

**BOARD OF HEALTH**  
**Meeting Minutes**  
**April 21, 2010**

**Call to Order**

Chairman Bob Koch called the meeting to order at 1:30 p.m.

**Roll Call**

Dr. Jecha called the roll: The following were:

**Present:** Chairman Bob Koch, Board Members Leo Bowman, Max Benitz Jr., Brad Peck, Rick Miller and Executive Secretary Larry Jecha, M.D.

**Excused:** James Beaver

**Staff Present:** Cody Lewis, IT Manager; Amy Serven and Becky Mellinger, Administrative Services; Bonnie Hall, Client Services Manager; Leslie Rivera, Preventative Health Services; Heather Hill, Annie Goodwin, Carla Prock and Shelley Little, Preventative Health Supervisors; Carol Jensen, Human Resources; Bruce Perkins, Environmental Health Director; Dave Miller, Laboratory Services; Rick Dawson and Susan Shelton, Environmental Health Supervisors; Sandy Owen, Director of Preventative Health; Veronica Gutierrez, Assessment Coordinator; Jim Coleman, Representing Local 17; Robin Albrandt, Emergency Preparedness; Melissa Baughman, Preventative Health, Gretchen Patrick, Representing Washington State Nurses' Association.

**Visitors:** Fred Bowen, Franklin County Administrator; Jacqueline Skinner, Intern; Bill Gothman, Spokane Regional Health District Board Chairman and his wife Myra; Ed Thornbrugh, Benton Franklin Department of Human Services.

**Approval of Agenda**

Leo Bowman moved, seconded by Rick Miller to approve the agenda. The motion carried unanimously.

**Approval of March 17, 2010 Special Meeting Minutes**

Leo Bowman moved, seconded by Max Benitz Jr. to approve the minutes of the March 17, 2010 Special Meeting. The motion carried unanimously.

**Approval of March 31, 2010 Special Meeting Minutes**

Leo Bowman moved, seconded by Max Benitz Jr. to approve the minutes of the March 31, 2010 Special Meeting. The motion carried unanimously.

**Spokane Health Department Presentation**

Bill Gothman, Chairman of the Board of Health for Spokane Health Department presented Dr. Jecha with a plaque in appreciation of his dedication to the public health of their district when he served as their Interim Health Officer while they searched for a permanent replacement.

**2010 Legislative Updates**

Dr. Jecha announced that although everything is not finalized, it appears that most of the cuts that the Governor had made earlier were reinstated. Even the AIDS program is only one million less than it was last year. They will be doing away with the regional AIDS net, so we do not know yet how that will affect us. Sandy added that public health did pretty well. Maternity Health Services is in the budget but they are still not sure, as it

filters through DSHS, how it will come down to the health departments. Max Benitz Jr. questioned how these cutbacks for the AIDS program would affect our budget. Dr. Jecha stated that we were very conservative with our budget in this area so it will affect us minimally. Mr. Benitz Jr. was concerned how this current, and possible future, lack of revenue would affect our budget for next year. Sandy stated that we did have the resignation of an employee from this program that we have not yet filled as we wait to see what happens.

