BOARD OF HEALTH MINUTES
REGULAR MEETING
Wednesday, May 17, 2017

MEMBERS PRESENT: Mike Blankenship, Johnna Exner, Elbert Koontz, Mike Manus, Steve Parker, Shirley Sands, Karen Skoog

MEMBERS ABSENT: Fran Bolt, Wes McCart

STAFF PRESENT: Samuel Artzis, M.D., Dale House, Judy Hutton, Joanna Johnson, Kelly LeCaire, Alison McGrane, Matt Schanz, Alyssa Spradley, Jan Steinbach

GUESTS: Martina Coordes, Andrew Engell, Carrie McKinley, Bruce Perkins, Sandra Perkins, Kyle Rattray, M.D., Leslie Waters, M.D.

CALL MEETING TO ORDER: Chair Mike Blankenship called the meeting to order at 10:04 A.M. A quorum was present.

INTRODUCTIONS: Introductions were made by all.

CONSIDERATION OF MINUTES: Karen Skoog moved and Elbert Koontz seconded the motion to approve the minutes of March 22, 2017. Motion carried. Steve Parker asked that an addition be made to the minutes on page 6 regarding his desire for the current twenty (20) page Group B application to be reduced in size and streamlined as much as possible. The following will be added to page 6, first paragraph: Steve feels strongly that the current application should be reduced as much as possible to streamline the process. Steve agreed to look at this application and process in one year. Matt said in the spring of 2018 we will do a full comprehensive assessment of the application and process review.

CORRESPONDENCE AND INFORMATION: There was no correspondence.

PUBLIC APPEARANCES: No public appearances were pre-registered.

ADDITIONS OR CHANGES TO AGENDA: Steve asked that a follow up on the Group B water systems application be added to the agenda. Mike B. said this will be added as old business item # 4.

PUBLIC COMMENT: Dr. Waters said the House of Representatives has voted to repeal the Affordable Care Act (ACA) and it is possible that the Senate will do the same. If that happens, there will be some increased needs in the tri-county area that need addressed. Northeast Tri County Health District (NETCHD) discontinued women’s health care, cancer screenings and sexually transmitted disease (STD) screenings on the assumption that people would get that care through the ACA. If ACA is repealed, there will suddenly be quite a few people that have needs that won’t be met. Funding for Indian Health Services and victim services are both connected with the ACA. Dr. Waters noted that planning ahead would be helpful if it does happen.
Dr. Waters has concerns with a sudden increase demand on the emergency room and increased number of uninsured people. Karen Skoog asked for clarification about women’s health care, etc. Dr. Waters said those services were being done by NETCHD and were discontinued because they were essentially being provided by ACA, also including contraception that is affordable or free for some people. Matt Schanz talked about past discussions regarding the discontinuation of Title X services by NETCHD for family planning services which includes contraceptive services, STD and cancer screenings and follow up, etc. With the ACA, there was a much smaller percentage of uninsured individuals and we felt that would be covered. Part of the concern is what will happen if we begin to see an increase in people without adequate insurance. Title X services provided to the public provides the opportunity for a sliding fee scale to be used for fees if someone is unable to pay, which was one of the benefits of NETCHD existing those programs. When NETCHD gave that up, it was discussed that Northeast Washington Health Programs (NEWHP) would provide Title X services and there was the possibility that Newport Hospital and Health Services (NHHS) would likewise provide Title X services. It happened with NEWHP, but did not happen within NHHS. As we look around our communities for the most part, it worked well with NEWHP because they have clinic sites in Chewelah, Colville, Kettle River/Orient, Lake Spokane/Nine Mile, Loon Lake, Northport, Selkirk/Ione and Springdale. There are noticeable gaps in Newport and Republic where there are no Title X services provided. Discussions are ongoing about how we try to be a partner with others to see those services provided, though that has not happened yet, we are hopeful that it will. Judy Hutton noted that NEWHP is running ads in newspapers describing Title X family planning services they offer. Jan Steinbach said there is also a gap of services in the Cusick area as well, not just Newport.

**PROCESSES OF ENVIRONMENTAL HEALTH COMPLAINT INVESTIGATIONS:** Alyssa Spradley presented an overview of the processes of environmental health complaint investigations. Alyssa wanted to formalize the process that hadn’t changed in many years and put the standardized process in writing to have guidelines to follow and that we can be held accountable on an internal level. Complaints come primarily from the public, but can be received by anyone. The only reason a complaint would come from an internal employee is if it is an imminent health hazard. Information is gathered that is essential to the complaint such as the location, the complainant information, whether they wish to be disclosed as anonymous or an identified person, and anything relating to the details of the complaint. If the complaint is on property, additional information is gathered such as property owner, property legal description, any previous permits that property may have had and any other pertinent information that we may have in our database. The compiled information is given to the assigned employee based on either assignment area (if it is specific onsite wastewater complaint, it would go to an onsite inspector) or assignment by program responsibility. We try to address our response based on the level of threat to public health. If a complaint is regarded as a high level of threat, such as sewage on the ground, sewage running into a creek, etc., we try to respond immediately. If there are safety concerns or weather constraints etc., we try to at least address the situation within three (3) business days. If it is something that is not an imminent health hazard and not a high level of threat to public health, we try to respond within 7-14 calendar days at least 80% of the time. The investigation may or may not actually be a site visit, such as if we are responding to a complaint about dead cows in a pasture and pictures are emailed to us, that has been verified, in which case we would contact the property owner preferably by phone, if not then by letter notifying them that they need to resolve the issue. The policy goes in conjunction with our health officer notice.
Alyssa Spradley provided examples of three (3) notification/compliance letters that are used in a sewage complaint as part of the notification process. For a property that does not have an approved septic system according to our records, the first letter sent to the property owner is very polite and cordial, notifying the property owner that we don’t have information on record about their system and to please contact us if we are mistaken so that the information can be corrected. If they contact us, we work towards compliance. The property owner is given approximately thirty (30) days to respond to the first letter. If no response, a second letter is sent with a fifteen (15) day deadline to respond and provide documentation that they already have a permitted system or begin that process. The second and third letters are typically sent by certified mail so that we can confirm they have received the letter. If still no response, a third letter is sent with a ten (10) day deadline. The property owner is given plenty of notification before going through the health officer order process. Karen Skoog suggested a minor change in the second letter, instead of “I mailed a letter...”, change to “a letter was mailed to you” which removes the personal aspect, making it a bit more official and stating that “this is the policy...” has more impact and doesn't become a personal issue for that individual. Alyssa will make those modifications. Matt Schanz said the letters are relatively new versions with a lot of feedback coming from Ferry County. Previous letters were somewhat stern and people took those as rather stark, impersonal mandates. We tried to soften the tone a bit by asking them to contact us so we can start that process in hopes of reaching an outcome of resolve.

