

OFFICIAL RECORD OF PROCEEDINGS

Boulder County Board of Health (BOH) Special Meeting Online/Telephonic Meeting November 12, 2024

BOH Members:

President Morgan McMillan; *Vice President* Lindy Hinman; *Board Members* Brooke Harrison, Landrey Fagan, and Amber Johnson.

BCPH Staff:

Executive Director, Lexi Nolen; *Director of Administration and Finance*, Armando Guardiola; *Business Operations Manager*, Jorden Thomas.

Boulder County Staff:

Senior Assistant County Attorney, Kate Haywood.

Members of the Public who Provide Comment:

Brianna Barber
Alejandra Beatty
Melany Niemann
Jeffery Davis
Katheryn Lehman
Alberto De Los Rios
Michael Wu
Jade Kelly

Meeting Called to Order.

President McMillan called the meeting to order at 6:00PM.

ITEM 1. Public Comments.

Members of the public expressed the benefits of Boulder County Public Health staff to be included in the Boulder County Union and requested the Board of Health to support staff throughout this process.

ITEM 2. Brief presentation from Lexi Nolen.

Lexi Nolen presented a brief presentation on the progress of the Boulder County Union. The Collective Bargaining by County Employees Act (COBCA; C.R.S. § 8-3.1-101 *et seq.*) dictates the



statutory framework for county employees to organize and collectively bargain with their employer over wages, hours, and other terms and conditions of employment. COBCA is administered by the Colorado Department of Labor and Employment (CDLE). The proposed Boulder County bargaining unit includes Boulder County Public Health (BCPH) employees based on CDLE's issued determination finding that BCPH employees are included in "county employees" covered by COBCA. Through further review of CDLE's determination, there were errors made in the material that were not reflective of the correct structure of BCPH:

"And for BCPH, "the board" means the Board of County Commissioners for Boulder County – who also serve as the BCPH board members. Thus, the BCPH and its board resemble more closely the part 6 local county public health department discussed in Feeney, especially because Boulder County, through its county commissioners, has appointed its own three commissioners as the three board members for the BCPH board, presumably pursuant to C.R.S. § 25-1-508(2)(c)."

Based on the errors, Boulder County has submitted a motion for reconsideration to CDLE to hold a hearing on November 14, 2024, to determine updates to the bargaining unit to identify factual and legal errors in the Determination. The proposed response to CDLE includes a clarification of the Boulder County Board of County Commissioners do not serve as the Board of Health, the County Commissioners cannot designate themselves as the board of health per statute, and that the Board of health and Public Health Director hold statutory powers that are different than that of the County Commissioners. Additionally, the clarification will outline the history of BCPH and Boulder County including intergovernmental agreements that designate the two parties as separate legal entities.

Lexi asked for a motion and a second from the Board of Health to send a letter to CDLE in support of Boulder County's motion for reconsideration consistent with the proposed response outlined above, and for Board of Health President, Morgan McMillan to review the letter's language and sign on behalf of the board of health.

Board Member Harrison made a motion, which was seconded by Board Member Johnson, to send a letter to CDLE in support of Boulder County's motion for reconsideration and to authorize Board President, Morgan McMillan, to review language and sign letter on behalf of the Board of Health. With all Board Members present in favor of the motion, President McMillan declared the motion unanimously carried.

Discussion:

- Board President McMillan thanked the staff who attended the meeting to provide written and spoken comment for this very important matter.
- Vice President Hinman thanked the staff and also requested a formal process for staff to communicate with the Board of Health on these matters moving forward.
 - Lexi and Kate both highlighted there are rules that must be followed in this space and will discuss how best to collect communication between the staff and the board of health.

- Lexi outlined the proposed content of the letter that would be sent and Board Members had no requests.

ITEM 3. Adjournment.

There being nothing further to discuss, President McMillan declared the meeting adjourned at 6:58 p.m.



Signed, Morgan McMillan,

President



Signed, Alexandra (Lexi) Nolen,

Executive Director