

Delta County Board of Health Meeting Minutes

Mar 21, 2023

Board Members	Staff	Guests/Public
Jeri Roberts (Absent) Wendell Koontz, Chair Jo Rosenquist Mike Lane, Vice Chair Don Chapman	Greg Rajnowski Karen O'Brien Pat Sullivan Robbie LeValley Leone Anderson Leah Rawson Everett Neil	

Call to Order

- The meeting was called to order by Commissioner Koontz at 3:30 PM.
- Action on the minutes:
 - February 21st, 2023 monthly meeting minutes - Don Chapman moved to accept the minutes, Jo Rosenquist Second, Unanimous.

Public Health Director's Report

- **Financials** - Leone Anderson
 - The Payment Approval Report was presented by Leone and there were no questions.
 - Jo Rosenquist moved to accept the financials as presented, Don Chapman second, Unanimous.
 - The Grant Funding Master spreadsheet was reviewed; OPHP Workforce grant ends in June of 2023. Leone explained this fund is prepaid and any unspent funds will be sent back. These are "deferred" dollars that are sent back at the end of fiscal year.
 - Karen said that ELC2 funds that were deobligated earlier in the year will be "re-awarded" this fiscal year by the state (given back essentially).
- **Department Updates** - Karen O'Brien
 - COVID-19 cases and positivity in Colorado decreased slightly last week but hospitalization data shows little change. Overall U.S. cases and hospitalizations have decreased. XBB.1.5 remains the dominant subvariant with 90% of all COVID cases in the U.S. Delta County is considered low risk according to the CDC community level and "moderate" community transmission as of 3/17. Comments regarding death with COVID and death from COVID. Karen stated that throughout COVID, we have only reported cases that died due to COVID, rather than "with COVID". CDPHE and CDC will include

deaths with COVID, as long as COVID is stated on the death certificate, as COVID deaths.

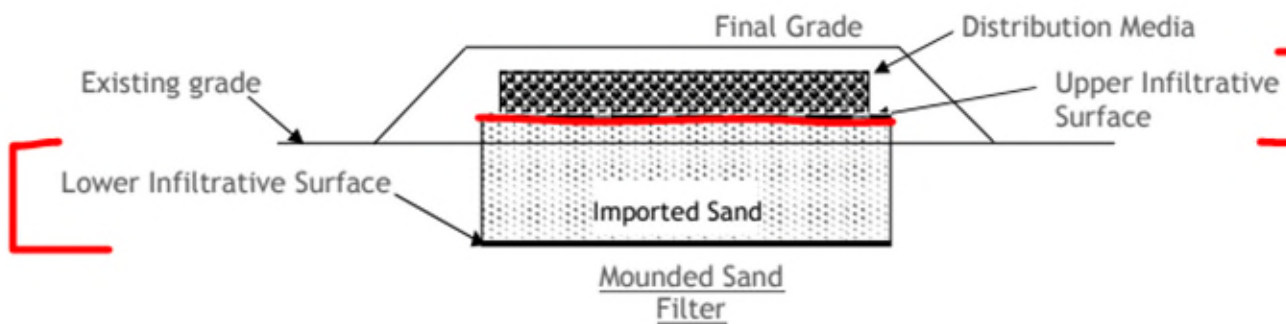
- Our COVID immunizations have slowed but we continue to offer bivalent boosters and other vaccines. Additionally, the state's vaccine bus is still holding clinics throughout the county: 3/5 Cedaredge Foodtown, 3/14 HopeWest, 3/18 Paonia Town Hall and 3/19 Hotchkiss City Market.
- The demand for self-administered COVID test kits (curb-side) remains steady. We have a new vendor for rapid PCR testing and have been offering these tests to anyone that wants one. We can give the client results in approximately 20-30 minutes.
- Influenza transmission levels remain low. However, we did have 1 adult hospitalization in February. The state reported 2,966 total hospitalizations for influenza and 55 residential care facilities reporting outbreaks through the week ending 3/11.
- RSV (Respiratory Syncytial (sin say shal) Virus) transmission levels remain low. However, we did have 1 adult hospitalization in February. The state reported 2,559 total hospitalizations, 29 residential care facilities outbreaks and 482 school/childcare outbreaks through the week ending 3/11.
- Staffing – Karen said that she was pleased to announce that Leah Rawson has accepted the Nurse Manager position, effective 3/16/23. Karen read the announcement she prepared: “Leah has a wealth of experience, coupled with a very positive outlook. She has over 24 years of nursing experience and has served as a charge nurse and team leader during her nursing career. Leah is passionate about public health and is excited to serve in this role for our agency and our community.” We also received an application for a Dietitian and we will conduct an interview this week. The Emergency Preparedness and Response Coordinator position has been posted and we received one application so far.
- Immunization remodel – We are pleased to report that the remodel of our immunization room is complete. It looks very modern and for the first time, all three of our vaccine fridges/freezers are in one place. A big thank you to our IT department who helped us move and connect everything and our building and grounds team for their help over the course of this project. Approximately \$4,000 has been paid by the Health Department from administrative funds to support this remodel.
- Board Packet: Karen asked the board what their preference was for receiving board packets? Access online or receive emails with pdfs? The online option would require a download from the website. The preference indicated by most was the PDF version via email.
- Commissioner Koontz asked a question about mpox: A year ago, *mpox* was a big deal (previously referred to as “monkeypox”), what happened? Karen said that cases have slowed and that most medical providers are testing and managing these cases. However, there is a concern about a potential increase associated with festivals in the spring (mostly in urban areas). Hospitalization can occur. The majority of cases have been on the front range. There have been no cases in Delta County as this is a “reportable” condition.
- Floodplain Administrator Update: The job description was given to Robbie. Robbie said they are working on the Floodplain Administrator designee and will have an update.