Johnna Exner referred to the letters and a recent discussion that took place with Ferry County Commissioners and Matt. There are people on the list that Ferry County received that have a functional septic system that was already on the property at the time of purchase. The system may not have been permitted, but is functional. She asked if there is an avenue for those situations when obviously it is kind of “over-the-top” if a property owner must have their system dug up and replaced with something that complies with current standards. Johnna asked if it is a functional system, is there an avenue for allowing them to continue if what they have is working and not affecting their health or that of their neighbors. Many of these systems are working and there is no raw sewage on the ground. Johnna feels this is a valid concern on some of the properties that she has talked to people about. Alyssa said the term “functioning” is a matter of opinion. There is a scientific description that goes along with how systems are approved and whether those systems are disposing or treating are separate matters. If they are disposing of it and it is not surfacing, which sounds like what is being described, there is no way to prove what is underground is treating properly. The current regulations have been designed to treat effluent so that the water that is going into the ground is a higher quality, almost drinking water quality rather than just disposing and having it go away in the way that previous designs prior to 1995 were designed to do. It is a matter of defining what you mean by “functioning/working”. If there is a system that they want to try to get approved, the ends of it can be exposed to try and identify its size to see if it meets current regulations and that can be done in a somewhat compressed review process.

Karen asked how those systems have been identified, if there is nothing on the surface and it is unknown what is going on underground, is there some sort of random investigation. Alyssa said most of them come up from realtors doing property searches on property that is for sale. We receive the property search from a realtor, we do a record search because they request us to. Karen said so it is complaint driven. Alyssa said no, it is request driven.
Matt Schanz said if we had a complaint from a neighbor that had a shallow well and believed the neighbor did not go through the permit process, we would investigate that. If a septic system was installed without the benefit of a permit, we would go through a review process to ensure it was done appropriately and if not, that necessary modifications were made. If it is surfacing, that is an overt failure. If it’s not surfacing, it can be installed in groundwater and installed too close to a drinking water supply, which are the things that we would look at in that process. A lot of times we will initiate contact with someone that won't resolve the issue, and will attempt to sell the property. NETCHD had serious issues with that which is one reason this Board approved implementation of a process to attach a title notice to a property when someone absolutely refuses to comply. Matt said we will work with the prosecuting attorney as well as putting a title notice to notify prospective buyers that this property is not served by a functional onsite septic system and it requires resolve. If we receive a property search request from a realtor on a house that is now being sold and does not have a permitted onsite septic system, we notify that property owner that we have no record of anything on this property. Matt said permits have been required since 1971 in Pend Oreille and Stevens Counties and 1976 in Ferry County. If a system was installed in 1977, we aren’t going to send the letters to those people. In 1995, a major rule change occurred that directed us towards long term treatment for a septic system to properly treat and dispose of waste water. If the system was installed after 1995 without a permit, those we will pursue. When that happens, NETCHD is held accountable as an agency that is charged with those responsibilities from subsequent property owners who if we knew about it, ask us why we didn’t do anything about it, which puts us in a litigious situation. Alison McGrane said realtors have had enough issues with property owners not disclosing information that they are going to make sure there is a valid system. Alyssa Spradley said the process continues if we gain no compliance whatsoever and deliver a health officer order. The property owner has the opportunity through our appeal process that was approved in 2008 by the Board to appeal the certificate of non-compliance being recorded on the property title. If they don’t go through that process, the title notice is recorded until they correct the violation, that compliance would be recorded as well. If there is no compliance and a health officer order is sent, we also refer to the prosecuting attorney for further correction which sometimes works.

Mike Blankenship referred to wording in the third letter that states “If you do not have an approved (permitted) septic system installed on the property where there is an occupied dwelling, then you must complete the enclosed application and return it with the fee of $560 to our office in order to start the procedure to either permit your current system or install a new system. If we have not received the application and payment by (10 days from the day the letter was mailed), we will be forced to take further action”. If you live in a house that has been there since the 1920’s and the original septic system is still there, in reading the above wording, if someone reported you, you would have to prove that your system is functioning, and can start that process with a $560 fee request from this department. Mike B said he would be quite irate as an individual landowner to have to go through that process when he doesn’t have a problem as he perceives it. He asked for clarification on the timeframe. Matt reiterated that permits have been required since the early 1970’s and we would pursue those if we thought there was an issue. If it was a house that was built in 1920 and there was no reason to suspect that it was an overt state of failure, we would not send the letters because that system was installed prior to the onset of permit requirements, unless there is an overt failure.
Karen Skoog asked Matt Schanz if the decision to not send notification letters to the very old systems is based on the established law or policy that has been established. Matt said it is by law and reiterated that permits were first required in 1971 by county health departments in Pend Oreille and Stevens Counties and 1976 in Ferry County and at that time installation of an onsite septic system. Mike Blankenship said the date was not necessarily set by state law, but rather by local ordinance. Matt said the first state law was in 1976, so Pend Oreille and Stevens Counties had rules that predated the state law that required that. It was not until 1975 of which time there was a state rule that required permits for onsite septic systems throughout the State of Washington. At that point, Ferry County adopted the state rule, for the most part. Bruce Perkins added that the State of Washington gave all counties that didn’t already have regulations one (1) year after it was enacted in 1975 to adopt, and most all of them did. The counties that had more stringent regulations already in place, kept those. Alison McGrane said the point is if you get the permit, you are grandfathered in. If you get a permit before 1995, then you are held to those standards of when you got your permit for the time in which they were permitted. These issues are when you didn’t get a permit at all, then you are going to be held to the current standards. Most people know that if you have a septic tank installed, you are required to get a permit, and if you don’t, there are consequences to that. Bruce added that in some situations, Benton Franklin Health District used the following statement “no system records, no obvious malfunctions” as a way of putting the ominous on the lender, as to if they were going to lend money on those situations.

