



Story County Board of Health

MINUTES

DATE: July 7, 2009	Jane Halliburton, Chair	2010
	John Kluge	2011
CALL TO ORDER: 4:30 p.m.	*John Paschen, V. Chair	2011
	Mark Speck	2009
LOCATION: Administration Building 900 Sixth Street, Nevada	Dorathy Twedt	2009
ADJOURNMENT: 5:33 p.m.	*Absent	

OTHER PEOPLE PRESENT: Don Nolting, Director; Cathy Bazylinski, Environmental Specialist; Margaret Cemashko Jaynes, Environmental Specialist; Angie Huisman, Recording Secretary; Stephen Owen;

APPROVAL OF CONSENT AGENDA Speck / Kluge (MCU) (Paschen Absent)

1. Approval of Agenda as amended
 2. Approval of June 2, 2009 Minutes
 3. Affirm the action of the Chair signing the Story County Public Health Bio-Emergency, Public Health Emergency Response Plan.
 4. Affirm the action of the Chair signing the Childhood Lead Poisoning Prevention Program contract 5889L11 Amendment #1 on June 24, 2009.
 5. Acknowledge approval of the Iowa Healthy Communities Initiative Grant Program (Community Wellness Grants), affirm the funding awarded in the amount of \$52,891, and approve the signature of the Chair upon receipt of official documentation.
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PUBLIC FORUM: Opened: 4:31 p.m. – Closed: 4:31 p.m.
None.

QUARTERLY REPORTS & DISCUSSIONS:
None.

ADDITIONAL ITEMS:

1. **Receipt/Action on the retirement request from Don Nolting**

Ms. Jane Halliburton acknowledged the receipt of the letter from Mr. Don Nolting of his intent to retire and asked for the intended final date of employment.

Mr. Don Nolting explained his discussions with the Auditor's Office regarding their and IPERS requirements, stating that his last day will be the end of July. Ms. Halliburton asked for the exact date. Mr. Nolting replied that it will be July 31st. Mr. Mark Speck asked if it was a Friday. Mr. Nolting affirmed.

Mr. Nolting noted that he has some vacation to be used. Ms. Halliburton asked for the amount. Mr. Nolting estimated it to be two (2) weeks and that he intends to take the entire week of the 20th as well as other days as schedules accommodate.

Ms. Dorothy Twedt asked how many years Mr. Nolting had worked for the County. Mr. Nolting replied that he began employment for Hardin County in the winter of 1971 at which point he began to accrue IPERS benefits, and that his acceptance letter from Dr. John Kluge was dated in September of 1977.

MOTION: Move to accept the request for retirement of Don Nolting. Kluge/Speck (MCU) (Paschen absent)

Dr. Kluge expressed his appreciation for the many years of service and commented on the time in which Mr. Nolting began employment with Story County. Mr. Nolting discussed this from the audience with Dr. Kluge.

Ms. Halliburton also expressed her appreciation for his service to Story County.

2. Discussion/Action on agreement with HR One Source to review job descriptions – Steve Owen

Mr. Steve Owen, Assistant County Attorney, acknowledged Mr. Nolting's service, adding that he is considered an expert by many fields both in and out of Story County.

Mr. Owen commented on the difficult and large task of fillnig the vacancy.

Mr. Owen explained that the Chair of the Board of Health (BOH) had contacted him regarding obtaining outside professional assistance for this task.

Mr. Owen described the recent contract assistance provided to Story County by HR OneSource, a Des Moines area based company. Mr. Owen described the search efforts by the Board of Supervisors (BOS) in order to locate and contract this company as well as the services it provides.

Mr. Owen clarified that the BOH would require an independent contract for services.

Mr. Owen explained his understanding of the process specifically that HR OneSource would like to interview Mr. Nolting to get a better understanding of his position. Mr. Owen added that consideration of the limited time is understood.

Mr. Owen noted the BOS contract with HR OneSource agrees to an hourly fee of is \$135 with additional mileage costs at a rate of \$0.585 per mile, as per the Internal Revenue Service standard.

Mr. Owen added that HR OneSource has understands and agrees with the confidentiality needs and understands the open records requirements, but will not share information with third parties.

