

OFFICIAL RECORD OF PROCEEDINGS

Boulder County Board of Health (BOH) Regular Meeting

Hybrid Meeting

December 11, 2023

BOH Members:

President Morgan McMillan; *Board Members*, Brooke Harrison, Ph.D., Lindy Hinman, Amber Johnson; *Absent: Vice President*, Landrey Fagan.

BCPH Staff:

Executive Director, Lexi Nolen; *Deputy Director*, Indira Gujral; *Director of Administration and Finance*, Katherine Palmer; *Director of the Strategic Initiatives Branch*, Kelli Hintch; *Environmental Health Division Manager*, Joe Malinowski; *Finance Manager*, Desiree Kazarosian; *Water Quality Program Coordinator*, Erin Dodge; *Water Quality Program Lead*, Celeste Gleason; *Environmental Health Specialist II*, Stephanie Fontanini; *Communications Manager*, Shawn Hollister; *Environmental Health Specialist*, Sam Gary; *Business Operations Manager*, Jordan Thomas, *Administrative Specialist*, Dalia Mohamed.

Boulder County Staff:

Senior Assistant County Attorney, Erica Rogers.

Members of the Public who Provide Comment:

Ryan Scott

Meeting Called to Order.

President McMillan called the meeting to order at 5:36 p.m. and asked all participants to identify themselves for the record (see above). Jordan Thomas conducted a rollcall and 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 and address was included to allow for public participation. This meeting was held in hybrid-fashion with members of the board, staff, and members of the public meeting in-person and online.

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

One member of the public spoke in support of BCPH's budget cut and continued disdain for BCPH's response to COVID-19.



ITEM 2. Approval of Meeting Minutes.

Board Member Harrison made a motion, which was seconded by Board Member Johnson, to approve the November 13, 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 Approval.

Lexi Nolen introduced the Onsite-Wastewater Treatment System (OWTS) fee discussion by noting over the past year, the Boulder County Commissioners have expressed a strong desire for BCPH to internalize as many fee-based programs as possible, and the OWTS program is the only fee-based program that produces significant revenues the department has control over. As a result, the OWTS team in conjunction with the Administration & Finance section created a structure to prorate fees, largely according to the staff time needed to process each permit, and have added several permit categories to better capture differences in the staff time needed and subtleties of the permits.

- Board Member Johnson asked for the percentage of people who utilize the sliding fee scale.
 - Erin Dodge noted it is a small percentage, maybe five to ten houses out of ~300 permits annually.
- President McMillan asked if an existing property wanted to build an accessory dwelling unit (ADU) would fall into the new permitting category.
 - Erin confirmed because it would require a building permit, and the team would have to determine if the existing OWTS would be able to account for the additional building.
- President McMillan asked how the team completed outreach to gain community partners/members' feedback on the proposed fee structure.
 - Erin noted a survey was sent out to the team's professional industry partners and the board meetings are used for public participation.
- President McMillan asked if Boulder County will now have the highest OWTS permit fees.
 - Erin confirmed and provided the majority of other OWTS programs are subsidized by the county they are part of, but this is no longer the desire of the Boulder County Commissioners. Additionally, Boulder County has some of the most difficult soil types and therefore OWTS can have more complicated designs which all require higher staff times to complete projects.

Board Member Harrison moved to approve the updated Onsite-Wastewater Treatment Fees Resolution 2023-02. Board member Johnson seconded. With all board members present voting in favor, President McMillan declared the motion carried.

ITEM 4. Marshall Fire Litigation Discussion and Vote for Approval.

Boulder County Public Health (BCPH) was notified by the Boulder County Attorney's Office that Boulder County is moving forward in a lawsuit against Excel in relation to the Marshall Fire and asked if BCPH would like to participate as a plaintiff with approval from the Board of Health. Erica Rogers noted the lawsuit against Excel is to seek recovery of costs and damages for responding to the fire. Boulder County and the Town of Louisville and Superior have also been named as plaintiffs. There are at least 10 different lawsuits against Excel for Marshall Fire recovery and damages, and they are being consolidated into one case which will be brought before a judge in Jefferson County. The outside legal counsel representing the county has worked with the Boulder County Attorney's office in previous years, and they will be paid on a contingency basis of 16% of any recovery. The statute of limitation for BCPH to participate as a plaintiff ends on December 29, 2023. Lexi noted the board's approval of joining the lawsuit would initiate an internal staff review of determining if participating in the full lawsuit would be worth the time and effort.

President McMillan made a motion for the board to enter Executive Session to receive legal advice per C.R.S. 24-6-402. Board Member Harrison seconded. With all board members present voting in favor, President McMillan declared the motion carried.

President McMillan noted the board cares for good governance and cost recovery for the department and community, and asked for a motion and a second to join the Marshall Fire litigation.

Board Member Harrison made a motion to approve Boulder County Public Health's participation in the Marshall Fire Litigation. Board Member Hinman seconded. With all board members present voting in favor, President McMillan declared the motion carried.

ITEM 5. 2024 Recommended Budget Approval.

Katherine Palmer presented information for the board to approve Resolution 2023-03 for BCPH's recommended budget for 2024. Since the August 2023 Budget Study Session, BCPH has been working to incorporate changes and updates to the budget, including a \$1.7M reduction in salary and operating budget by the BOCC. In order to provide the (legally required) balanced budget recommendation, BCPH dramatically increased the spending of reserves down to the legally required limit, and also reduced telecom expenses, updated salaries based on the County Commissioners' approved merit and cost of living adjustments, incorporated a slight state increased fee to vital records, eliminated rent costs, updated employee status for hourly and full-time-equivalents for planned hiring and retiring.

BCPH is seeking board approval of the recommended 2024 budget with the understanding that a budget amendment will be presented to the board in spring of 2024 to better reflect actual strategic budget cuts and funding shifts. To make the strategic cuts and shifts, BCPH developed a four-phased approach which includes internal review of current funding sources and future

funding cliffs, working with the Office of Financial Management to strengthen the utilization of the county’s financial system, finalize and implement a strategic budgeting plan, and more in preparation for the spring budget amendment and budget study session.

- All board members expressed appreciation for Katherine and the finance team for their work on adjusting and balancing the budget with a rapid turnaround.

Board Member Hinman made a motion to approve the 2024 Recommended Budget Resolution 2023-03. Board Member Harrison seconded. With all board members present voting in favor, President McMillan declared the motion carried.

ITEM 6. Director’s Report.

All board members expressed appreciation for BCPH staff.

ITEM 7. Old and New Business.

- There were 8 COVID-19 deaths in Boulder County in November.
- Lexi was elected as Secretary for the Colorado Association of Local Public Health Agencies.
- The January 2024 Board of Health meeting is rescheduled to January 16, 2024.

ITEM 8. Adjournment.

There being nothing further to discuss, President McMillan declared the meeting adjourned at 6:46 p.m.



Morgan McMillan,
President



Alexandra (Lexi) Nolen,
Executive Director