

The regular meeting of the Spokane Regional Health District Board of Health held on Thursday, **May 29, 2014** was called to order by Council Member Chuck Hafner, Chair, at 12:30 p.m. in room 140 of the Public Health Center, 1101 West College Avenue, Spokane, Washington.

PRESENT

Council Member Chuck Hafner, Chair
Council Member Amber Waldref, Vice Chair
Commissioner Shelly O'Quinn (arrived at 12:36 p.m.)
Commissioner Todd Mielke (arrived at 12:36 p.m.)
Council Member Mike Fagan (departed 1:39 p.m.)
Council Member Jon Snyder
Council Member Ed Pace
Mayor Kevin Freeman
Board Member Bob Lutz, MD, MPH
Board Member Keith Baldwin, MHA

ABSENT

Commissioner Al French
Board Member Susan Norwood, EdD, RN

CITIZEN INPUT

- Rose Marie Waldrem-Larsen, Green Acres, WA – Spoke on the handout she presented to the board about cream of tartar, baking soda and the issue of fluoridation.
- Kathryn Kashork, March of Dimes Interim Community Director, Spokane, WA – Spoke on the March of Dimes annual walk to raise awareness about healthy babies and the cost increase (from \$50 to \$480) for a temporary food permit (TFP) for Olive Garden to cater the event for free. She requested, along with Abigail Franklin, March of Dimes Board Chair, for the Board of Health (BOH) to reconsider the cost of TFPs for nonprofits. Councilmember Hafner stated the BOH will be considering fee policies in the upcoming months and will consider her input.

CHAIR REPORT – Council Member Chuck Hafner

BOH Meeting Room Layout

The seating arrangement has been changed due to a BOH Governance Committee requested. Any feedback on layout should be directed to the committee.

SRHD Staff Appreciation

Staff was thanked for their help and expertise which assists the chair position and the BOH.

Health Officer Evaluation Committee

Board Member Lutz has been asked to chair the Health Officer Evaluation committee. Data has been compiled from staff and board member surveys. Once the surveys have been reviewed by the executive committee, it will be presented to the board.

BOH Governance Committee

Board Member Baldwin has been asked to chair the BOH Governance committee. The committee has approved a work plan and hopes to have the bulk of their work completed by the fourth quarter. The committee will report monthly to the board. The committee is now working on governance responsibilities and developing a glossary to define terms. It has also discussed the chair selection process and is developing guidelines for future chair selections. The small city representation election

process recommendations will be brought before the board. The room setup and seating arrangement has been changed per the committee's recommendations for a more discussion appropriate environment and board members are encouraged to provide input on the layout.

BOH Manual

Board Members are encouraged to review the BOH manual and in particular the BOH bylaws located in Chapter 10.

BOH Executive Session

Council Member Hafner announced there would be an executive session at the end of the meeting.

HEALTH OFFICER REPORT – Joel McCullough, MD, MPH, MS

Foodborne Illness Outbreak

Spokane Regional Health District (SRHD) Food Safety program and Communicable Disease (CD) staff are working with the Food and Drug Administration (FDA), Centers for Disease Control (CDC), other local health agencies, and the Department of Health (DOH) on a multi-state outbreak involving e-coli 0121 strain.

Clover sprouts are linked to 11 of the confirmed cases and three of the probable cases. There are five cases in Spokane County and three in Kootenai County, and a couple of cases in King County and one from Montana. Three cases are pending at the moment. Half of the cases were hospitalized, but no deaths reported yet. Preliminary trace-back investigation indicates clover sprouts originated from a producer named Evergreen Fresh Sprouts located in Northern Idaho. All cases consumed sandwiches with raw clover sprouts and became sick after several days.

Jimmy Johns and Pita Pit restaurants, where the cases were reported in Spokane, have stopped serving sprouts. The FDA is testing samples and working with the producer to identify the source of contamination. SRHD is advising consumers not to eat raw sprouts and to throw out any sprouts they may have from this producer. Consumers are also advised that sprouts are dangerous to consume in general due to other outbreaks. If consumers become ill, they are instructed to see their health care provider.

Bioterrorism Lab

The federal government funds bioterrorism labs and states determine the number of labs in their own states. Due to funding, SRHD's lab will close July 1. Over the last several months, partners have been notified of insufficient funding. After the lab closes, all samples will be transported to the state lab in Shoreline, WA. Sherriff Knezovich has been working to obtain funding for the lab's continuation. If funding is found, the agency wants to assure that it's sustainable. The lab costs \$150,000 a year to operate.

Commissioner O'Quinn commented that Sherriff Knezovich has requested \$50,000 each from Spokane County, City of Spokane and City of Spokane Valley and she asked how much SRHD would need to continue the lab until the end of this year. Dr. McCullough commented that \$75,000 would be needed.

