

BOARD OF HEALTH
Meeting Minutes
May 19, 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, James Beaver and Executive Secretary Larry Jecha, M.D.

Staff Present: Amy Serven and Becky Mellinger, Administrative Services; Cody Lewis, IT Manager; Sandy Owen, Director of Preventative Services; Irene Berger, Representing Local 17; Suzanne Dezember, Representing WA State Nurses' Association; Susan Shelton and Rick Dawson, Environmental Health Supervisors; Bruce Perkins, Director of Environmental Health; John Franco, Emergency Preparedness; Shelley Little, Carla Prock and Annie Goodwin, Preventative Health Supervisors; Carol Jensen, Human Resources Manager; Veronica Gutierrez, Assessment Coordinator; Bonnie Hall, Client Services Manager; Lisa Hamilton, Safe Babies Safe Moms

Visitors: Fred Bowen, Franklin County Administrator

Approval of Agenda

Rick Miller moved, seconded by Max Benitz Jr. to approve the agenda, amended to include discussion of the sale of the Canal Street building. The motion carried unanimously.

Approval of April 21, 2010 Minutes

James Beaver moved, seconded by Max Benitz Jr. to approve the minutes of the April 21, 2010. The motion carried unanimously.

Annual Report Presentation

Veronica Gutierrez gave a power point presentation outlining all the progress the Health District made in its various programs in 2009. She stated that despite the staff reductions and program cuts the department suffered in 2009, we had quite a few successes and continued to provide many necessary services to the public to keep the community healthy and safe.

Sale of the Canal Street Building

Commissioner Benitz requested a discussion on the sale of the old Health Department building on Canal Street. He stated that as the board went through the budgeting process for 2010, they were trying to come up with what he called creative ways to ensure we have sufficient funding to be able to balance the budget and keep necessary services in place. He feels it is fine if the Health District is going to use the building but if not we need to go ahead and sell the building to recoup the funds necessary to pay off the debts we have. He feels it is vitally important that as good policy makers, the board make the decision to move forward and sell the building.

Commissioner Peck questioned Commissioner Benitz on why he feels it is vitally important to sell the building as he sees reasons why it would be advantageous to hold onto the building for the time being. Commissioner Benitz responded that if we have an asset, in this case a facility, that is no longer going to be used and we have a debt that is owed to another jurisdiction, he feels it is prudent to sell that asset and clear ourselves of that debt and move forward to ensure our books are maintained to the highest capacity for debt reduction.

Commissioner Peck questioned whether that would still apply if we had cash on hand from the \$607,000 carryover to pay that debt and may have need for the building for a consolidated crisis response center. In that case wouldn't it be wise to hold on to the building; meaning we have other ways to pay the debt and have potential need for the building.

Commissioner Benitz responded that as they were going through the budgeting process, the board was scrambling to see how to best provide the funding for the necessary O&M costs for the services we provide. In the past we have dipped into our reserves to balance our budget. He thinks if we have an asset it should be sold to pay the debt instead of utilizing our cash carryover.

Commissioner Peck is concerned we would be selling an asset that we may be in need of in the near future. Commissioner Benitz stated he did not share that concern.

Chairman Koch asked what everyone's thoughts are regarding putting the building on the market. Commissioner Peck replied he is opposed to the idea at this time.

Commissioner Bowman questioned whether Commissioner Peck's idea is to rescind the action previously taken by the board regarding one-time expenditures and reinstating services because of the additional money that was not anticipated in the budgeting process, and use that money to pay off the debt to Benton County.

Commissioner Peck stated his understanding is that there is an agreement between the board and Benton County for repayment of the debt and it seems to him that Benton County is trying to renegotiate the terms of the repayment. While he doesn't disagree that we will likely end up selling the building, he feels it is premature when there may be other opportunities that arise that we may want to explore in the not-too-distant future before we sell the building simply to accelerate payment on an agreement we already have satisfactorily negotiated.

Commissioner Beaver questioned whether the Health District has any need for the building and was informed we do not. He also questioned whether the repayment agreement was a verbal or a signed agreement and was informed that it is a signed agreement to repay Benton County \$100,000 per year plus one percent interest. He feels that if the Health District does not need the building it should be sold, regardless of how the money from the sale is planned on being used. He stated that while there may be other uses for the building, the Board is precluded from discussing them at this meeting because they can only discuss Health District business. Commissioner Peck stated that we can discuss those other uses in the Board of Health meeting as they have a fiduciary obligation to the Board of Health and to the public. To sell an asset ahead of any contractual obligation in a decidedly down market when there are potential known buyers, makes little business sense and fails the fiduciary responsibility to get as much as we can for an asset. (Statement amended at June meeting by Commissioner Peck to reflect he meant to say "when there are no potential known buyers".)

Chairman Koch asked if it is a matter of the Board of Health allowing the Canal Street building to be sold through the Health Department rather than a realtor. Commissioner Benitz said from his perspective the Board is asking the District to continue to come up with the payment each year while continually having to cut services.

Commissioner Bowman asked that while the Health District has no obvious need for the building into the next decade, do they have need for the money the sale of the building would provide? Dr. Jecha stated that with what we still owe Benton County, the Health Department would not get any of the money from the sale of the building. Commissioner Bowman asked that with the repayment agreement already in place is there somewhere else the money could be used that would be a higher priority than repayment of the loan. Dr. Jecha stated without knowing what the budget or the economy would be like next year, it wouldn't be prudent to spend the money. It would be better to save it to be able to maintain services in the future.

Commissioner Miller stated that since we are meeting our contractual obligation to repay the debt to Benton County, he sees no reason to rush into selling the building in a down market.

