

Board of Health AGENDA

NOTICE REGARDING COVID-19 (Novel Coronavirus): To adhere to COVID-19 social distancing precautions, all on-site public Board of Health meetings are postponed until further notice. To allow access to this meeting, and future Board of Health meetings, call 719-583-4513 for more information. The public may make any public comments by email to Executive Assistant Ramona Chisman-Ewing, at mona.ewing@pueblocounty.us.

The Board of Health meeting will be held **Wednesday, December 22, 2021, at 12:00 noon by Zoom.**

- A. 12:00 - 12:03 p.m. – Call to Order and Approval / Changes to Agenda (**Action Required**)
- B. 12:03 - 12:05 p.m. – Approval of Board of Health Meeting Minutes held **November 24, 2021 (Action Required)**
- C. 12:05 – 12:25 p.m. – **Public Forum**
- D. 12:25 - 12:45 p.m. – **Action Items**
 - Monthly Financial Report – Georgia Alfonso
 - Contracts – Georgia Alfonso
 - 2022 Proposed Budget – Georgia Alfonso
 - Family Planning Fee Schedule – Georgia Alfonso
 - Correction to Personnel Policy 4. 3 PAYDAY – Denise DeNardo
 - Vaccination Bonus – Randy Evetts
- E. 12:45 – 1:15 p.m. - **Revised Public Health Order – Action Item** - Randy Evetts
- F. 1:15 -1:30 p.m. – **BOH Updates/ Reports**
 - Public Health Director Report – Randy Evetts

ADJOURN



The Board of Health meeting was held by Zoom November 24, 2021, at 12:00 noon.

Board Members

Present: Donald Moore, Board President
 Michael J. Nerenberg, Board Vice President
 Ed Brown, City Council Member
 Eileen Dennis, Board Member

Excused Absence: Garrison Ortiz, County Commissioner

Legal Counsel: Marci Day, Assistant County Attorney

Administrative Staff

Members Present: Randy Evetts, Public Health Director
 Katie Davis, Deputy Director and Operations
 Georgia Alfonso, Budget and Finance Director
 Maria Telfer, Community Health Services Director
 Jody Carrillo, Environmental Health and Emergency Preparedness Director
 Denise DeNardo, Human Resources
 Ramona Chisman-Ewing, Executive Assistant

Medical Officer: Christopher Urbina, MD

Staff Members: Vicki Carlton, Jenny Case, Megan Collins, Denise DeNardo, Shylo Dennison, Justin Gage, Katelyn Heyne, Anne Hill, Sarah Joseph, Alicia Solis, Kim Sugar, Zak Van Ooyen, Autumn Whittaker, Chad Wolgram

Guests: Rhonda Berry, *ARC of Pueblo*, Dr. Becker, Dr. Sarah Bryant, Chris DeLuca, Mayor Nick Gradisar, Dr. Tom Greidanus, Dirk Hodge, Cathy Howland, D. Kenyon, John Panepinto, Todd Seip, Dr. Sutherland, A.J. Wilson, and John Zondlo

A. **Call to Order and Approve or Make Changes to the Agenda**

Board President, Donald Moore, called the meeting to order and asked for approval of the Agenda.

MOVED by Michael Nerenberg, seconded by Eileen Dennis, to approve the Agenda.

MOTION CARRIED UNANIMOUSLY

B. **Approval of Minutes**

MOVED by Eileen Dennis, seconded by Michael Nerenberg, to approve the October 27, 2021, BOH meeting minutes as submitted.

MOTION CARRIED UNANIMOUSLY

C. **Public Forum**

Name	Topic of Discussion
Mayor Nick Gradisar	Mask Issue
Comments: Mayor Gradisar expressed concerns about the number of people hospitalized for COVID-19 in Pueblo County. Arapahoe and Adams County have issued an indoor mask mandate. He asked the Board to consider an indoor mandate during the winter months. He does not think proof of vaccination is necessary at this time. Steps need to be taken to slow the virus down; he stated even limiting the mandate to City limits could be helpful.	
Dr. Sarah Bryant	Impacts of COVID-19 on our community
Comments: Dr. Sarah Bryant stated the peak of COVID is not expected until January 2022. There were nine deaths this weekend and the hospitals are at capacity. Schools have been inconsistent in following the mask mandate and testing if a child is sick. The pediatric unit at Parkview is full of ill	

