

# OFFICIAL RECORD OF PROCEEDINGS

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## Boulder County Board of Health (BOH) Regular Meeting Online/Telephonic Meeting August 14, 2023

### BOH Members:

*President Morgan McMillan; Vice President Landrey Fagan, M.D.; Board Members Gregg Thomas, Brooke Harrison, Ph.D., Lindy Hinman.*

### BCPH Staff:

*Executive Director, Lexi Nolen; Chief Medical Officer, Bob Belknap, M.D.; Director of Administration and Finance, Katherine Palmer; Director of the Strategic Initiatives Branch, Kelli Hintch; Community Health Division Manager, Heather Crate; Family Health Division Manager, Daphne McCabe; Environmental Health Division Manager, Joe Malinowski; Communicable Disease and Emergency Management Division Manager, Indira Gujral; Water Quality Program Coordinator, Erin Dodge; Water Quality Program Lead, Celeste Gleason; Business Operations Coordinator, Jorden Thomas; Administrative Lead Technician, Rita Mangeyn.*

### Boulder County Staff:

*Assistant County Attorney, Erica Rogers*

### Members of the Public who Provide Comment:

Marti Hopper  
Carolyn Bninski

### Meeting Called to Order.

President McMillan called the meeting to order at 5:42 p.m. and asked all participants to identify themselves for the record (see above). She declared that a quorum was present, that notice of this meeting was posted on the Board of Health website, and that the call-in information was included to allow for public participation. This meeting was held in hybrid-fashion with members of the board and staff meeting in-person and members of the public attending online to test the hybrid-capabilities of the on-site meeting space.

### ITEM 1. Public Comments (on unscheduled agenda items).

Members of the public expressed concerns related to BCPH's response to COVID-19, returning to in-person board meetings, and providing COVID-19 vaccinations to children.

**ITEM 2. Approval of Meeting Minutes.**

Board Member Harrison made a motion, which was seconded by Vice President Fagan, to approve the July 10, 2023, Regular Board of Health minutes. With all Board Members present in favor of the motion, President McMillan declared the motion unanimously carried.

**ITEM 3. OWTS Fee Discussion.**

Erin Dodge and Celeste Gleason presented the Onsite Wastewater Treatment System (OWTS, i.e., septic) fee discussion. Celeste noted that septic systems are found in unincorporated Boulder County where there is no access to central sewer systems. In 2013, Colorado Department of Public Health and Environment (CDPHE) adopted the first comprehensive OWTS regulation that focused more on treatment of wastewater, rather than disposal. Boulder County has high levels of groundwater, so an important goal of the OWTS program is to ensure proper septic water treatment occurs before the water is introduced to the nearby groundwater.

- Board Member Thomas asked if there have been any unique characteristics with the groundwater levels due to the increased rain fall this summer.
  - Erin noted it is similar to experienced levels in 2013 with increased areas of groundwater compared to previous years. The team is focused on identifying these areas as either increased rainfall accumulation or actual groundwater.
- Board Member Hinman asked for the percentage of households have a septic system.
  - Celeste provided there are close to 15,000 septic systems in unincorporated Boulder County.
- President McMillan asked if the rules (regulations) are different for sites with no wells.
  - Erin noted the rules are not different since it would impact the neighboring wells or the surrounding groundwater levels.

Erin noted construction fee permits are the main revenue source for the program, these occur when someone wants to alter, construct, or install a new septic system. These fees were significantly increased in 2020 after legislative changes to the state statute, and the program was asked if it was possible to fund all programmatic services through these fees. Through analysis, the team determined it is not ethical to conduct regulation enforcement services with permit funding, and if staff are not doing just OWTS permitting then they could not be paid by fee funding.

The current proposed fee structure would need to fund five out of the 7 OWTS staff members' salaries and benefits (\$583,648), operating costs (\$40,000), applying a 10% indirect fee for permit processing, totaling \$787,210 for programmatic costs.

- Board Member Hinman asked for clarification on the indirect percentage.

- Erin noted the indirect is to help cover the administrative processing of fees and permits that are submitted to the agency. The indirect percentage varies from year to year, and the program is only proposing to use 10% instead of the full 21%.
- Board Member Thomas asked if indirect was applied historically in the program.
  - Erin confirmed the full indirect was utilized in previous years.
  - Lexi also provided in previous years the management of fees through permits was the responsibility of Administration and Finance staff, therefore requiring the full indirect percentage to be applied. Now, there are multiple Environmental Health administrative staff who process fee permits so there is not as much of an administrative burden to the Administration and Finance staff therefore resulting in a lesser need to apply the full indirect percentage.

Erin reviewed the types of permits the OWTS program issues: Property Transfers, New Permits, Major Repair Permits, Minor Repair Permits, and Use Permits. The team analyzed the number of hours it takes a staff member to complete and the average number of permits the team completes per year. Then they compared the current fee revenue for each permit type to the proposed fee increase for each permit type. See table below.