### **Organizational Transition Update**

Chairman Koch stated that he and Commissioner Beaver had met with Dr. Jecha the previous week and the Board had been emailed some of their thoughts on the meeting. He asked the Board for their thoughts and discussion on the matter. Commissioner Benitz Jr. thanked Chairman Koch, Commissioner Beaver and Dr. Jecha for getting together to see where we are at in the overall administration of the Health District and how we can best set policy for us to accomplish what needs to be done for the services that need to be provided. He feels we have two issues to deal with; the first being the Health Officer position for requirements of the law to provide the necessary requirements for a health district. He would like to see how we can move forward with that position and making a determination on an offer to Dr. Jecha to address that portion of the requirements for a health officer. He stated Dr. Jecha has performed extremely well for the Health District both in the doctor's position and the administration but he feels this is a good time to take a look at defining these two positions and how they would be better served for the community and we should move forward in sitting down in negotiations to fill the Dr.'s position. For the health administrator he referenced a job description that was emailed to the board. He stated he could see that a lot of work went into it through the state and that he feels it most closely resembles Kitsap County both in the administrator position and the health officer. He feels it is quite lengthy and has concerns about it. He then shared with the board an alternate job description that he drafted. He feels the administrator of the Health District should report directly to the Board of Health to ensure continuity in all aspects of responsibility. In Kitsap County both the Health Officer and the Administrator report to the Board. Commissioner Benitz Jr.'s concern is who is in charge. He would like to see the Health Officer report to the administrator and the administrator then report to the Board. He feels that the Administrator's job description sent to him is too detailed and possibly too much for a single person. He feels the job description he passed out meets the necessary requirements. He stated he would like to see action taken or clear direction given. He feels it is important that the Board work with Dr. Jecha to put together a job description with a contract, negotiate where we are at and come back in a very short period of time because there are other items on the agenda that pertain to bi-county issues that directly affect the Health District that he would like to see resolved.

Dr. Jecha clarified that the job description emailed to the Board came mainly from the Department of Health, not Kitsap County.

Commissioner Miller stated that he was glad to see a shortened version of the description as he felt the draft from the State was asking for too much.

Commissioner Bowman questioned Dr. Jecha on whether all the items listed on the job description were tasks he performed as administrator. He feels it is way more than one person could handle and questioned whether the job description needed to be so detailed.

Commissioner Peck stated that the fact the description is so detailed is not necessarily a problem for him. He added that it might be more desirable to list only the required duties and not the desired ones. However, if all the duties are required it is best to be up front with the applicants about it. He stated that his problem with the description is the proposed structure. He feels that there needs to be a more clear set of accountabilities between the Board of Health, the Administrator and the staff below that. The Health Officer should be on a dotted line to the Administrator and the Board of Health performing as a professional advisor with medical

expertise. He feels that ultimately the responsibility for decisions and actions rests with the Board. Mitigating the responsibility of the Administrator by putting a solid line to the Health Officer and two solid lines up to the Board doesn't change the fact that the Board is ultimately responsible. If we put a solid line between the Administrator and the Health Officer and up to the Board of Health, we change the responsibilities and expectations of the part time Health Officer's job, which means more time, effort and cost. Commissioner Peck feels strongly that we need a solid line from the Board of Health to the Administrator and down to the staff. The Health Officer should be off to the side with a dotted line to the Administrator as a professional advisor and health counselor and a dotted line to the Board of Health. The solid line keeps the accountability clear.

Commissioner Peck stated that while he has not checked into the legality of this, he is not convinced that we need a Board of Health. He feels we would be fine disbanding the Board of Health, creating a bi-county Health Department and combining it with the bi-county Department of Human Services, placing them both under a director or administrator of bi-county program. That body, Health Department and Human Services combined, would report to the two boards of county commissioners. He feels there are some efficiencies to be gained by having the Human Services Department in the square footage of the Health Department that is sitting vacant. It saves money and allows for one strong administrator to oversee both departments. If this were the case, he could see the Health Officer's role increasing to more than just a part time advisor.

Commissioner Bowman stated that his concern of having a separate Administrator and Health Officer is who is in charge. Commissioner Peck stated that is the issue of the dotted line versus the solid line. Commissioner Bowman feels that while the Administrator has a lot of responsibilities, it is still just an administration job and not the job of the Health Officer. He doesn't feel that the Administrator should be able to tell the Health Officer what to say or what actions to take.

Commissioner Bowman questioned Dr. Jecha on whether in his experience as both an administrator and a part time Health Officer (as in Spokane County) which organizational chart work best. Dr. Jecha stated that if you have the right people in the positions who work well together, Commissioner Peck's organization chart would work fine. He feels it is a matter of personalities.