Environmental Health Director's Report - Greg

- **The Private Burial Ordinance** public meeting was postponed. The next meeting with everyone involved will be on 3/23 to review the revised version. It was noted that there were unnecessarily conflicting regulations/requirements and that it could be simpler to keep the ordinance within the scope of 25-2-110 and the Board of Health. Community partners have received the document and feedback has been received from Carolyn Ringo and others. A revised version of the ordinance/documents will go out in time for the April Board of Health meeting. As it becomes a Board of Health Regulation, it will need to meet the criteria for public comment relative to BOH requirements.
 - **Question:** Can “private burials” be done in a public cemetery? Yes.
 - A meeting will take place on Mar 23, 2023 with the Clerk, Coroner, Attorney’s Office, and EH.
 - An update will occur at the April BOH meeting.
- **The 2022 West Nile Virus (WNV) End of Year report** was sent out to community partners and we’ve received excellent feedback and support. The report will be available to the public on the <https://www.deltacountyco.gov/18/Environmental-Health> webpage. We are working on launching a new WNV educational effort on May 15th, 2023.
- **Historical information regarding floodplain** administration was sent to the board, as well as properties permitted since EH took on the role of Floodplain Administrator. Robbie and Wendell have both received information regarding the role and responsibilities of the Floodplain Administrator for review.
- **To review: The Ranch Exclusion Policy.** Ranches and their products are already USDA inspected. To sell to restaurants they need a manufactured food license. To sell to consumers, they need a retail food license. This is a redundant process for the source/seller. Therefore, EH has drafted a policy to remove this duplication. The associated policy and cover letter have been reviewed and approved by Troy Huffman, Matt Brandt, and Justin Trubee of the CDPHE Retail and Manufactured Foods programs. This applies only to those selling in Delta County. The fee for retail food is \$195, manufactured food is \$165. This would be a net refund of \$195 for those that already obtained the retail food license, when they become manufactured food licensed. Inspection by Delta EH would be by “complaint” to identify problem suppliers under the Manufactured Food Program. These are annual licenses (Jan-Dec). This year we’ll refund them their fee (minus the surcharge paid to CDPHE). This will be a benefit to ranches in the end and show continued support of small agricultural producers. This is a policy only and is not a regulation or ordinance. Unforeseen consequence is that another county may require a Retail Food License in their county. All other obstacles to this policy have been removed. BOH concurred that this policy should be supported.
- **To review: OWTS Guidance regarding Floodplain Regulations.** The guidance for our inspectors, as drafted, currently outlines the disconnect between how OWTS regulations refer to “floodplain” and how Floodplain regulations refer to “sanitary systems”. In past conversations with the state WQCD, assertions have been made that the “infiltrative surface” must be above the floodplain. Floodplain regulations require all “sanitary systems” to be 1 ft above BFE (base flood elevation). Therefore, when reconciling the two, this policy is using the

conservative “upper infiltrative surface” (see figure below), rather than the “lower infiltrative surface”. **Guidance is currently:** *Prevention in the design (upper infiltrative surface either 1 ft above BFE, OR, at/above BFE with backflow prevention) with the anchoring of “facilities” will need to be demonstrated in the 100 yr. floodplain.*

However in a few instances, such as a mound system or a sand filter, the term “infiltrative surface” may actually reference two separate interfaces. The top surface of the treatment media (imported sand) is one “infiltrative surface”, and the surface of the native soil below the treatment media is another “infiltrative surface”. Refer to the mound system drawing below:



All open permits have been informed of the changes.

