

BOARD OF HEALTH MINUTES – SPECIAL MEETING TAMA COUNTY PUBLIC HEALTH & HOME CARE

Thursday June 1, 2023 – 12:00 P.M.

Meeting held at Tama County Annex building and via Zoom

Present: Chris Behrens -via Zoom Casey Schmidt Curt Hilmer -via Zoom
Lori Johnson Jolynn Harger Corey Frank, I-DNR – via Zoom
Sherry Parks, PA-C – via Zoom Mick Ferris Erik Wilklund, I-DNR – via Zoom
Shannon Zoffka Sally Custer – via Zoom

Absent: Dr. Hineman

The meeting was called to order by Sherry Parks, Chairman at 12:10 p.m.

Old Business:

Shannon started off the meeting by letting the Board members know that Sherry Parks was invited to a meeting a week ago at the Marshall County Board of Supervisors. She asked Shannon to attend with her. Tammy Wise, Tama County HR; Laura Kopsa and Karen Rohrs, Tama County Auditor; Bill Faircloth, Tama County Supervisors; and three Marshall County people were in attendance. One of which was a Marshall County Supervisor, and there were two ladies that Shannon did not know. Sherry was handed a budget for sharing the Environmental Health, Weed Commissioner, and Zoning Commissioner positions of Tama County along with three positions in Marshall County. Marshall County seemed excited. Sherry and Shannon were lost as to what was going on.

Sherry told them that she wanted a chance to speak to the Board of Health as it was her understanding that the Board of Health did not want to go in that direction. The Marshall County Supervisor did ask if Tama County would be interested in just sharing a position for the Zoning and Weeds. They were told no, but not by us.

Shannon said that she is at a loss as to why this conversation has ever been had with Marshall County as we have never asked for our Sanitarian position to be a shared or even full time. The Board of Supervisors would like to meet with the Board of Health next Monday, June 5th at Noon.

The history of this situation has been ongoing. Todd Apfel resigned in 2021. Chris Behrens was hired as a part time employee. This position has always been part time. There was belief at the that time from the Board of Supervisors that this position needed to be full time for just the Sanitarian position.

The Board of Health decided to monitor this position for 6 months to see if it needed to be full time or not. Chris' hours have consistently been about 16-17 hours per week. Nothing more was said from the Board of Supervisors during that time.

In January 2023 it was once again presented from the Board of Supervisors that the position be full time. But not just a full time Tama County Sanitarian. It was presented that this position also be the Tama County Zoning and Weed Commissioner, and also the Marshall County Sanitarian, Zoning, and Weed Commissioner. This is a total of 6 positions proposed into one full time position.

Discussion was held. Shannon said that she has no concerns with the job staying how it is. She said that Chris is doing a great job and she has not had any issues working with him. He tackled the tough issue of getting the job under control from what he was left with. If the positions were combined Chris would have to reapply for the new position.

Curt Hilmer said that although he is new to the Supervisor position in January 2023, he feels that Chris is doing the job correctly and he knows he is following the law, this has upset some Contractors because in the past the job had not been done correctly and the law was not followed.

Micki Ferris said that she appreciated Curt telling the Board of Health his opinion.

Sherry Parks gave a little history of the issue. She said that for some reason the Supervisors want to put the Sanitarian position under them. They didn't want us to follow Iowa Code when we were trying to make sure the position was being done correctly after Todd resigned. The Board of Health has said that we don't want to have a 28E Agreement with them to supervise the position. She thinks where we are at right now is the right direction.

Micki Ferris agreed. Chris is doing a good job. The past issues seemed to be fixed and there is a good system of checks and balances.

Chris Behrens said that he appreciates the kind comments. When he was first hired he received multiple phone calls from the Supervisors basically asking him to look past the code. He felt that was not right of them to ask him that.

Corey Frank, I-DNR, just wanted to comment that since he has been working with Chris and the Public Health Department, that he has never had any issues. If they don't know something, they always ask questions. He has heard no complaints from the public. Tama County has taken big steps to make sure they are in compliance. He appreciates the person that said "law is law and rules are rules" because that is what we should be going by. He also said that compared to two years ago it is definitely a different playing field in Tama County.

Sally Custer said that she thinks Chris does a great job explaining to the Board of Health what his job entails and she thought that we had agreed to leave the job as is. Everyone agreed that they thought they had agreed to leave the job as is and don't know why the Board of Supervisors is bringing this issue up once again.

Casey Schmidt said he has spoken to several people about this issue. He said the Board of Supervisors keep saying they want to do what is right for the tax payers and keep the cost low, however it has appeared to Casey that Todd has put us in a difficult situation that was possible because there was some leeway with some of Supervisors. There were clearly some things that were done that should not have been done. Regardless of where the position is at it is going to come back on the Board, because the Sanitarian answers to the Board of Health. There is no way around Chapter 69.

Shannon said that she wondered how much time would actually be spent in Tama County if the all the positions were combined. It would take quite some time to get Marshall County back on track because the same Sanitarian there is the same one that caused all the problems here in Tama County. He has not changed his practices. When he was doing both positions previously, it was noticeable that Marshall County got the majority of the time and attention and things went downhill for Tama County. There was no 28E Agreement, as he was hired by both counties. Chris is well aware now in Tama County what the problems are. How long will that take a person to find those problems and fix them in Marshall County?