Commissioner Peck wanted clarification that under the law, as he understands it, the Health Officer's job does not go beyond recommendation and advice. Therefore if the Health Officer makes a recommendation to an administrator or to a board, he has fulfilled his legal obligation. He questioned Dr. Jecha on whether or not there is a specific function that the law requires him to do that an advisory roll to the Administrator prevents him from performing.

Commissioner Benitz Jr. responded to Commissioner Peck's suggestion to restructure the Health District and Human Services Department. Upon the advice of legal council, he stated that we are a two county health district and as such, cannot be a bi-county organization. A determination would have to be made at each board level to withdraw from the Board of Health, split everything up and have a Benton County Health District and a Franklin County Health District. He stated that this was discussed in 1997 and it was found to be not an economically sound decision at that time. It would be too costly to have two separate health departments.

Commissioner Bowman moved for approval of the organizational chart and also the briefer job description submitted by Commissioner Benitz Jr. Commissioner Benitz Jr. asked for a point of clarification if Commissioner Bowman's motion was on the organizational chart that was presented and the job description that he submitted. There was not second to the motion.

Commissioner Peck clarified that a dotted line on the organization chart represents advisory and information while a solid line represents authority. He doesn't agree that we can't have a dotted line from the Health

Officer to the Administrator. If you argue that the Health Officer might be prevented from performing certain duties as required by law by an Administrator that he reports to, it could be said that the Health Officer would have to be put above the Board of Health as they could also prevent his duties in the same manner.

Commissioner Benitz Jr. moved that the Board accept the organizational chart that is provided by removing the black line that is from the Health Officer to the Board of Health and the dotted line that is from the Health Officer over to the Administrator. Commissioner Miller wanted clarification that the solid line would be removed between the Health Officer and the Board of Health. Commissioner Benitz Jr. agreed. Commissioner Peck wanted clarification that the dotted line from the Health Officer to the Administrator would remain. Commissioner Benitz Jr. agreed. Commissioner Peck also wanted clarification that the solid line would run from the Administrator to the Environmental Health and Preventative Health so that all functions would be under a single administrator. Commissioner Benitz Jr. agreed.

Commissioner Bowman asked for further clarification that there would be a dotted line from the Health Officer to Environmental Health and Preventative Health. He feels there doesn't need to be any lines between the Health Officer and the other departments because the Health Officer will go through the Administrator. Commissioner Peck stated he was not opposed to have a dotted line from the Health Officer to the staff as he does not want to prevent the staff from being able to communicate with the Health Officer.

Commissioner Benitz Jr.'s motion was revised to have a solid line from the Board of Health to the Administrator and down to the other departments; then a dotted line from the Health Officer to the Administrator and down to the staff and a dotted line from the Health Officer to the Board of Health. Commissioner Miller seconded the amended motion. The motion carried unanimously.

Commissioner Benitz Jr. stated he would like to have our bylaws revisited by legal council to have any changes made that are necessary due to separating the administrator and health officer into two positions. Then he would like to continue with the Health Officer and have some assurance that we can move forward with a contract with Dr. Jecha. He would then like to have a special board meeting within two weeks to approve the Health Officer contract. Commissioner Bowman asked if he meant the contract or the job description. Commissioner Benitz Jr. stated both. Commissioner Bowman asked if he meant a contract with Dr. Jecha and Commissioner Benitz Jr. stated yes.