children; many have RSV. Dr. Bryant also agrees a universal indoor mask mandate is indicated from a public health and medical standpoint.	
Dr. Tom Greidanus	Impacts of COVID-19 on our community
Comments: Dr. Tom Greidanus is an emergency physician and has had over 100 COVID patients each day who struggle to breathe. Majority of patients presenting and on ventilators are unvaccinated. He emphasized vaccinations are critical to preventing the spread of COVID for adults and children, including boosters.	
John Zondlo	Comment on the mask mandate for school's public order
Comments: John stated the mask mandate for children is poorly designed. Rate of fatality for children has only been one case in Pueblo to date. He stated it is wrong to single out children when children contract COVID from adults. He stated he will be watching for any announcement from the Board today including the Mayor's request to issue an indoor mask mandate for the entire community.	

D. Model Aquatic Health Code (MAHC) Public Hearing

Board President Donald Moore opened the public hearing regarding the Model Aquatic Health Code (MAHC). Environmental Health Program Manager Vicki Carlton reviewed the purpose of the proposed MAHC 3rd edition-2018. She recommended adoption by the Board of Health because the new regulations would better protect the public health and safety. A Notice of Public Hearing was placed in the Pueblo Chieftain November 4, 2021, and also emailed to stakeholders. Regulations were last updated in 1993. Ms. Carlton presented the Board of Health with a timeline displaying the stakeholder input throughout the process.

Areas of major change are as follows:

- Imminent health hazards that require immediate correction or immediate pool closure increased from 11 focus areas to 21 focus areas.
- Disinfection equipment must be automated within one year of adoption and existing automated equipment must be interlocked upon adoption.
- Diaper changing unit, trash receptacle, adjacent hand sink, soap dispenser, hand drying mechanism, and disinfectant products must be accessible to all patrons in facilities serving diaper-aged children.
- Certificate of operation will be required for all public and semi-public recreational water venues to operate.
- Lifeguards, lifeguard training and safety equipment will now be required for applicable facilities.
- Risk management and safety plans are now required to be documented and available to facility staff and PDPHE.

A summary of the proposed regulation was given to Board members. The summary also included comments from stakeholders.

Potential budget implications include providing additional education to stakeholders and conducting inspections based on more robust regulations. These staff activities will be covered by CDC grant funds awarded to PDPHE in September 2020. It is estimated operator education and additional inspection time will take an additional 30 minutes per facility during the first year of adoption of the new regulations. The CDC grant funds will cover the additional staff time cost and will still allow for additional grant activities to occur unaffected. Grant funds were also used to provide required MAHC safety equipment for all facilities in need, such as CPR masks, signage, spill kits, diaper changing units, etc. to offset small costs the facilities will encounter due to the MAHC adoption.

President Moore asked if there was anyone wishing to speak in favor or in opposition to the proposed regulations. Executive assistant Ramona Chisman-Ewing reported that there were no written requests to speak. Mr. Moore then asked those present on the call if they would like to speak to the proposed regulations. No public comments were made or requested; the public hearing for the MAHC was then closed.

E. Model Aquatic Health Code Adoption Decision

Staff members of PDPHE Recreational Water team requested the Board approve the proposed 2022 Pueblo County Model Aquatic Health Code with an effective date of January 1, 2022.

MOVED by Eileen Dennis, seconded by Michael Nerenberg, to adopt the 2022 Pueblo County Model Aquatic Health Code with an effective date of January 1, 2022.