Mr. Speck asked about educational requirements. Mr. Owen explained that HR OneSource will review all aspects of the position. Mr. Speck asked if the State has specific requirements. Mr. Nolting described the merit system in place for the position when he was hired as well as the differences

between the different classes of Sanitarians and Environmental Specialists. Mr. Nolting added that the job is defined based on the duties requested and that it is a combination of duties required by the *Code of Iowa* and the duties required as an administrator. Mr. Nolting continued to discuss the various duties.

Ms. Halliburton noted that the most recent updated to the job descriptions of the Health Department was in the late nineties, emphasizing the need for the update now. Ms. Halliburton clarified that the intent is to review all of the job descriptions of the department. Mr. Owen affirmed. Ms. Halliburton added that all employees will be interviewed and responsibilities reviewed. Mr. Speck asked about minimum requirements. Ms. Halliburton reiterated that HR OneSource will perform the review and begin with by identifying *Code of Iowa* requirements.

Mr. Speck requested a copy of the current job description. Mr. Owen offered to email it to the BOH. Ms. Halliburton reiterated the process to follow, noting that the findings will be brought back to the Board. Ms. Halliburton added that, as Mr. Nolting pointed out, the position is not typical for a department of public health in that the nursing is contracted to Homeward and the administrator is for environmental aspects of the department.

Dr. Kluge asked if the department inspects food. Ms. Halliburton replied that they do not and that it is contracted by the Department of Agriculture. Mr. Nolting added that he has offered several times. Ms. Halliburton noted that the issue is the ability to obtain enough revenue to cover costs.

Mr. Nolting also added that staff has been affiliated and accredited with the National Environmental Health Association and that they could be used as a source for job descriptions, applicants, and postings.

Ms. Halliburton noted that she discussed the funding with the County Auditor and it is her understanding that it can be accomplished though not budgeted.

Dr. Kluge asked for the expected timeframe HR OneSource would require for the review. Mr. Owen replied that they were not available to be here today, but that correspondence was received indicated availability on July 27th, noting the requirement of the contract. Mr. Owen also noted that the correspondence also indicated some flexibility in scheduling, but that it will likely go well into August.

Ms. Halliburton questioned whether another meeting is required for the BOH to take if they take action today to authorize the contract. Mr. Owen stated that the contract would follow the same format as the other contract with the County, clarifying that today the action should be to authorize him to contact and review the contract and it is up to the BOH to decide if they are comfortable with him engaging any further or not. Dr. Kluge asked if approval could be given via email. Mr. Owen affirmed that expressed approval may occur, clarifying that the official contract approval may require a special meeting. Ms. Halliburton commented that scheduling another special meeting may be difficult. Mr. Owen suggested the BOH authorize him to get the contract in place for the BOH to review and then vote to approve it.

MOTION: Move to authorize Story County Assistant Attorney Steve Owen to prepare the contract proposal with HR OneSource for review by the Chair of the Board of Health for further action and authorize the signature of the Chair without an additional meeting. Kluge / Speck (MCU) (Paschen absent)

The addition of authorizing the signature of the Chair without an additional meeting was added as a friendly amendment and approved by both Kluge and Speck.

Ms. Halliburton clarified that the contract information will be forwarded to the BOH members and that any questions or concerns will be answered via email or directly.

3. Discussion regarding appointment of Interim Director

Ms. Halliburton asked Mr. Owen for his advice regarding the necessity to appoint an interim director due to lack of specific dates of fulfillment of the position from HR OneSource. Mr. Owen questioned when the next quarterly meeting is scheduled. Ms. Angie Huisman replied that it is scheduled for September 1st. Mr. Owen anticipated being without a director through at least August and that the appointment of a qualified person from within the department is a consideration for the Board. The Board discussed the potential delays in day to day duties that require the authority of the director that would require Board action.

Dr. Kluge questioned the method of compensation for the extra duties. Mr. Owen was unaware of the financial capacity of the board and would defer to Mr. Nolting about the daily duties as well as the extra duties that would befall upon the interim director.

Ms. Halliburton described the action by the Board of Supervisors (BOS) under similar circumstances, noting that the policy in places allows for compensation to be provided through formal action by the BOS. Ms. Halliburton summarized an example of the policy relating to the vacancy of the County Engineer's position.