Chairman Koch clarified with Commissioner Benitz Jr. that he wanted a special meeting in two weeks to finalize the contract with Dr. Jecha and the Health Officer's job description. Two weeks would be May 5, 2010 which was not agreeable to all the board members. Commissioner Benitz Jr. suggested May 4, 2010. Commissioner Peck asked Commissioner Benitz Jr. to restate what work was to be done within the next two weeks and brought forward to the special board meeting. Commissioner Benitz Jr. stated that in the next two weeks he would like to have legal council review/revise the current bylaws, come up with a contract and job description for the Health Officer and also come up with an administrative job description. Commissioner Peck questioned who would do that work. Commissioner Benitz Jr. stated that he felt the Chairman should make that appointment. Commissioner Peck feels comfortable approving the bylaws on May 4, 2010 but feels that is too soon to have adequate job descriptions created. Chairman Koch stated that he and Dr. Jecha could work on the Administrator job description and have something ready by April 30<sup>th</sup> and emailed to the Board for time to review before the special meeting on May 4<sup>th</sup>. There was a consensus by the Board.

Commissioner Bowman asked for a point of clarification on the timeline of when we actually need to have an administrator on board. Commissioner Peck stated that the motion should have been amended to include an effective date. Commissioner Benitz Jr. made a motion that the administrator position would be effective upon

the Benton Franklin bylaw changes, seconded by Commissioner Miller. Motion carried unanimously. It was reiterated that there would be a special meeting on May 4, 2010 at 1:30 p.m.

### **Canal Building Updates**

Commissioner Benitz Jr. stated that he would like to have a bi-county commissioner meeting in the near future to discuss the issue of the canal street building. He believes it would be in the best interest of the Health Department to authorize Dr. Jecha, as soon as he gets direction from the two counties, to move forward with entering into negotiations to purchase the building on Canal Street for Human Services. Commissioner Peck questioned whether or not the Health Department owned the building and if so, why Commissioner Benitz stated we should buy it. Commissioner Benitz stated that he had meant to say he wanted to move forward with selling the building. He feels as though 30 days at the most should be ample enough time for the counties to come together to make a decision about the building. Commissioner Peck stated that it seemed to him bi-county business and Benton County business, not Health Department business was being conducted. He wanted to clarify that Commissioner Benitz Jr. was stating that they extend an extra 30 days to see if either of the counties is interested in purchasing the Canal Street building and at the end of the 30 days we proceed to sell it. Commissioner Benitz agreed that was the intent of his statement. Commissioner Peck questioned whether this was motion. Commissioner Benitz Jr. moved that we give the counties an extra 30 days on the Canal Street building. There was no second to the motion.

Commissioner Benitz stated with a lack of approval on his motion, he feels that we need to move forward and make the decision to put the building on the market. He feels we are not getting an asset on the market that would help the Health Department repay their loan to Benton County. Commissioner Peck questioned if the motion to sell the building failed to get a second, why we are still discussing selling the building. Commissioner Benitz Jr. stated that the Health Department has an agreement with Benton County for a \$500,000 obligation. Benton County would like to get their money. One payment has been made so far and he feels it is in the best interest of the Board of Health to honor the contract they have with Benton County to repay their debt.

Commissioner Peck stated it was his understanding that an agreement was made between the Health Department and Benton County to make annual payments of \$100,000. If that is the case, then he feels the commitment has been made and shouldn't be an issue. If that is not the case, the Board has been informed of a \$607,000 carryover which they didn't previously know existed of which \$400,000 could be used to resolve this debt if that is the will of the Board.

Commissioner Bowman wanted to clarify that the motion that was not seconded had two parts to it. The first was to move forward with selling the building to another party direct without the use of a realtor. The second was giving an extension of time. He is unsure why the motion was not seconded. He questioned whether some board members don't want to sell the building or if they don't want a bi-county organization to have it. Commissioner Peck questioned why Commissioner Bowman didn't second the motion. Commissioner Bowman stated he was waiting to see if someone from Franklin County was going to second it. Commissioner Peck stated that while he did not want to discuss his reasons for not seconding the motion, he would like to state that he feels other options for the building should be explored for the building before it is put on the private market.

