fund balance will drop below its goal. James asked if CUPHD would be able to cancel the contract at any time if the BOH does not pay the amount requested in FY2010. Busey said that was a contractual question. Rappaport answered that will involve a discussion of legal advice and would have to occur in a closed session for confidentiality.

MOTION by James to table the item. The motion failed due to the lack of a second.

Peterson suggested taking the other agenda items first and then readdressing this item after the discussion in the closed session. The BOH discussed how to procedurally work through the remaining agenda items. Busey suggested the Board make a motion to defer the vote on this item until after the BOH has dealt with the revised CUPHD contract proposal.

MOTION by James to defer the vote on the issuing a termination notice for the CUPHD agreement until after the revised CUPHD contract proposal agenda item; seconded by Huls.
Motion carried with all ayes.

The BOH returned to discussion of this item at 7:50 p.m.

James wanted to present the BOH's intention as being to sit down and renegotiate the agreement to ensure the cost factors are right, that the BOH has a say in how the County will be billed to pay for the services rendered, and oversight of the CUPHD Administrator while that person is working for the BOH. He wanted to present it to the Republican Caucus in this manner. He supported the decision memorandum from Tracy and will use it for explanation. The BOH wants to be fair and work with CUPHD. If CUPHD is not willing to work with the BOH, the Board

needs to explore other options. Keller added that absent the ability to renegotiate the contract the BOH is moving to terminate.

Motion to terminate the agreement with CUPHD and request the County Board authorize actions required to terminate the agreement carried with all ayes.

Busey stated the decision memorandum will be placed on the Policy, Personnel, & Committee agenda next week and, if approved, will be forwarded to the full County Board. Peterson, as the longest serving Board member, recalled that the language requiring the County Board to approve the termination notice in addition to the BOH was added to the agreement at the insistence of Fred Grosser, CUPHD's attorney, during the last contract negotiation. James suggested someone contact the state to send a representative to tell the BOH exactly what is expected of the County for core services so they have a solid opinion. Keller explained the core services are governed by the local health protection grant rules and regulations. There is literally a checklist describing what a public health department must minimally do. If a department is doing more than the minimum, then scaling back can be considered. Busey noted the opinion from the BOH's attorney addressed those issues very succinctly. Tracy said having Keller to advise will help equalize the expertise for the BOH during negotiations. The Board concurred and discussed core service activities. Rappaport inquired about the progress of the agreement between Keller and the BOH. Keller said the contract was from the Illinois Public Health Association and he has given it to Tracy. Once it is approved by the BOH, Keller will amend his agreement with the IPHA.

James said Pryde does a good job, but thought she was worried about cutting staff; however, everyone is facing the same situation. The non-CUPHD programs funded by the BOH were cut this year and those agencies made adjustments to accommodate those cuts. He believed there were ways to make cuts to the CUPHD budget. Rappaport explained he moved forward on the CUPHD agreement based on the BOH's previous discussions. He expressed that he was not comfortable taking actions without the involvement of Board members who wish to be involved. Keller said he would like to spend time talking with Pryde. The Board members had no objection to Keller conversing with Pryde. Peterson said Keller could also speak to the BOH members individually. Peterson would hate to see the BOH lose a relationship with CUPHD, an agency that has been innovative. Keller saw the issue was not looking at the quality of CUPHD's service delivery; the issue was the role relationship of the BOH in the governance process and the policy aspect. The BOH should determine what it wants to see with food protection or infectious disease and that should drive what the BOH is purchasing from CUPHD. The BOH concurred with Keller's statement. Busey said the BOH has very different revenues than CUPHD with which to provide those services and that needs to be recognized.

Approval of Well Water Testing Program Recommendation

Rappaport asked if the BOH had received a written recommendation for the well water testing program. Roberts said he did not have a written recommendation and proceeded verbally. He stated the County Board of Health has a potable water supply program as a local health department with a local ordinance. The program standards are set by the Illinois Department of Public Health, including standards related to water supply samples. The public health department is required to sample any newly constructed water wells and look at requests for sampling existing

water wells. The public health department evaluates water well sampling regarding its valid public health significance. Valid public health significance includes if there is illness in the family, at a doctor's request, if a well is repaired, or when contamination is suspected. Well testing that is not considered of valid public health significance if home owners or realtors want testing done to sell the house or to monitor the water quality from time to time. CUPHD has offered a fee-for-service testing program for non-required testing since before there was a County public health department. At that time, a \$20 fee was set for those services. CUPHD sends a bottle of the well water to the IDPH lab in Springfield for testing and the home owners are notified of the results. In May 2009, CUPHD determined the program's revenue was \$760 and the program's expenses were about \$10,400. Most, if not all, of the tests are done for County residents, not CUPHD residents. In October 2009, the CUPHD Board will have a district well water testing program only for district residents and Roberts asked what the BOH would like for County residents. He stated the program is not required by the Division of Environmental Health under program standards, so the BOH could elect to not offer the service at all. CUPHD has a list of EPA certified labs on its website where homeowners can send a sample of their well water for testing. The County could offer a fee-for-service program, for which Roberts suggested having a \$50 fee per test. He looked at other labs in the state and the costs ranged from \$32 to \$65, plus shipping and handling. He asked if the BOH wanted to have a fee-for-service well water testing program.