Mr. Speck asked if anyone from the department would be willing to fill the interim director role. Ms. Halliburton suggested the next most senior employee Margaret Jaynes. Ms. Jaynes agreed that she would be willing to accept the duties as interim director.

MOTION: Move that Ms. Margaret Jaynes be appointed as Interim Director until such time a new Director is appointed and that additional appropriate compensation is awarded. Twedt / Kluge (MCU) (Paschen absent)

4. Discussion of proposed fee changes – Margaret Jaynes

Ms. Jaynes noted that the new regulations regarding Time of Transfer (TOT) inspections went into effect on July 1st, summarizing the work with the Recorder and Iowa Department of Natural Resources (DNR) that has made the transition smooth.

Ms. Jaynes added that the change in the inspection has created an issue with the law requiring that government entities not compete with the private sector and thereby necessitating similarly priced fees for services. Ms. Jaynes noted that the current TOT fee is \$100 and that certified inspectors are charging between \$225 and \$250.

Ms. Jaynes summarized her discussion with Mr. Owen and his suggestion to charge a fee of equal amount or higher in order to comply with the law.

Ms. Jaynes added that there currently is not fee adopted for this type of inspection and that one should be set as soon as possible.

Mr. Speck asked if the department can do state inspections. Ms. Jaynes clarified that they can perform septic inspections, noting that the situation is similar in the need to not compete.

Mr. Speck asked if the inspections are of new systems. Ms. Jaynes clarified that the inspections are TOT inspections and that the County was performing inspections for all TOTs, but that the new regulations require that all non-exempt properties be inspected by a certified inspector, typically a pumper or installer charging between \$200 and \$250 necessitating the County to raise fees to equal or higher amounts to not compete.

Mr. Speck stated that it was his understanding that the County was required to perform the inspection. Ms. Jaynes clarified that Ordinance 110 gives the County the authority to do the inspections, however the State regulations in effect July 1st provide exemptions for some properties and also requires that all inspections be performed by a state certified inspector. Ms. Jaynes added that the State interprets the law as superseding the County's requirements and have informed the County that they cannot inspect per County requirements and may only inspect per State law as to maintain the spirit of the law.

Mr. Speck asked if the County does not want to perform the inspections and wishes to price themselves out of doing them. Ms. Jaynes clarified that it is not an issue of what the County wants but a requirement that disallows competition by the government, offering additional clarification questions be directed to Mr. Owen of the County Attorney's Office.

Mr. Speck asked there are certified inspectors in Story County. Ms. Jaynes affirmed, noting the list provided by the DNR.

Dr. Kluge asked if staff will bring a recommended fee to the Board at a later date. Ms. Jaynes affirmed, proposing a \$250 fee for the inspection of both a well and a septic system.

Dr. Kluge questioned whether action may be taken at this meeting. Ms. Halliburton replied that it cannot due to legal requirements.

Ms. Halliburton summarized the situation of the State and County regulations, noting that typically home rule authority is given to local government and asking Mr. Owen for his opinion regarding the best way to implement the regulations. Mr. Owen explained that the County regulations are being preempted by State law and that the Ordinance in effect should not be affected due to the preemption. Mr. Owen discussed the ability to continue inspections as performed without competing with the private industry. Mr. Owen pointed out the lack of clarity of the law and summarized what essential services are considered. Mr. Owen also suggested that fees be set accordingly as to not put staff or the BOH a position to appear as if competing.

Ms. Halliburton asked how to comply with the regulations at this point. Mr. Owen stated that there are environmental regulations now and that they are under state control.

Ms. Halliburton asked if a fee schedule has been proposed by the state. Mr. Owen replied that he was not aware of any. Ms. Jaynes agreed that there is not. Mr. Owen stated that the fees tend to be market based; adding that he will verify that there is not a fee schedule. Mr. Speck commented that no action may be taken at this point, questioning how to proceed.

Mr. Owen suggested a recommendation be made and that it be revisited at the next meeting, noting that in doing so the County will not be competing during the study phase. Ms. Jaynes asked if the County is not to offer the inspections. Mr. Owen replied that it is an option. Dr. Kluge disagreed, suggesting that the fee be raised during the interim to allow for the fee schedule to be studied. Mr. Speck asked if the Board is authorized to do so. Mr. Owen affirmed.