**STAFFING UPDATES:** Matt said this is as many staffing changes as he has seen at NETCHD. Alyssa Spradley said it was decided to have a combined interview process for the two (2) environmental health specialist positions, including a second round for a potential candidate for the Newport office and single round for the Colville position. Grant Couch will begin June 1, 2017 in the Colville office, and Karen Paugh will start June 19, 2017 in Newport. Laura Kirkpatrick will start on May 22, 2017 in the secretarial position in the Newport office vacated by Beth Weaver. Sonja Hood resigned from her community health position in the Colville office. The position was 100% FTE, but after reevaluation it will be a 70% FTE and will work in the WIC program, community health and backup support. The real struggle was to find just the right person for the environmental health specialist position in Newport. Judy Hutton added that Angie Jones retired as health educator. Joanna Johnson is filling that position right now. We will have more information regarding funding for that position in the next few weeks. Matt said we want to know what grant funding is available before we fill that position.

**FOUNDATIONAL PUBLIC HEALTH SERVICES (FPHS) LEGISLATIVE UPDATE AND FUNDING OUTLOOK:**
Matt talked about the House and Senate beginning budget negotiations and foundational public health services (FPHS) and the diminished state dollars for public health funding. He provided a summary of the various biennial budget proposals:

- The Washington State Association of Local Public Health Officials (WSALPHO) requested a $60 million down payment, with $50 million of that money dedicated for local health jurisdictions (LHJs).
- The Governor’s budget included $20 million for FPNS invested into the local governmental public health system, focused on communicable disease control/response and continued modernization of our system; also provides $3.8 million to the Department of Health (DOH) for FPNS investments supporting statewide public health needs.
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- The House budget provides approximately $40 million in funding for FPHS. $36 million is allocated to thirty-five (35) LIJs to improve their ability to address communicable disease monitoring and prevention and chronic disease and injury prevention. $4 million is allocated to DOH to modernize the public health data system, develop shared services, and increase capacity in chronic and communicable disease program.
- The Senate budget did not include funding for FPHS.

The general feeling is that there will be some money, though there is uncertainty about how much there will be. The amount is more than most in public health thought there would be in the first year. Matt Schanz noted that this lack of funding has severely impacted what we do in public health.

Mike Manus arrived at the meeting at 10:45 A.M.

**BETTER HEALTH TOGETHER AND MEDICAID DEMONSTRATION PROJECTS:** Matt, Jan Steinbach and Judy Hutton have spent a lot of time on a five (5) year Medicaid Transformation Project with Better Health Together (BHT). Based on the Centers for Medicare and Medicaid Services (CMS) approved the Health Care Authority (HCA) 1115 waiver authorizing $1.5 billion in federal funding over the next five (5) years that was approved in January 2017. Most of these dollars ($1.12 billion) are dedicated towards transformation through the Accountable Community of Health and Medicaid delivery system reform. The goals are:
- To reduce avoidable use of intensive services and settings such as acute care hospitals, nursing facilities, psychiatric hospitals, traditional long-term services and supports, and jails.
- Improve population health through prevention and management of diabetes, cardiovascular disease, mental illness, substance use disorders, and oral health.
- Accelerate the transition to value-based payment using payment methods that take the quality of services and other measures of value into account.
- Ensure that Medicaid cost growth is below national trends through services that improve health outcomes and reduce the rate of growth in the overall cost of care.

The next step in the process that we in local public health can be involved with is to work with BHT to accomplish transformations through accountable communities of health. Matt said bi-directional integration of care and primary care transformation, and opioid use as a public health crisis are two (2) programs that are required. Other programs that are optional and can be implemented at a local or regional level include:
- Community based care coordination (think Pathways hub model)
- Transitional care (to eliminate avoidable admissions and re-admissions)
- Diversion interventions (like community paramedicine model or emergency department diversion programs)
- Chronic disease prevention and control
- Maternal and child health
- Access to oral health
BHT met with county health coalitions to discuss areas of interest for these optional programs. To express interest, letters of interest (LOI) were due May 15, 2017. While community groups and hospitals pursued their own LOI, it became clear how important it was for public health to look at programs that would improve health outcomes in public health but not duplicate efforts. NETCHD submitted two (2) LOI for Nurse-Family Partnership (NFP) and Bright Futures, both are related to evidence based programs that can improve maternal and child health, which is a general program that we have a long history with. Judy Hutton explained that NFP helps first-time moms prepare for the birth of their child. Through the program, a registered nurse (RN) will provide support from pregnancy until the child turns two (2) years old through sixty-four (64) home visits. Since Judy and Jan Steinbach are the only RNs at NETCHD, this will be a collaborative effort with Lincoln County. An evidence-based community health program, NFP outcomes include long-term family improvements in health, education, and economic self-sufficiency. By helping break the cycle of poverty, NFP plays an important role in helping to improve the lives of society’s most vulnerable members, build stronger communities and leave a positive impact on this and future generations. Bright Futures is a national health promotion and prevention initiative, led by the American Academy of Pediatrics and provides theory-based and evidence-driven guidance for all preventive care screenings and well-child visits. Bright Futures contains can be incorporated into many public health programs such as home visiting, child care, school-based health clinics, and many others. Judy noted that the Medicaid Transformation concentrates on ages 3-6 years. Children start falling off at those ages for well child visits. Two (2) autism screenings can be done and paid for. Matt Schenz indicated that a partner LOI to support efforts of others and bring the population based public health perspective to the conversations that we would support all in our three (3) counties as well as tribes in our region to include Adams, Lincoln and Spokane Counties. Those LOI allow us to be considered for work in these areas, but does not commit us. The next step is for NETCHD and others who submitted LOI within the region to work with BHT as to how these projects will work to improve health outcomes. Some programs may not advance, some may be done regionally, and some might be done through just one or two organizations in the region. As this process continues, we will work to keep the Board of Health informed and solicit your approval prior to agreeing to do any new programs under the Medicaid Transformation Project. Alison McGrane said she saw an article in a Spokane newspaper about the success of the NFP and the huge impact it has had.