Commissioner Peck asked if there was a motion on the table and Chairman Koch replied that there was not. Commissioner Peck stated he would like to make a motion. Commissioner Benitz stated he had been recognized by the chair and had the floor to make a motion. Commissioner Benitz moved that the Benton Franklin Health District Board sell the old Health District building through the Health Department only and not through the use of a realtor. Commissioner Bowman seconded. Chairman Koch called for discussion. Commissioner Benitz stated it is prudent that the Health District move forward and reduce their debts. Commissioner Miller questioned how we would go about advertising the sale of the building and who will negotiate the price. Commissioner Benitz stated that he felt they should put the word out that the building is for sale and if a proposal comes in the Board will make a determination on whether or not to sell.

Becky Mellinger stated that the Health District has previously approved policies for surplus for assets of this size so there are set guidelines on method of disposal and the steps that need to be taken. Commissioner Peck stated that the motion on the table is out of order because it violates the policy previously established by the Board and that until the building is declared surplus, we cannot proceed. As the second to the motion, Commissioner Bowman suggested that we add the verbiage to declare the building as surplus.

At 2:05 the board recessed for five minutes to allow Becky Mellinger time to find the proper documentation regarding the Health District's policy on surplusing items. At 2:12 the board reconvened. Ms. Mellinger stated that the information she could find at this time only addresses items up to \$50,000 and that we would have to look into our RCW to find out what it says specifically in regard to surplusing items over \$50,000.

Commissioner Peck stated the motion was in order in that it calls for declaring the building surplus but out of order in that it stipulates the manner in which it be surplused and disposed of since we've already acknowledged that our own policy doesn't address it and we don't know what state law says. Therefore that portion of the motion is premature.

Commissioner Bowman further amended the motion to reflect that the surplusing of the building be within state guidelines, while leaving the language there about it being a direct sale.

Commissioner Peck still feels that if we don't know what the law says, we don't know if the law allows or prohibits this action. Therefore, how can we make a motion and vote on it? The Board should find out what the rules are before they take action.

Commissioner Beaver suggested that the original motion be rolled back. Then have the Board declare the building as surplus and have staff bring back the process by which surplus over the value of \$50,000 is dealt with. He suggested that it might require legal advice from our attorney. Commissioner Benitz withdrew his original motion.

Commissioner Beaver moved that the Board declare the building as surplus and instruct the administrative team to come back with recommendations and legal advice on how to deal with surplus property. Commissioner Peck seconded. Motion carried unanimously.

Administrator Position

Commissioner Benitz stated that the Board had in their packets the approved organizational chart. He stated it was his understanding that our legal council has reviewed our bylaws and determined that it is the responsibility of the Board of Health to separate the administrator and the health officer into two positions. He stated he had put together a job classification for the administrator position and that he would like to see the board take action to move forward with hiring an administrator.

Chairman Koch passed out a job description that he had put together. He feels that the administrator should have more health experience than expressed in the previous job description.

Commissioner Peck stated that in previous meetings there has been discussion regarding the potential for combining the administrative functions between the Health Department and the Human Services of the bi-county and after researching the matter, have found that it is not lawful to do so. However, it was found that it is possible to have one administrator who oversees both programs as long as the programs are not merged. He feels it is premature to move forward with hiring an administrator for the Health District until it is determined whether or not we want to consider hiring one administrator to oversee both programs.

Commissioner Peck moved that the Board of Health postpone the action of hiring an administrator between now and the next meeting to hear what the Human Services department intends to do with their administrator position, leaving open the opportunity for the Board to either hire a Health Department administrator or consider other opportunities to combine with Human Services' administrative duties. Commissioner Miller seconded the motion. Commissioners Peck and Miller voted in favor. Commissioners Benitz, Bowman and Beaver opposed. Motion failed.

Commissioner Benitz moved that the Board move forward with filling the administrator position for the Benton Franklin Health District pursuant to the organizational chart that was approved at the April 21, 2010 meeting. Commissioner Miller seconded. Chairman Koch questioned which job description Commissioner Benitz was referring to in his motion. Commissioner Benitz suggested that the Chairman and Vice-Chairman get together and review the job description previously used by the Health District, along with the two new proposed job descriptions and combine them all into one clean copy that can be advertised so we can get the position filled.

Commissioners Benitz, Beaver, Bowman and Miller voted in favor. Commissioner Peck opposed. Motion carried.

Announcements

Commissioner Bowman stated that he had received an invitation from the Department of Ecology for a workshop where they will be discussing the permitting process for spraying mosquitoes over aquatic land.

Commissioner Bowman announced the National Association of Counties is starting a series of video conference webinars. He asked if it would be possible to have a review from staff on how the new national health care that was adopted by Congress will impact our Health District. Dr. stated that he will give updates continually as we get more information.

Dr. Jecha announced it is very important for the Health District to have a good TB program. The county is responsible for any costs incurred that the client is unable to pay. The amount can get as high as one million dollars for a single client.

Sandy announced that the Safe Babies, Safe Moms program is having one of its staff retire at the end of the month. She introduced Lisa Hamilton, who has been hired to fill the position.

Bruce announced that on-site sewage applications for new systems are up 20% this year and temporary food service permits are up 60%.

Approval of Vouchers

Leo Bowman moved that the Board of Health approves payment of voucher numbers 72 to 74 for April and May 2010 in the amount of \$600,107.52. Max Benitz Jr. seconded. Motion carried unanimously.

The date of the next meeting will be determined at a later date, as some of the board members will be attending a WA State Association of Counties meeting on the next scheduled Board of Health meeting date.

At 2:56 p.m. the meeting adjourned.

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



Bob Koch
Chairman of the Board



Larry Jecha, M.D.
Executive Secretary