MOTION CARRIED UNANIMOUSLY

F. Public Health Order School Mask Discussion

Public Health Director Randy Evetts presented the data on COVID-19 in Pueblo County for a 7-day incident rate per 100,000 population, and completion of COVID-19 vaccination by eligible age groups in Pueblo County (first and second doses), including 5 to 11 and 12 to 18-year-old age groups vaccinated for COVID-19. Approximately 83% of people hospitalized for COVID are unvaccinated and approximately 86% of related deaths are unvaccinated people. Currently, hospitals have moved to crisis standards of care, due to the high volume of COVID and other critical patients. Currently, there are 98 patients at Parkview Hospital and 24 patients at St. Mary-Corwin. Parkview is reporting its ICU unit is full and ventilated patients have been moved out of the ICU and onto the general medical surgical floors, as well as some patients are having to be kept in the ER, due to lack of beds. Currently, there are only 80 ICU hospital beds available in the entire state of Colorado. Since Randy gathered this modeling data from the state, hospital demand continues to grow sharply, and capacity will be stressed. Modeling data presented indicates Colorado will not peak in hospitalizations until the end of December. Dr. Nerenberg asked about the latest wastewater indicators and the most-current vaccination rates. Randy will get that data when it is updated in the next few days and send it out.

Discussion Regarding Meeting with New D70 Board of Education Members

Randy Evetts, Katie Davis, and Donald Moore met with the incoming D70 School Board members. The meeting went well, as there was good information shared and good dialog. Everyone agreed, the primary objective of the mask order is to keep children in school. Year to date, in D70 there have been 627 positive cases; 414 students were sent home for quarantine because of exposure, but 6,045 students were not sent home and only had to symptom watch because they were wearing masks.

Concerns discussed during the meeting:

- Parent choice/parent driven; not opposed to children wearing a mask if it was by choice
- Concerned about mandatory vaccination; a request was made that no vaccine bus be on the school grounds during the school day
- Parents asked why is the mask mandate only in the schools for children
- School board members elect questioned the criteria for evaluation of the mask order and they requested the Board of Health clarify those criteria
 - Is there is a defined end to the mandate; what is the plan for evaluating the mandate
- School board members elect requested data that is more specific to the schools be used to evaluate the mask order rather than community data

Medical Officer Dr. Urbina stated the Communicable Disease/Epidemiology team has been working hard with both D60 and D70 schools to stem the flow of COVID infection. He also stated extra circular activities in the schools contribute to the spread of the COVID virus. He stated children can be protected by wearing a mask and the public health order is working. He suggested a complementary public health order for the community as a whole, as this would also help stop the spread of COVID. Dr. Urbina also stated the options have to be carefully weighed; either adding to the public health order or removing it. Data has to be considered, as well as the options and consequences for any changes to the public health order.

Attorney Marci Day provided her assessment of risk and liability for changing or removing the current Public Health Order. While there is always a risk of litigation, the risk for liability is quite low. Ms. Day reviewed the written memo she had written to the BOH. She concludes there is potential liability under ADA. Cases involving 'government overreach' have been dismissed and not litigated. Board President Donald Moore concluded from the memo the overall legal risk to PDPHE is low if the order is kept in place, but increases if the order is relaxed or removed; Ms. Day agreed. Mr. Moore also noted new school board members were offered the opportunity to reach out to attorney Marci Day for clarification. Donald also asked Marci if the Board can limit its scope of orders, such as only issuing a mask mandate within the City limits and not the County. Marci replied if the Board of Health has reasonable basis for limiting the scope of orders, it is permissible for some factors such as population density, etc., but a medical consult would probably also be needed. Donald also stated the on-going struggle is to achieve

consensus and consistency across the community about mitigation strategies. Eileen Dennis stated it is important to be consistent throughout the entire county and not break the community up into sections. She also stated the hospitals are in deep trouble and it is important to continue to encourage people to get vaccinated. Consistent guidance for the community regarding the public health order is very important. Michael Nerenberg asked what the objection is to be having the vaccination bus at the schools. He was also concerned with the threats made against people manning the bus and if law enforcement was aware. Randy Evetts replied the Colorado State Patrol was made aware and will be on-site in the future. Michael Nerenberg also stated having daily data published would help the public. Donald Moore asked if meeting with 'leaders' in the community would help to ensure public support. Both Eileen Dennis and Michael Nerenberg agreed support would be beneficial, but both also agreed vaccinations would benefit everyone. Michael Nerenberg also stated he thinks businesses should encourage vaccination mandates for services in places such as restaurants. Donald Moore clarified 'leaders' in the community include City Council and County Commissioner members, as well as other community agency leaders such as hospital CEOs, etc.