Karen Skoog asked if the $1.12 billion the State of Washington is borrowing from the government would have to be paid back unless the goals are met. Matt said it is a five (5) year demonstration and subsequent years, and if you don’t show the benefit, you would no longer receive funding. Karen asked how the outcome would be proven as it is difficult to quantify. Matt said if you look at optional programs, it prescribes an evidence based model with measurable outcomes. Dr. Artis talked about measurable outcomes and how it has been proven by retrospective with complications etc. have decreased by 50%. We would have to prove that we are decreasing problems. Jan said it has been proven that early intervention works by following families for years that have signed up for specific programs.
GROUP B WATER SYSTEMS APPLICATION FOLLOW UP: Steve Parker asked if there has been any consideration on the initial draft Group B water systems application from the task force review. Alyssa Spradley reported that from comments and recommendations from the task force, the application has been reduced from twenty (20) pages down to 3-4 pages. Alyssa will send the revision to Steve. Matt Schanz said the task force felt that if someone is qualified regarding Group B, then let them do it by providing the basic outline of what is required in a design pack, much like our process for on-site sewage system designs. Matt noted that the $20,000 Group B funding is split into $10,000 for the first half of the year, and $10,000 for the second half of the year. Alyssa said we received one well site application for a restoration ranch. The site was evaluated, and we are partnering with DOH with a follow up letter after an inspection. We also received an application on a winery in Fruitland.

COUNTY HEALTH RANKINGS: Matt indicated that in health outcomes, Ferry County was ranked 37 out of 38 counties (Columbia County didn’t participate) in the County Health Rankings & Roadmaps produced by the Robert Johnson Wood Foundation. Matt thinks there is value to these rankings. If you take stock of where we are right now in terms of the rankings, it’s evident that we have work to do. It is relative to other counties in our state. We need to think about what we can do to make positive changes in our counties. The coalitions and county roundtables are used for index as to where we should concentrate our energies. We can help “move the needle” with the programs we spoke about earlier that we sent LOI to. Making small differences can have big improvements. The Healthy Ferry County mission statement is to try to get in the top ten (10) counties in the rankings. The Robert Johnson Wood Foundation website explains how they arrive at these measures. Steve noted that the margin errors can be broad.

DRAFT BUDGET POLICY: Matt provided a draft budget policy resulting from task force input at the request of the Board as a concerted effort to formalize the budget process. Matt asked the BOH who they would like to review and finalize the policy. Karen Skoog suggested the Budget Committee making recommendations to the BOH. If a BOH member has an issue or question, tell a Budget Committee member. Matt asked the BOH if they would like the policy done before budget begins. BOH members can submit comments to a Budget Committee member in their county and those comments will be formalized and brought to the July BOH meeting. Current Budget Committee members are: Mike Blankenship, Mike Manus, Wes McCart and Shirley Sands.

“WORKSHOP FOR ON-SITE WASTEWATER SYSTEMS TO DISCUSS REGULATIONS, POLICIES, PROCESSES”: Matt said at the close of the last BOH meeting, there was discussion of possibly having a more intensive workshop separate from a BOH meeting. Historically a training was held for new BOH members to help better equip them when a complaint is received. The workshop can be done directly following a BOH meeting or separately. Karen said for travel purposes, she would prefer having it follow a BOH meeting. Matt asked if there is interest for the July 19, 2017 BOH meeting in Republic. Karen thinks it is a good idea. Mike Blankenship said the workshop would have to follow the public hearing on vaping.
SET DATE FOR PERSONNEL COMMITTEE MEETING TO DISCUSS WORK SCHEDULES/OFFICE HOURS AT NORTHEAST TRI COUNTY HEALTH DISTRICT: Personnel Committee members are: Mike Blankenship, Fran Bolt, Steve Parker and Karen Skoog. Karen asked if it could be a visual electronic meeting. Matt Schanz said yes and a calendar invite can be sent to Personnel Committee members and Management Team for Thursday, June 15, 2017 from 10 A.M. – 12:00 P.M. Mike B. said we can also do the performance evaluation for Matt. Steve said he would like to look at the three (3) evaluation documents being used by NETCHD, Pend Oreille County and Stevens County.

CHAIR REPORT: Mike B. reported that Ferry County has fifty-four (54) roads impaired or closed due to flooding. He is aware of at least one water system that was completely buried by sand and grit that supports eleven (11) homes. Apparently, the property owners were given permission to use hand shovels only in that stream. Matt asked if there is a need to help facilitate any type of loan dollars from the state to make improvements to that water system. Mike B. said he doesn’t know yet, but possibly for improvements. There is an upcoming meeting with the Department of Natural Resources (DNR) engineers to look at it because there is a road culvert destroyed also for access purposes. Mike B. said initially and for the past three (3) weeks he has been in contact with one property owner or another and they are extremely concerned about what the State will make them do to have water for their homes. Some of the property owners have been without water for ten (10) days and some are fortunate enough to have drilled wells for a backup water source. Matt said he believes this was an unapproved Group B water system. Mike B. said that system wouldn’t have qualified for a Group B since it had eleven (11) homes. Matt said it would be a Group B system, if there weren’t more than twenty-five (25) people. If there are more than twenty-five (25) people, it would qualify for a Group A system. Mike B. said he has no idea on the number of people. The system has been there for a long time and they add homes as they come to it and as the land developed. Mike B. moved to the area in 1977 and the system was already in place at that time. The system owners are aware of the state permits and are working with the DNR and the Washington Department of Fish and Wildlife (WDFW). Alyssa Spradley said DOH has already contacted the water system group about loan programs that are available.