MOTION: Move to accept the staff recommendation and implement interim fee increase. Kluge / Speck (MCU) (Paschen absent)

Ms. Jaynes noted that the state inspection does not include the inspection of wells and suggests that a fee be specified for such in the amount of half of the previous inspection fee which would amount to \$50.

Mr. Nolting summarized the intent of Ordinance 110 as a standalone regulation to encompass all property transfers, expressing concern that many systems will not be inspected according to the state regulations and that home rule authority allows the County to implement more stringent regulations. Mr. Nolting pointed out that third parties are there for business purposes and do not enforce the regulations, adding that if enforcement is required the County would also do an inspection to verify the violation. Mr. Nolting stated that only focusing on certain properties leave it unclear as to what to do with the others and that Ordinance 110 states that they should still be inspected according to the County requirements and fees. Further discussion regarding the inspection and enforcement issues as previously discussed. The specific exemptions were also summarized. Additional discussion regarding the implications of the inspection and enforcement of the new regulations continued.

Fees were further discussed, with a suggestion by Mr. Nolting to establish an administrative fee to offset the work of County staff for processing information requests by the third party inspectors as well as other administrative functions that will still occur. The Board agreed and Dr. Kluge made a motion to that effect and Mr. Owen cited notification requirements and Dr. Kluge subsequently withdrawing the motion.

Dr. Kluge suggested that staff formulate a recommendation for the next regular meeting. Ms. Halliburton added that Mr. Owen be consulted for verification that the proposed changes are acceptable. Dr. Kluge recommended fees for various services.

Mr. Nolting added that the Planning and Zoning department does charge in house fees for services as described, suggesting that a set charge be established by the Director. Ms. Halliburton agreed a fee schedule should be adopted, affirming that was the intent of the Board. Ms. Halliburton added that a fee schedule should be drafted prior to the requested Board action.

5. Discussion regarding Time of Transfer Inspections – Margaret Jaynes & Steve Owen

Ms. Halliburton noted that the TOT Inspections were discussed Jane, any additional info, talked about that.

6. Discussion regarding Preventative Lead Hazard Inspections – Steve Owen

Mr. Owen asked if the inspections are currently performed privately. Ms. Jaynes affirmed. Mr. Owen stated that the question was whether or not the County should continue to provide inspections.

Mr. Owen described the state regulations and exceptions thereof, concluding that the County can continue to perform the inspections and that an appropriate fee and procedure should be adopted.

Mr. Owen suggested that this, like the other items requiring similar action, should be worked through and brought back at the next meeting.

Ms. Twedt described her service on the senior housing board, noting that there is a list of those that perform the inspections and summarized two example properties.

Ms. Jaynes expressed concern with the ability to pay a large fee by those with low incomes, adding that some local companies charge a fee of approximately \$1,000. Ms. Twedt stated that local companies do not charge that much. Ms. Jaynes stated that she feels the key to prevention is the offering of the service free of charge and suspects that most people will skip the inspection if it the cost is too great. Ms. Twedt described an example of an inspection performed, adding that the described inspections she has experience with may differ from those Ms. Jaynes has discussed. Ms. Halliburton added that inspections are required for subsidized buildings.

Ms. Jaynes asked if septic inspections should be performed in the interim on those properties exempted from state regulations. Mr. Speck and Dr. Kluge affirmed. Ms. Halliburton asked Mr. Owen to respond. Mr. Owen agreed with the previous comments by Mr. Nolting regarding the preemption of certain parts of the regulations. Mr. Owen added that the type of inspection needs to be looked at in terms of the requirements being inspected being for State or County regulations or both. Mr. Owen stated that it is unclear with current regulations, adding that the conflict needs to be clarified. The Board asked for clarification to whether staff should continue to do business as usual. Mr. Owen affirmed. Mr. Speck and Dr. Kluge agreed. Ms. Halliburton noted that as long as the law allows the County to be more stringent we will do so.

Ms. Halliburton asked if Ms. Jaynes questions were answered. Ms. Jaynes affirmed, adding that the inspection process does not differ greatly. Ms. Cathy Bazylinski agreed.

STAFF COMMENTS:

None.

BOARD COMMENTS:

None.

ADJOURNMENT: 5:33 p.m. Speck / Kluge (MCU) (Paschen absent)

Approval of minutes

Title and date