*Table 1 Current Fees and Actual Costs*

Permit type	Annual # of permits (3 yr avg)	Staff time per permit	Current Fee	Current Revenue	Proposed Fee	Estimated Revenue
Property Transfers	450	1	\$ 80	\$ 36,000	\$ 225	\$101,192
New Permits	28	13	\$1,593	\$ 44,604	\$2,840	\$ 79,508
Major Repair Permits	124	12	\$1,593	\$197,532	\$2,623	\$325,261
Minor Repair Permits	99	6	\$1,003	\$ 99,297	\$1,314	\$130,104
Use Permits	100	4	\$ 250	\$ 25,000	\$ 867	\$ 86,736
				<b>\$402,433</b>		<b>\$787,210</b>

- Board Member Hinman and President McMillan asked for clarification on the internalization of programmatic cost ask by the Board of County Commissioners.
  - Lexi noted BCPH is not required to internalize the costs of the program, but all departments across the county are being asked to review the cost of services and determine what portions the county will cover, and service fees are the responsibility of individual members of the community that use or benefit from those services. This is one area the Commissioners feel the cost of the program should be borne by individuals that use the program. Lexi further explained that the Commissioners are open to creating an equity fund to support lower income members of the community to be able to offset some of the costs for them. This is an area that the team will continue to explore and will provide more information in the future.
- Vice President Fagan asked if the program inspects septic systems on a regular interval.
  - Erin provided most of the inspection process takes place during construction and there is typically no additional inspection unless someone complains about a problem, if they believe their system is failing, or at the time of sale of a property.
  - Celeste noted there are high-level treatment units that fall within Use Permits that are required by regulation to be inspected on an annual basis to ensure they are functioning properly.
- Board Member Harrison noted a septic repair is a large financial burden and then the fee to have the repair permitted is proposed to increase significantly, and is curious to know how much revenue the program would receive if an equity fund were created and utilized. Further, if the majority of community members do qualify for income-based assistance, how it would result in the county saving money.
  - President Morgan and Board Member Hinman agreed. Board Member Hinman also provided if counties are wanting to move towards more efficient water systems, such as greywater systems, the cost to install these systems would greatly increase and therefore public health agencies would then need further staff to regulate and inspect the new systems.
  - Board Member Harrison and Vice President Fagan wondered if it is more beneficial to offset the costs to community members through New Permit requests instead of the Major Repairs, since community members are more aware of the cost to install a new system at the beginning of construction.
  - Board Member Thomas asked what the cost of a installing a new septic system on an undeveloped property would be.
    - Erin provided the system could cost upwards of \$30,000 and has the potential to be more difficult to repair based on new regulations.
- President McMillan asked if Boulder County has the highest OWTS fees in the state.

- Erin confirmed Boulder County has one of the highest. Joe added the decision of individual community members bearing the financial burden of services compared to the county or private industry has been a long debate and is seen in other parts of public health and environmental programming.
- President Thomas noted one of the challenges he sees for future proposals is in relation to the high cost of staff time to complete this work.
  - Erin noted in 2019-2020, the team converted to a new database that improved the ability to capture staff time and effort. The increase in phone calls and emails inquiring for services and question is so high, the team has a dedicated staff person to just assist in answering these questions. Erin further explained it is difficult to project the workload for the team since the requests for permits varies.
- Board Member Hinman asked if the team tests groundwater on a regular basis.
  - Joe noted the team does not regularly test groundwater, but they do conduct storm water and creek water testing.
  - Erin provided some well owners do share their data with BCPH. Further the team is looking to have groundwater modeling data through GIS maps to increase the availability of data.

Erin provided the next short-term steps include refining the fee calculation with the Administration and Finance team, conducting outreach to professionals in the community, answering any questions from stakeholders, and developing a proposal to present to the Board of Health in early fall. For the next two to three years, the team will continue to assess staffing needs, continue program development, and identify efficiencies, and review the fee structure annually and present to the Board of Health every three years.

#### ITEM 4. Gregg Thomas Farewell.

President McMillan presented Board Member Thomas with his farewell gift and presented the farewell letter. Board Member Thomas expressed his deep gratitude for BCPH staff and the hard work they do.

Board Member Thomas's last day serving on the Board of Health was August 31, 2023.

#### ITEM 5. Director's Report.

- Lexi presented the current West Nile Virus numbers for human cases in Boulder County. During week 32, there were significant declines from previous weeks. The Vector Control team is working with the City of Longmont and other municipalities to discuss conducting extra spraying.
- Lexi presented the 2023 Boulder County Pinnacle Award winners. The Pinnacle Awards are presented by the Commissioners for county programs that represent the county's

values of Inclusion, Stewardship, Engagement, Innovation, Sustainability, Service, and Resilience.

- A la Raiz/To the Root Champions – Winner of Engagement Value
- Immunization Program – Winner of Service Value
- Bilingual Infant and Early Childhood Mental Health Consultation Program – Winner of Resilience Value and Commissioners’ Choice

ITEM 6. Old and New Business.

Jorden Thomas noted there were a total of five applications submitted during BOH recruitment. (Correction: As of August 18, 2023, 6 applications were submitted.)

ITEM 7. Adjournment.

There being nothing further to discuss, President McMillan declared the meeting adjourned at 6:49 p.m.



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Morgan McMillan,  
President



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Alexandra (Lexi) Nolen,  
Executive Director