Mike B. talked about a young newly hired Ferry County Deputy Sheriff that wants to develop a public nuisance ordinance to address some home sites that are problematic in many ways. One site is in a trust and they are unable to locate the actual property owner to serve papers to. There is garbage dumped on the property and has become a public nuisance. It is difficult to write a public nuisance ordinance that apply to rural settings. Another situation is with a property owner that has multiple abandoned vehicles on the property. The issue becomes how you define/describe an abandoned vehicle. Elbert Koontz said the City of Republic has the same issue. The City of Republic has an ordinance that states if you park your vehicle for any length of time, they can be towed away.

Mike B. said it may be another month or more before construction can begin on Deadman Creek Road in Ferry County. The road dropped almost eighteen (18) inches below that site, preventing trucks coming from the bottom road. All trucks and equipment must come from the top. The part that slid is over 100 feet of roadway. Further up the road there is another large slide coming down the hill and threatening a home. Trucks can’t be used until things become more stable.
BOARD OF HEALTH MEMBERS REPORTS: Steve Parker talked about problems at the Stevens County Landfill because the banks are full of water and higher than they are supposed to be in the settling ponds. Steve noted that Matt has been deeply involved as Stevens County attempted through the Department of Ecology (DOE) to find a methodology that they would have, that would help with the situation. Steve said there is currently eleven (11) million gallons of water and ideally, we would like for three (3) million gallons to evaporate. This situation has been going on for weeks and the weather certainly made matters worse. The downside is that he feels that Stevens County worked diligently with DOE to gain a pathway and DOE would not authorize our plan for dealing with the water issue. DOE suggested that we haul our water to another facility and dump it in their pond. Stevens County did not think that was a good solution. Steve was disappointed with DOE and their rigidity. However, DOE did acknowledge that they have a problem in being able to step in as a partner during emergency situations such as this. DOE realizes that within their agency, they don’t have the ability to be problem solvers in this kind of situation. He felt that DOE waited to see how we dealt with the situation to see if we were doing the wrong thing. The bright side was the landfill staff got right to work and came up with what Steve would call their own “inventions or enhancements”, such as adding to the sprinkler system so that more mist is going up in the air and enhancing the evaporating process, giving us some emergency excess capacity on one of the ponds for a short-term solution while we look for a long-term solution. Stevens County also had road issues, but the landfill issue caused by weather was a health situation. Steve reiterated that he was impressed with the Stevens County Public Works staff and Matt Schanz providing assistance and guidance with a solution that Stevens County could afford to do and do it quickly, which helped to get DOE to approve the plan.

Karen Skoog talked about a slide area in Pend Oreille County that is impacting a home. If the slide really does break loose and moves into the river, there is a well that is shared by three (3) homes that would be impacted. Pend Oreille County put a wake restriction on Sacheen Lake. Though a decision hasn’t yet been made on Bead Lake, there’s a good possibility there will be a wake restriction there as well because their drinking water comes from the lake. It is currently high in sediment due to high water levels and they don’t want to have more agitation with boat wakes. The boat launch is still closed at this point. There are signs posted at Diamond Lake reminding people of the negligent boating portion of the Pend Oreille County boating safety ordinance so they understand that they are still responsible to not cause impacts with wakes, without putting a full restriction on the lake.

Elbert Koontz reported that a hot air railroad that was built 100 years ago became saturated causing a 2,500-yard spill into Granite Creek along with seventy (70) feet of sewer line. It took three (3) days to pump it out and divert the water, using about 2,500 yards of fill. Ferry County had five (5) sewage ponds nearly become one. It will be mitigated by using a method called rock riprap. He said sewer lines in the City of Republic are very old and need rebuilt. They are made of concrete and absorb groundwater, causing the groundwater to go into the ponds instead of into the storm drain. They are looking at a process called cured-in-place pipe (CIPP) by which you take a section of the pipe (broken or not), and expose both ends. A tube is saturated with glue/resin, pulled into the pipe on one end, and steam is used to cure the glue/resin and in a few hours, it will form to the pipes. It is supposed to be good for 100 years and branches won’t grow in it. Even if the pipes are broken, it is just like putting a new pipe in the middle. This method doesn’t require the entire town to be torn up and the savings is about 40%. Elbert said CIPP seems to be working well in some applications.
Mike Manus reported that Pend Oreille County is in the process of doing the final closure on the Ione and Newport landfills. Matt Schanz said he has the reports and will help work through that process to get concurrence from DOE. Mike M. noted that DOE is making up new rules. Matt said there is guidance information from DOE that we try to make sure that is documented. The goal as we discussed with our three (3) counties is to have everything done so that by the time the report is done, issues have been already worked through in hopes of a smooth process.

Mike M. noted that a meeting will be held on May 19, 2017 at the Cusick School to discuss the prediction of a 60% chance that the Pend Oreille River will reach flood stage. The water comes from the snowpack in Montana. When we received rain in March, April, and May, Montana was getting snow in the mountains, resulting in an increase of 160% of normal. The United States Army Corp of Engineers and the National Weather Service are some of the agencies attending the meeting.

HEALTH OFFICER REPORT: Dr. Artzis had no report.

COMMUNITY HEALTH REPORT: Judy Hutton submitted the community health report as follows: There has not been a reported case of mumps in NETCHD since the first week in April 2017. There continues to be mumps cases in counties in the State including Spokane, but not nearly as many being reported as there were in December 2016, January and February 2017.

There continues to be cases of chickenpox in the Newport School District with the last physician diagnosed case reported on May 5, 2017. Unvaccinated or under vaccinated children in the affected school will be excluded for twenty-one (21) days beginning May 8, 2017. Ten (10) cases of chickenpox have been reported since January 2017.