Council Member Pace requested spending cuts by the agency to keep the Bioterrorism Lab open for the remainder of the year in lieu of asking cities and the county for funding. Council Member Hafner instructed that those possibilities had already been reviewed and other SRHD programs would need to be cut to continue the lab and that the Shoreline lab would be able to cover any emergencies.

Commissioner Mielke inquired about the one-page fact sheet that listed the number of samples handled by the Bioterrorism Lab. Council Member Hafner requested BOH members be given the one-page fact sheet. Commissioner O'Quinn requested the fact sheet be sent to BOH members today.

Council Member Snyder requested the Bioterrorism Lab be placed on next month's agenda to discuss funding options for the rest of the year and sustainable funding possibilities.

Dr. McCullough stated layoff notice must be given to the laboratorian today and plans have already been made to stop work in the lab on June 30.

Council Member Hafner called for a motion for action on the Bioterrorism Lab. Commissioner Mielke noted there is action already in place and the board would take action only to enact a different action noting there were no resources available to do something different. Council Member Hafner asked the BOH attorney if that was accurate and counsel agreed.

Strategic Planning Update

The health district is continuing its strategic planning effort and forming a workgroup to coordinate and shape the planning process. By the board's recommendation, SRHD has contracted with an external facilitator who will team up with the workgroup. The workgroup members will include the executive leadership team, middle management staff and board members. The BOH Governance committee is asking for three board members for the workgroup. Commitment of three hours each month is required for the group from June until October. The facilitator will cost the agency approximately \$5,000. Board members who would like to participate are to contact the recording secretary, Ann Pitsnogle.

Marijuana Update

There has been confusion around marijuana use in public and enforcement under provisions of I-502 and the application of the smoking in public places laws already in place. Under I-502, it is unlawful to open or consume marijuana in the view of the general public. It is easy to notice those smoking marijuana, but it is more difficult to determine that marijuana is being consumed in public if it is contained in food or beverages. This creates a more difficult enforcement issue. The Smoking in Public Places law (SIPP) applies to smoking marijuana. There is also a Liquor Control Board rule that prohibits use of marijuana in liquor licensed business and provides a fine if the law is ignored. It can be difficult to determine if marijuana is being used in e-cigarettes because of the lack of the typical odor associated with marijuana.

There is neither Attorney General nor court opinion whether e-cigarettes or vaping is considered smoking under SIPP. There are some local health departments that have determined that e-cigarettes will be enforced under the smoking in public places rule. There is some local and state activity to open private clubs for marijuana consumption. The health district will continue to monitor this issue. Public health doesn't have authority to enforce under the marijuana initiative. It is currently a civil infraction and law enforcement is not currently taking much action on use in public. Public health provides signage for employers and has enforcement authority over owners of public places under SIPP. Cindy Green, Healthy Communities Program Manager, has been working with law enforcement to determine how to coordinate enforcement efforts.

Some cities have elected to prohibit any marijuana facilities to be located in their jurisdictions. A recent court ruling upheld the ability of local jurisdictions to ban collective marijuana gardens. They based their ruling on the fact that the medical marijuana law did not actually legalize medical marijuana or collective

gardens. It simply made the use and growing of marijuana for medical purposes an affirmative defense. In a footnote, the court explicitly stated that it was not addressing whether the ruling would have been different had the medical marijuana law legalized medical marijuana and collective gardens. Had they done so, we might have had some clue as to how a court might rule in a case challenging local bans on recreational marijuana facilities.

Legislation is expected next year regarding marijuana. It is likely there will be renewed debate on whether to roll the medical and recreational marijuana issues into one or to keep special provisions for medical marijuana. There may also be efforts to preempt bans on marijuana facilities and local jurisdictions may seek funding to perform enforcement and handle other issues due to recreational marijuana. There may also be efforts to redirect revenue from taxes on recreational marijuana.

There are also discussions about an initiative to increase tobacco taxes by \$1 with revenue directed towards research, and bills to implement a tax on e-cigarettes at the state level, to raise the age of purchasing tobacco to 21 years of age, increasing the tobacco related retail license fees and fines, requirements for health insurance cessation benefits and licensing requirements for e-cigarette retailers.

SRHD will be working with BOH Governance to develop a policy process for the board and work may need to begin early to address the issues just discussed. There is a potential for the board to make a statement on e-cigarettes and smoking in public places.

Council Member Snyder requested information on synthetic marijuana.