Commissioner Benitz Jr. clarified that it was the intent of his motion that the 30 day period was to be used to see if either county was interested in the building. Then it would be put on the market. Commissioner Peck stated that there didn't appear to be sufficient will on the part of the Board of Health today to approve moving forward with selling the building so he suggested that the Board move on to the next agenda item or someone else make a motion.

Commissioner Benitz Jr. excused himself at this time as he had an appointment he needed to get to. Chairman asked that they skip ahead to the approval of the vouchers so that they could vote before Commissioner Benitz left.

#### **Approval of Vouchers**

Leo Bowman moved that the Board of Health approves payment of vouchers number 65 to 71 for March/April 2010 in the amount of \$718,783.86. Rick Miller seconded. Motion carried unanimously.

#### **Recognition of Staff**

Sandy Owen announced that the Washington State Public Health Association recognized two employees of Benton Franklin Health District. Leslie Rivera was the winner of the Individual Public Health Champion. Annie Goodwin was given an honorable mention in the community category.

#### **Finance Update**

Chairman Koch stated that the Board had received a packet from the finance committee with some recommendations regarding some funding. He asked for discussion or a motion on the funding. Commissioner Peck questioned where the money for the requests was coming from. Dr. Jecha stated that the WIC program had just received an increase of \$28 per client, the largest increase we've ever seen. We have over 7000 clients. This is a permanent increase, not just one time money. He stated that there is also grant money for this program through a stimulus package and some leftover H1N1 money. This is federal money. Commissioner Bowman moved, seconded by Commissioner Miller to approve the funding. Motion carried unanimously.

#### **Announcements**

Chairman Koch announced that Spokane County Commissioner Mark Richard sent information that Bob Lutz, Spokane County Board of Health, and Bud Niccola from King County would like to discuss the health rankings.

Chairman Koch announced membership cards were received from the National Association of Boards of Health for each of the Board members. Commissioner Peck questioned if someone signed the Board up for membership. Dr. Jecha stated that they have always signed up every year. Commissioner Peck questioned what the cost for membership is. Becky Mellinger stated it is approximately \$100 to \$150 per year.

Dr. Jecha announced that the Health Department has done a couple of press releases on Norovirus. It is in a couple of the nursing homes. We just wanted to alert the community as this is very infectious.

Dr. Jecha announced that we are a universal state providing vaccine to all children. Because of the budget crunches the private pay went away. Then at the last minute the legislation allowed insurance companies to form a vaccine association that is going to pay for the private pay. The problem is this starts May 1, 2010 and the association is unorganized with their phone lines just going up and their billing system being new. It will take some time for them to smooth out their process.

Dr. Jecha announced that they had a tabletop exercise with Region 8. Emergency operations, hospitals, clinics, and fire were all involved. It was a good exercise.

Commissioner Miller at this time had to excuse himself from the meeting for personal reasons.

Bruce Perkins announced that the state budget Dr. Jecha referenced earlier might impact Environmental Health. All the funding was removed from the state's swimming pool program. When someone wants to build a public pool in our counties, they must get their plans approved by the state. With the state eliminating the funding for this, Bruce stated he was unsure if they were going to want local health departments to start reviewing the plans.

Bruce announced that a couple of weeks ago there was an article in the news about high nitrates in the Yakima Valley. The state is contributing money to the Yakima Valley to try to help resolve the nitrate problem. Public entities will be supplying emergency water supplies for those who think they have high nitrates.


Bruce announced that as a result of some public comment submitted to the Department of Ecology over the last couple of months, Ecology may allow for an incidental discharge to groundwater when spraying for nuisance and vector mosquitoes.


The date of the next meeting will be May 19, 2010 at 1:30 p.m.

There will be a special meeting on May 4, 2010 at 1:30 p.m.

At 3:06 p.m. the meeting adjourned.

Prepared by:  
Amy Serven, Administrative Assistant  
Benton-Franklin Health District

  
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Bob Koch  
Chairman of the Board

  
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Larry Jecha, M.D.  
Executive Secretary