The communicable disease report forms, policies and procedures that were in draft form, have been revised based on feedback from staff and are being piloted for the next ninety (90) days. After that time, staff will give feedback and final revisions will be made.

An assisted living facility in Stevens County recently had an outbreak of norovirus in which Joanna Johnson responded to. The report of actions taken by NETCHD to assist the facility in managing the outbreak as well as the epi curves produced by Joanna was provided to the BOH along with a bi-weekly report of communicable diseases for Stevens County. Work is being done to include Ferry and Pend Oreille County reports. No illnesses have been reported since April 18, 2017. Matt Schanz said this demonstrates the good work that Joanna did on the investigation, etc., and is a good showcase of work done by public health.
ADMINISTRATION REPORT: Matt Schanz submitted the administration report as follows: NETCHD has experienced major shifts in staffing recently. Dave Junker will retire at the end of May 2017. To refill the job, the position has been offered and accepted by Grant Couch, who currently lives in Oklahoma. Grant is graduating with a B.S. Degree in Environmental Public Health in May and will start at NETCHD on June 1, 2017. The Environmental Health Specialist position in the Newport office has been accepted by Karen Paugh, who currently lives in Rapid City, South Dakota. Karen has a B.S. in Environmental Science and previous environmental health work experience at both Grant County and Yakima Health District. Her planned start date is June 1, 2017. Sonya Hood, who worked in community health for nearly ten (10) years, resigned in April 2017. While the previous position was a 100% FTE, the filling of the position will be at a 70% FTE. Advertisement will begin in early to mid-May. Beth Weaver, the lead secretary in the Newport office is leaving the area and will be leaving employment at the end of May 2017. We have completed advertising for filling the vacancy and completed interviews on May 1, 2017. We expect to have the position filled and in place by mid-May.

Staff have been actively involved with Better Health Together and local health coalitions on the Medicaid Transformation Project. Staff have participated in local conversations about optional project selections.

Following training recommendations of the Personnel Committee at the time of hiring, Matt Schanz recently attended Association of Washington Cities Labor Relations Institute training event in Yakima. The training was completed under a scholarship through Enduris. Additionally, Matt will participate in Public Records Officer training in May.

In 2016, staff issued 2,633 certified birth or death records. This same year, expenditures outpaced revenue by $7,762 to offer these services. The Washington State Department of Health establishes set amounts NETCHD receives from issuance of birth or death records and this amount has not changed for a decade. In February 2017, a new statewide vital records system, Washington Health and Life Events System (WHALES) was launched. To date, this change has resulted in more staff time needed to process individual records. Administrative staff will evaluate these impacts, potential ways to gain efficiency, and additional ways to recoup costs to help ensure that we reach a break-even point. These options will be discussed in the future with the BOH.

Matt presented the 2016 NETCHD Annual Report. The document is a snap-shot of how we function throughout the year within administration, community health and environmental health by tracking five (5) year trends. Matt said he appreciates every single day, though it is trying at times. NETCHD staff is currently at nineteen (19) FTE and work hard at the jobs we do. Matt talked about diminished dollars from DOH that has been a downward spiral since I-695.

ENVIRONMENTAL HEALTH REPORT: Alyssa Spradley submitted the environmental health report as follows: The Steven County Landfill is moving forward with a solution to expand the existing leachate pond to contain the excess fluids. This approach was approved by DOE and NETCHD and gained acceptance by Steven’s County Commissioners as a reasonable short-term, emergency solution.

NETCHD completed hosting all scheduled pumper and installer meetings as well as the make-up session.
NETCHD received the first Group B well site application and an inspection has been conducted in conjunction with the regional engineer from DOH. We will continue to utilize DOH as a resource until sufficient training has been obtained to conduct inspections and reviews independently.

The Kalispel Tribe began the process to change their classification to a Class 1 air quality standard. They conducted a public hearing in which many members of the public were involved. A summary of this impact includes control of major industrial polluters and the submittal to the Environmental Protection Agency (EPA) is a procedural process which when fully completed, allows for the Class 1 re-designation.

Alyssa Spradley provided a United States Geological Survey (USGS) update on uranium in groundwater, with the following from Sue Kahle, Hydrogeologist, USGS Washington Water Science Center “We are making good progress on the uranium project and have obtained and plotted existing data sets. Next up are our 20 reconnaissance samples that we’ll collect this summer (June/July). I am sending this email to alert you that we’ll be mailing letters to about 40 well owners in hopes of getting responses and permission to sample from about 20. Please let me know if you have any questions or comments.”

Karen Skoog would like a map/list.

**PAYROLL AND VOUCHERS:** Attached to these minutes are benefits and payroll amounts from April 5, 2017 through May 5, 2017; and voucher amounts from March 22, 2017 through May 10, 2017.

**ADJOURNMENT:** Board Chair Mike Blankenship adjourned the meeting at 12:00 P.M. The next regular meeting of the Board of Health of Northeast Tri County Health District will be on Wednesday, July 19, 2017 in Ferry County.

**PUBLIC HEARING – PROPOSED VAPING ORDINANCE:** Board Chair Mike Blankenship opened the public hearing regarding a proposed vaping ordinance at 12:01 P.M. There will also be a public hearing on Wednesday, July 19, 2017 in Ferry County and Wednesday, September 20, 2017 in Stevens County.

Alison McGrane noted that typically NETCHD has a resolution, rather than an ordinance. She said the fact that it is referred to as an ordinance is correct. It should be an ordinance. Elbert Koontz said a resolution is a guideline and an ordinance is a law. Alison said when there is a penalty, which this document does, it must be an ordinance.