Peterson asked if a \$50 fee per test would fully cover the program's costs. Roberts said it would not and the figure was based on last year's costs. Peterson suggested setting a higher fee, for example \$55, to cover the costs. James agreed the rate should be set to cover the actual costs and noted that he sends a sample of his well water to a lab for testing with using a public health department. Rappaport appreciated the information and supported offering the service if it was revenue neutral. He worried that without some sort of formal agreement the costs would significantly increase over the next few years. Peterson suggested Roberts annually review the program to ensure the fee was covering the costs and recommend adjustments as necessary.

James requested the program steps be outlined in a formal, written proposal since the BOH would be collecting the revenue. Roberts said he was surprised at the amount of expenses related to well water testing and this was the first year CUPHD has looked at the costs of this program. Busey stated the proposed program was not included in the CUPHD contract or the BOH FY2010 budget. The BOH FY2010 budget would have to be amended to reflect the anticipated revenue and expenditures or the County would not have a line item to pay for the service. It would be helpful to have something in writing and an estimated budget. The BOH could amend its budget in December or January to include the program. Tonight is the BOH's last opportunity to set its FY2010 budget.

Roberts said it would be helpful if he had a template to see what the BOH would like to have in the recommendation. He did not want to spend his time writing a document that would not be acceptable to the BOH and asked for an example someone else had written. Tracy explained it was helpful to have a written proposal with options that the BOH could respond to rather than a verbal report. He suggested deferring the item to next month so a document could be prepared. Busey suggested the Roberts could use the decision memorandum prepared by Tracy in tonight's agenda packet as a template. The proposal should include a program description, anticipated revenue, anticipated expenditures, and the action Roberts would recommend the BOH take. Roberts asked for a template from other county departments. Busey said there is no County template; each

department puts together recommendations for the respective Count Board committees to make clear what is being requested. Discussion over the written proposal continued. Peterson directed that the proposal make sure to cover program costs. If the testing costs \$100 per well then the fee needs to be set at \$100.

Revised FY2010 CUPHD Contract Proposal

Busey recommended the BOH bring the FY2010 budget to the table and to make it clear the BOH is going into a closed session due to issues related to the budget. Revisions have been presented for the FY2010 budget tonight, including H1N1 grants and the \$40,096 discrepancy with the CUPHD budget proposal. The BOH approved amending the FY2009 budget to include the H1N1 activities, but not the FY2010 budget. The BOH discussed its procedure of how to handle the remaining open agenda items with the closed session. James said they cannot go into a closed session if it was not on the agenda and he would leave the room to avoid taking part. Busey explained the BOH could need to enter into a closed session in order to discuss litigation during the course of the budget discussion. The BOH would only discuss confidential items in the closed session and the rest of the budget discussion would take place in open session. James was willing to proceed with the closed session when that was understood. When Pryde said a closed session is always listed on an agenda, Busey confirmed she had checked with legal counsel. The BOH is allowed to go into closed session even if it was not on the agenda because no action takes place during a closed session and the Board would return into open session to take any action.

MOTION by Peterson to enter into closed session pursuant to 5 ILCS 120/2(c)11 to consider litigation which is probable or imminent against the Board of Health. He further moved the following people remain present: the Recording Secretary, Peter Tracy, Bob Keller, and Deb Busey. The motion was seconded by Huls. **Motion carried with a roll call vote of 6 to 0.** Anderson, Huls, James, Peterson, Ramirez, and Rappaport voted in favor of the motion. The Board entered into closed session at 7:12 p.m. and all non-Board members or persons not named in the motion exited the meeting room. The Board resumed open session at 7:46 p.m. Tracy checked the hallway and found no one who had remained for the rest of the meeting.

MOTION by Peterson to approve the contract budget as submitted by CUPHD with the reservation of rights and protest for the amount of \$40,096; seconded by James. **Motion carried with a roll call vote of 6 to 0.** Anderson, Huls, James, Peterson, Ramirez, and Rappaport voted in favor of the motion.

Peterson remarked that he did not like the BOH's budget situation because its carryover is blown away and he has been protective of the carryover every year he has been on the Board. James did not like it because he thought agencies should work together.

Other Business Consultation Proposal

Deferred to November meeting.

Definition of Conflict of Interest

Deferred to November meeting.

County Health Department Job Losses

Deferred to November meeting.

Public Participation on Non-Agenda Items Only

There was no public participation on non-agenda items.

Adjournment

The meeting was adjourned at 8:03 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.