Randy Evetts summarized the next steps. At the BOH work session December 10, 2021, PDPHE staff members will bring potential criteria for evaluation of the mask mandate, as well as other proposed refinements to the existing PHO. Randy also proposed reevaluating the public health order in January 2022 to see where the data for hospitalizations are trending. Mr. Evetts also suggested defining an end to the mask mandate in the future. Michael Nerenberg asked if PDPHE can close individual schools based on positive cases or exempt a school from the mandate if there are no cases. Attorney Marci Day stated the Health Department has a lot of legal flexibility regarding the standards to issuing a public health order, but some specific language and perimeters need to be followed for what is best to protect the public health of the community by the least restrictive means as possible. Donald Moore asked those in attendance to submit helpful comments, solutions, evidenced based materials, etc. to Executive Assistant Ramona Chisman-Ewing by email.

G. **Other Action Items**

Adopt Community Health Assessment (CHA)

Public Health Planner Jenny Case gave the Board an update regarding the CHA and the data collected from a community leaders survey including the contributing factors, priority population, and social determinants of health to prioritize the CHA. How the CHIP (Community Health Improvement Plan) is developed based on the CHA was also presented: establish basic goals, objectives, and framework used. The new CHIP will start in January 2022. Jenny also informed the Board of the next steps in the CHA and CHIP development. Deputy Director Katie Davis requested the Board adopt the CHA as presented by Ms. Case. Board member Eileen Dennis complimented the process and thanked everyone for their efforts.

MOVED by Eileen Dennis, seconded by Michael Nerenberg, to adopt the CHA as presented.

MOTION CARRIED UNANIMOUSLY

Approval of 2022 Department Holiday Schedule

The Board was asked to approve the proposed 2022 Department holiday schedule for all staff members.

MOVED by Michael Nerenberg, seconded by Eileen Dennis, to approve the 2022 Department holiday schedule as presented.

MOTION CARRIED UNANIMOUSLY

Approval to Close Department for Holiday Luncheon

The Board was asked to approve closing the Department on December 17, 2021, from 11:30 a.m. to 1:00 p.m. for a modified annual all staff holiday luncheon.

MOVED by Michael Nerenberg, seconded by Eileen Dennis, to approve closing the Department December 17, 2021, from 11:30 a.m. to 1:00 p.m.

MOTION CARRIED UNANIMOUSLY

Financial and Contract Cost Reports

Financial reports for the end of October 2021, were presented to the Board. Revenues exceeded expenditures by \$831,445.69.

MOVED by Michael Nerenberg, seconded by Eileen Dennis, to accept the financials as presented.

MOTION CARRIED UNANIMOUSLY

Allocation of Reserves

Budget and Finance Director Georgia Alfonso asked the Board for approval to move Unassigned Funds to the Assigned - Core Services and Emergency Operating Fund, which is under the authority of the public health director, back to the original designated amount of \$275,000. The Board was also asked to approve moving Unassigned Funds to the Committed – Capital Equipment and Technology Fund, which are under the authorization of the Board, to the original amount of \$300,000. In addition, Georgia also asked for additional funds be moved to cover expenses for outdated technology equipment, supplies, etc., which will be updated in 2022. Georgia would like to start increasing this balance over time, as grants are no longer available to pay for updating old equipment.

MOVED by Eileen Dennis, seconded by Michael Nerenberg, to approve the allocation of reserves as presented.

MOTION CARRIED UNANIMOUSLY

CONTRACTS:

No contracts to present for November 2021

G. **BOH Updates/Reports**

Public Health Director's Report

Public Health Director Randy Evetts sent out a written summary of activities to all BOH members. Donald asked if there would be an actual accreditation 'site visit.' Program Manager Shylo Dennison said it will be a virtual visit and will take place sometime in the summer.

Medical Officer Update

- Communicable Disease (CD) team is working with jail and detention center to stem the spread of syphilis. Dr. Urbina acknowledged the great work the CD team is doing.

The next Board of Health work session is scheduled for Friday, December 10, 2021.

The next regular BOH meeting is scheduled for Wednesday, December 22, 2021, at 12:00 noon by Zoom.

MOVED by Michael Nerenberg, seconded by Eileen Dennis, to adjourn the Board of Health meeting.

MOTION CARRIED UNANIMOUSLY



Donald Moore, Board of Health President



Randy Evetts, MPA, Public Health Director