Matt Schanz began to explain the NETCHD process for a public hearing. There were introductions by all in attendance. He asked if anyone from the public wished to testify. The public hearing is regarding NETCHD’s consideration of adding vaping and vaping products into the definition of those precluded activities in the same way as it would for tobacco products, as it appears within the Washington Smoking in Public Places Law that was passed in Washington State in 2005. This consideration is being given to add vaping into precluded activities within indoor public places and places of employment. The Board of Health (BOH) is considering that amendment to the Washington State rule that would be adopted at the local level for both incorporated and unincorporated areas of Ferry, Pend Oreille and Stevens Counties. Any public that is interested in providing comments on the issue may do so. We ask that you limit your comments to five (5) minutes, address the BOH, the comments should be relevant, comments should avoid repetition, and comments are not to be of a personal nature.
Mike Blankenship asked if anyone from the public wished to speak. Steve Parker stated for clarity on the BOH that more than the form of the draft ordinance, which the BOH will be more responsible, it is the merit of enacting such an ordinance in terms of public safety and health is that the BOH is interested in hearing.

Carrie McKinley is the coordinator for the Panther Country Coalition based out the Cusick/Usk area to service the students of the Cusick School District. “Having this ordinance in place would be good for the kids in the community because right now vaping is on the rise”, Carrie said. She went on to say that according to a publication from Seattle & King County Public Health, the use of e-cigarettes has increased 600% from 2012 to 2014 in King County among tenth graders. Carrie reiterated that the ordinance is a good thing for anywhere that smoking is not allowed. With so many unknowns behind all of the carcinogens of the vaping vapors, we just don’t know enough about it to say that it is safe. Carrie provided a Healthy Youth Survey Fact Sheet – Family Protective Influences for Pend Oreille County that Washington State students are asked to complete every two (2) years. The fact sheet indicates that 50% of students are vaping with no tetrahydrocannabinol (THC), just nicotine or flavors. Students are vaping, so if we can decrease the norm in the community that its acceptable.

Martina Coordes is with Youth Emergency Services dealing with kids that are homeless and at-risk, and those that would probably be the most susceptible to vaping and cigarette use. Martina said that when it comes to perceptions and norms in our community, when you see people walking around smoking or vaping, it creates this “norm” that it is okay and safe, and kids are going to accept that it’s part of their culture and it becomes easier for them to use and do so at a younger age. “What they will do is start vaping with just plain juice because it is fun and flavorful, then move into nicotine”, Martina said. It creates a downhill slide for these kids that already have such risk factors with their health. They probably aren’t eating healthy and now adding these things to their bodies that we don’t know anything about. The number one reason why we should not allow vaping in public is the perception that we give our kids. Not that many years ago people smoked cigarettes on airplanes. She wondered what we will find out about vaping in twenty (20) years. We already know enough to be a little bit scared at this point. Martina said she is afraid if we let this snowball and get out of control, we will look back and ask ourselves what were we thinking.

Jan Steinbach talked about students using vaping products because you can’t smell it. Matt Schanz apologized to Jan, but said this portion of the public hearing is open for public comment. Jan said that she lives here and votes here. Steve Parker said Jan is qualified to make a statement as part of the public, but just needs to make the distinction. Matt asked for any further comments from the public.

Sandy Perkins is a Stevens County citizen that supports an ordinance being put in place so that there’s no question for restaurant and bar owners when they have people walking in their establishment and vaping. Sandy stated the following: “While it’s not tobacco, this or that, make it clear-cut that they have some means of stopping people from using those vaping devices in public places. I think the science is becoming more clear, with things like popcorn lung and everything caused by e-cigarettes that we are going to find out more and more. I don’t want my grandkids or myself exposed to that and I want it to be a clear path for business owners to the draw the line”.

Matt Schanz provided a written submittal received for the record: “My name is Mary Selecky. I am a resident of Stevens County since May 21, 1974. I want to be on record supporting Resolution 05/17/2017 regarding vaping. In 2005 Washington State citizens passed a law prohibiting smoking in public places. We have become a healthier state as a result. Since then, new products came on the market not anticipated in 2005. It is important that we continue to protect the health of all people – especially those who are affected by these products. The vapor produced by vaping vices is not safe and contains chemicals. It has an impact similar to what we have learned about second hand smoke so it is not just the user who is impacted but those around them. Vaping and e-cigarette use among United States young people is a major public health concern. It makes sense that the Board of Health of Northeast Washington takes this action to prevent harm by restricting the use of these products in public places and places of employment. Mary C. Selecky, Retired Secretary of Health Washington State and former Administrator of Northeast Tri County Health District.”

Dr. Artzis explained to Jan Steinbach that if we do anything that makes this meeting/hearing in question, then whatever we say may question the validity so we have to be careful. Jan said she understands.

Mike Blankenship asked for any further comments from the public. Hearing none, the public hearing portion of the proposed vaping ordinance was closed at 12:13 P.M. Mike B. noted that he is emphasizing the word “ordinance”, because it would have to be enforceable.

Johnna Exner left the meeting at 12:13 P.M.

Mike B. asked for comments from BOH members and/or NETCHD staff.

Jan said she works with drug free committees in Newport and has been involved with schools personally and professionally in various capacities. One of the challenges particularly with middle and high school students is they don’t understand the harm in vaping or that it is an adult activity and doing damage to their lungs. They hide products and sneak them into classrooms and restrooms. You don’t always know what product it is that they are vaping. It could be a marijuana oil, tobacco, flavored juices or something of their own making. It is difficult for school officials to detect because the smell isn’t the same as if you had a lit burning tobacco or marijuana cigarette. By allowing vaping in public, youth see it as if we are okay with it. Jan talked about sitting in a waiting room in a hospital emergency room where some people next to her were vaping. The smell was offensive. Jan understands that a lot of what we do may be looked at as interfering with people’s personal lives and none of us like invasions of privacy or being told what to do, but sometimes it must be done. Just like the comment from Martina about what we may find out about vaping twenty (20) years from now, or when our health care costs are high due to popcorn lung and other things.