It was requested by Commissioner Koontz that we notify all existing Floodplain Permits since 7/20 as an FYI. It was agreed that a letter informing them of the guidance would be sent out in case that flooding caused damage and subsequent repair of the system following the updated guidance.

- **6122 Graff Rd: Notice of Violation**

- The Environmental Health Director distributed an attachment and is informing the Board of Health that he will be issuing a Cease and Desist for the residence due to the complete failure of the OWTS and at the completion of the required Hearing before the Health Officer. That hearing will take place on 3/23/23 at 11:15am in the Health Department conference room. In attendance will be the EH Director (Hearing Officer), Reiley Jones (OWTS lead), Everett Neil (Code Compliance), Carl Holm (Planning), and Jason Wilson (Asst. County Attorney). The purpose of the hearing is to present information regarding the Notice of Violation and description of the public health nuisance and outline the corrective action required by the resident of the property. The property is currently without an owner (Kay Salazar is deceased). The current residents (Roxy and Rose Pomroy) are living on the property but there is no “owner”. The EH Director has the authority to issue this Cease and Desist to the property owner (or responsible party).
 - The tank has failed (open lid) and the field has failed and is currently leaching onto the neighboring property.
- **The Environmental Health Director requested that the BOH order the removal of the current nuisance per: 25-1-518 CRS should it be necessary in addition to the OWTS Cease and Desist:** “(4) Removal of nuisance on private property--penalty. Whenever any nuisance, source of filth, or cause of sickness is found on private

property, the county or district board of health shall order the owner or occupant or the person who has caused or permitted such nuisance, at his or her own expense, to remove the same within twenty-four hours. In default thereof, he or she shall forfeit a sum not to exceed one hundred dollars at the suit of the board of county commissioners of the proper county or the board of the proper city, town, or village for the use of the county or district board of health of the city or town where the nuisance is found.”

- The system needs to be pumped.
- The tank needs to be sealed off for safety.
- The tank needs to be cordoned off for safety.
- They will have 30 days to meet the terms of the Cease and Desist.
- Class 1 Petty Offense: *“(1.5) For offenses committed on or after March 1, 2022, a violation of a statute of this state is a petty offense if specifically classified as a petty offense. The penalty for commission of a petty offense, upon conviction, is a **fine of not more than three hundred dollars**, imprisonment for not more than ten days in a county jail, or both.”*
- **Question (Rosenquist)**: What if they don't pay the fines or correct the system? The violation beyond the Cease and Desist will be sent to the County Attorney's office for follow-up.
- **Question (Lane)**: Will this impact the grant? No. This is a separate issue independent of the property but the removal of the mobile home and garbage is mostly completed. They are not recipients of the lighting or fencing in the grant on the neighboring property. Commissioner Lane stated that we should follow through on this issue. Commissioner Koontz wants a fact sheet stating the history of the violation. EH Director Rajnowski will send the document that is currently in progress along with the outcome of the meeting on 3/23/23.
- Member Chapman moved for a cease and desist for the public health nuisance if deemed necessary contingent on supporting documentation. Member Rosenquist seconded. **Unanimous**.
- **Question (Rosenquist)**: Did Ms. Salazar die intestate? Yes. The responsible party will be attending the meeting.
- **Question (Koontz)**: Who signs the Cease and Desist? (BOH for the Public Health nuisance; OWTS is the Health Officer.)
- Discussion regarding the fact that the property has no owner and the property continues to be a transient and public nuisance.
- **Commissioner Koontz- Spring Runoff season: Are there any needs regarding spring flooding? WNV?** Greg asked that the commissioners and board of health reinforce messages that the health department has been pushing out through social media and on their website. Floodplain messaging has been things like removing things away from low-lying areas in addition to debris on your property near the edge of streams. This includes cans, old cars, oil drums, etc. **SCAN YOUR PROPERTY!**

Adjourn

- The Board of Health meeting was adjourned at 4:34 pm by Commissioner Koontz.

Minutes respectfully submitted by Greg Rajnowski and Karen O'Brien.