Board Member Baldwin requested information on the local zoning issues and advertising pertaining to marijuana and how it will impact communities in the future. Linda Graham noted local governments are preempted from efforts more restrictive than the state on tobacco. Efforts are being made to stop that ruling with e-cigarettes. It remains to be seen what will happen with marijuana efforts.

CONSENT AGENDA

Consists of items considered routine which are approved as a group. Any member of the board may request to remove an item from the Consent Agenda to be considered separately.

Meeting Minutes: April 24, 2014

2014 Vouchers paid: April 1-30, 2014

Voucher Numbers:	#233772 - #234084 & EFT B&OMAR14		\$ 622,340.76
Payroll Warrants:	#839825 - #839847	Advice Numbers: #DD25191 - #DD25379	644,586.95
Payroll Warrants:	#841941 - #841965	Advice Numbers: #DD25380 - #DD25567	608,220.09
		TOTAL	\$1,875,147.80

Motion: To approve the consent agenda including meeting minutes and vouchers as presented.

Motion/Second: Pace/Fagan

Approved: Unanimously

REPORTS

Annual Financial Report – Mike Riley

The state auditors have arrived April 1 and left last week. At this point, there have been no issues reported. There have been no findings for the last two years. If there are no findings this year, SRHD will only be audited 25% next year.

SRHD has been a \$20 to \$23.5 million agency for the last 10 years, but funding sources have changed during those years. The undesignated cash flow has remained at 19-20% of the agency's budget. The lowest amount for the undesignated cash flow was 6% of the agency's budget in 2006. The board emergency fund was previously at \$2.2 million and was decreased to \$1.5 million in 2005. Last year, the agency was given permission to take \$250,000 from the fund for startup of the boiler project. The agency would like ask the board for an amendment next month to increase the fund back to \$1.5 million.

The agency will also ask to put \$500,000 into a local capacity development funds projects. Previously, the state department of health (DOH) would grant funds for capacity building projects such as an enhancement or startup of new programs. With the downturn of the economy, agencies used the funds for cash flow. Last year, it was unclear whether the agency would receive the monies for 2015; therefore, it was not budgeted. The agency would like to assign that for the 2015 budget to enhance or startup new projects.

Council Member Snyder made a motion to take \$75,000 from the local capacity development funds to fund the Bioterrorism Lab for the remainder of 2014 and to work at redeveloping the program through cost, expense or funding with community partners for following years or eliminate the program at the end of 2014. Motion was seconded by Council Member Pace.

Council Member Waldref supported the motion and requested the agency work with the county sheriff to approach sheriffs of other counties who benefit from the use of the lab for funding.

Council Member Pace motioned to call the question.

Motion: To call the question.

Approved: 10 Yes/1 No (Baldwin)

Torney Smith, SRHD Administrator, commented it is uncertain if the current laboratorian had new employment already. If the laboratorian leaves, the lab will be unable to operate.

Motion: To amend the budget to allocate \$75,000 from the local capacity development funds to fund the bioterrorism lab for the remainder of 2014.

Motion/Second: Snyder/Pace

Approved: 10 Yes/2 No (Baldwin/Lutz)

EXECUTIVE SESSION

At 2:09 p.m., Michelle Fossum, attorney for SRHD, announced the board would enter into an executive session for 10 minutes for the review of a legal matter pursuant to RCW 42.30.110.1(i)

MEETING RECONVENED

The meeting reconvened at 2:18 p.m. with no decisions made.

BOARD MEMBER CHECK IN

BOH Layout and Discussion – Council Member Pace

Council Member Pace commented that he appreciated the new layout and the discussion at the meeting was the best he had experienced.

State Department of Health Foundational Public Health Policy Workgroup – Commissioner Mielke

Commissioner Mielke, along with Torney Smith and Elaine Conley from SRHD, are serving on the Foundational Public Health Policy workgroup. Information being received and reviewed is very helpful.

Oil and Coal Train Discussions – Council Member Waldref

The state senate will hold a hearing on the oil and coal train issue. The matter will also be discussed at the Spokane City Council Chambers on Monday at 10:30 a.m.

PulsePoint Presentation – Board Member Baldwin

Board Member Baldwin commented that he appreciated the PulsePoint Presentation and discovering how many use the phone app.

Bioterrorism Lab Discussion – Dr. McCullough

Dr McCullough distributed the Bioterrorism Lab flyers requested earlier in the meeting and commented that he looks forward to further conversations on the matter.

NEXT BOARD OF HEALTH MEETING

The next Board of Health meeting is scheduled at 12:30 p.m. on June 26, 2014.

ADJOURNMENT

There being no further business before the board the meeting was adjourned at 2:23 p.m.

APPROVED: Charles E. Hahn
Board Member Name and Title

Date: 6/26/14

Ann Perry
Recording Secretary