Matt said we had discussed the ordinance/resolution at the task force meeting. There were corrections that we need to make and run by Alison McGrane from a legal perspective and we haven’t had a chance to do that. Alison said she will review the document and get more information by the July BOH meeting. Matt said a fine-tuned version will be presented at the July Board meeting.
Steve Parker asked who the primary author was on the ordinance. Matt Schanz said there are numerous local health jurisdictions that have adopted a similar ordinance, Spokane Regional Health District (SRHD) being one of the most recent that adopted this throughout their county. Angie Jones who had previously worked within the tobacco and marijuana program under the grant developed this resolution as it’s called here based on the Spokane model. Alison McGrane asked if Spokane passed a resolution or ordinance. Matt said SRHD passed a resolution. Alison said it probably does not have a penalty. Matt does not know if they adopted their own penalty that is above and beyond the state rule. This document is saying that any penalty that would be associated with it would be exactly as it appears in the state statute for tobacco. Mike Manus said it would have to be an ordinance. Elbert Koontz agreed and reiterated that a resolution is a recommendation and an ordinance is a law. Alison will meet with Matt to discuss what SRHD did. Ordinances are laws and are typically done by cities and counties because you can enforce the laws whereas public health doesn’t necessarily have the enforcement capabilities. It may end up being modified to go back to a resolution. It will be something like this and will be called what is appropriate based on what is needed to operate as. Steve said obviously the BOH will want to discuss what it is called and how it will work. He asked if the other sample documents could be made available to BOH members that are interested. He would like to be able to have input included as we shape this to go forward. Steve has a few things he would like to share as a concept but needs to look at the other information including a copy of the state law being referenced. Matt said there are two (2) references including RCW 70.160, Smoking in Public Places law that dealt with tobacco products, which is what we are proposing. The only thing we are proposing is to include “vaping” where it currently reads “smoked tobacco products”. Steve asked if there is currently a state vaping law. Matt said referenced within this proposal is a state law that was passed in 2016 about vaping describing where and how it can be sold. It only specifically talks about use relative to very discriminate areas within schools, school buses, childcare centers and playgrounds. It doesn’t address broader areas such as indoor public places and places of employment. Steve asked if that specific one referenced civil penalties. Matt said the civil penalties are referenced within the 2005 state rule, RCW 70.160. The wording on the two (2) civil penalties is a bit confusing regarding who applies those penalties. Matt gave the following example: A business owner or someone leasing a building creating that indoor public place or place of employment and does not preclude smoking, refuses to post no-smoking signs, and continues to allow smoking, NETCHD becomes involved (which we have since 2005) and can issue a civil penalty as our part from public health. If it is a user issue with someone refusing to put out a cigarette etc., that becomes a law enforcement issue. Matt noted that vaping would be no different. Part of the discussion that took place with the task force is that once we get to that finalized version of an ordinance or resolution, we would meet with prosecutors to see if it is enforceable at all. Alison asked if we have gotten to that point in the past where a civil penalty had to be issued. Matt said we have come close, but never have. Alison said that would be the issue because dating back into the 1980’s, typically all of the ordinances had a criminal penalty to them. Now a lot of cities have moved to civil infraction penalties. A civil infraction is prosecuted like a traffic ticket would be, but must be prosecuted by the prosecuting attorney, which is why she was asked if had ever gotten that far. She explained that cities typically have agreements with the prosecuting attorney to enforce the infractions that are issued. Matt said in 2005 when the law was passed, NETCHD met with prosecutors from the three (3) counties, of which they said if a business owner absolutely refused to comply after due diligence was exercised to work through the process, the prosecutors at that time (they are all different now) said they would take these cases and assist with enforcement.
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Elbert Koontz said prosecutors have a limited budget to work with, and unless it is a shooting or some terrible thing, they don't have the money to prosecute something like that. Alison McGrane agreed and said her guess is that if we are going to make it an ordinance and have a penalty associated with it, then we would need to meet with each current prosecutor to make sure there is a plan. Most of these pay a per-case amount. It is something that could be addressed and on the rare instance that it would have to go that far, at least you would have an enforcement mechanism in place, because that would be the worst thing to have an ordinance that can't be enforced. Mike Manus said to also remember that anytime we have a case like this, most of the time a public defender will be assigned to that case too, so it will be expensive to enforce. Alison said the nice thing about a civil infraction is that you are not entitled to a public defender. That is why most cities have moved away from criminal infractions because the minute you take someone's liberty, they are entitled to a public defender. If you are just trying to take their money, then you have no right to a public defender. Under this penalty scheme of a $100 infraction, there would be no cost expect the prosecution. Matt Schanz indicated that if the BOH is interested, the other process that we have is a very elaborate policy that was written in the mid-2000's as to how we work to educate people, just like what Alyssa Spradley spoke about with complaints and the multiple steps we go through. In addition to education, they must write an action plan about how they are going to prevent those reoccurrences of people vaping within their establishment and how they will post signs etc. before we ever get to the point of a penalty. This is why we have been largely successful in never having to go to civil infractions because we give people ample opportunity to comply. At a recent task force meeting, Mary Selecky really stressed that you just don't develop this document without developing a strategy of education for all business owners and facilities that this would apply to, provide them with signs and the resources to help them comply. Elbert said that is the same thing that was done with smoking, a lot of education. Alison said we are on the front end of this, but she feels that the Washington Legislature or an initiative from the people like they did with smoking will eventually be done with vaping as well. She said other states may do it before Washington.

Mike Blankenship stated that comments have been received by the public, BOH members and NETCHD staff. It will be determined if the document will be an ordinance or resolution. Mike B. said if a BOH member determines they need additional information, which Steve Parker has, the public hearing will be continued to another date, which have already been scheduled. Hearing no other comments, this public hearing on the proposed vaping ordinance/resolution will conclude at 12:29 P.M.

Mike Manus moved and Steve Parker seconded the motion to continue the public hearing on the proposed vaping ordinance/resolution on Wednesday, July 20, 2017 in Ferry County. Motion carried.

Respectfully submitted,

Samuel A. Artzis, M.D., Health Officer

By Kelly D. LeCaire, Executive Secretary

Mike Blankenship, Chair

Karen Skoog
Northeast Tri County Health District

The following voucher/warrants are approved for payment:

2017

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