Historically in other programs when Marshall County is involved, they get the bulk of the time and attention.

Micki Ferris asked what we needed to do, because it seems that we are all in agreement on the Board of Health that we would like to stay the course as it is working.

Sherry Parks said we have to meet with them on Monday and tell them that we have no desire to change the position and share it with Marshall County. We also need to tell them we want to keep jurisdiction of the Sanitarian position.

Shannon asked if it should be a written letter from the Board of Health? Micki thought it should be.

Curt Hilmer said it would nice if as many Board of Health members that could attend the meeting would. It's important that these opinions, other than his, are shared with the Board of Supervisors.

Micki asked if the Board of Supervisors could do anything without our agreeing to it? Curt said that is not the way he understands it.

Corey Frank said he strongly urges us to contact Heather Bombei, our Community Health Consultant, and the Department of Health and Human Services with that question. There was definite case law that developed from Warren County Board of Health vs. Warren County Board of Supervisors that revolved around powers and duties of each Board. From the I-DNR standpoint, when you look at Iowa Code 455b.172 specifically dealing with

private water and wastewater; the powers and duties are given to the local Board of Health and how those duties are done is up to them.

Corey said we could also contact the State Attorney Generals office, for help with a local issue as well.

Sherry Parks said the reason they are pushing the issue right now is because Marshall County will be without a Sanitarian July 5th, when Todd retires.

Corey Frank said he heard there was going to be a retirement but that no one has reached out to the DNR to let them know officially.

Shannon said that at the meeting with Marshall County, that Marshall County felt that this was a done deal. No one has reached out to our office or to the Board of Health.

Casey said that being new to the Board of Health in January and not knowing all that is going on he still hasn't seen any numbers on how it would be different. How would it work with a mutual aid agreement? We have never been shown any benefits. Even if there's is a 28E Agreement signed; per the Iowa Code the Board of Health would still be responsible for the Sanitarian. The past Sanitarian has caused the Board of Health some pretty good headaches. He feels that now Chapter 69 is being adhered to, and he doesn't see the benefit of the positions being shared.

Sherry said that we keep being told that it is saving the taxpayer money. At the meeting, Bill Faircloth said, "We are just trying to save the taxpayer money, we don't know why you guys won't go along with this."

Lori said from the budget numbers that were given at the meeting with Marshall County:

- They want to buy a car but didn't budget for gas
- The Grant amounts were wrong
- There was no FICA and IPERS figured in
- No amount budgeted for training
- Don't understand how Tammy came up with the revenue

Shannon said that no amount of time for support staff was listed, Chris works 16 hours week. This would be a one man show, how would this be only a 40 hour a week position with all the other positions combined?

Corey asked if the plan was to have Tama or Marshall house the position? Sherry said that Tama County would be the employer and Marshall County would reimburse was how she understood it.

Micki Ferris said that she is concerned that Monday at this meeting that Tammy Wise already has her agenda, and the Board of Health will have difficulty getting through to the Board of Supervisors. We need to have an organized statement for Monday. She said that any Board of Health meeting that Tammy Wise or Dan Anderson have been at, the Board has never gave any indication that we were interested in giving up the Sanitarian position. Yet, they have chosen to take this ball and run with it.

Casey said that if this what they wanted, there should have been more meetings between the Board of Supervisors and the Board of Health, instead of all this back and forth.

Shannon said that the Board of Supervisors requests are inconsistent. It started as we needed to make the Sanitarian position for just Tama County full time in 2021. Now in 2023 they are saying it needs combined with 5 other jobs and be full time. It seems the goal keeps changing. The Board of Supervisors have never been in charge of the hiring or supervision of this position.

Sherry said she said they are very unhappy when we tell them no, they bring it back a different way.

Shannon said that in the past, after a Board of Health meeting, Lori and her were pulled aside by a Supervisor and were told they were not to question Todd. This made the supervision part of Shannon's job difficult.

Shannon said that if the Supervisors are supposed to be supervising the position and they could change every three years, where does that leave the Board of Health?

Sherry said that when we didn't look the other way as requested, that is when the trouble started. The contractors started complaining, then it has progressed to where we are now. She thinks that the Board of Health is responsible for the health of Tama County, and this should stay under the Board of Health. Micki thinks the way we are doing it, it is saving the tax payers money.

Sherry thinks Chris is doing a good job and we don't need to change anything.

Micki thinks we should draft a letter that tells them we are not interested in a sharing position, and we want to keep the Sanitarian under the Board of Health.

Shannon asked if the Board wanted them to draft a letter, and send out to the Board of Health for approval. She will reach out to Heather Bombei was well.

Curt Hilmer said that in his opinion, you are not talking to anyone on Monday, their minds are made up. He feels we make some awesome points and they all need to come to the Board of Supervisors to be said, but he hopes there is a law to back everything up.

Shannon said that in conversations that she has had with different people from the state they don't understand why our HR person is so involved in this. It is not her role and no one understands why she is involved to this degree.

Casey said he feels like there has been a pattern of bad behaviors and work history that has been allowed and now that this has changed, people don't like it. The Board of Health is now paying out for someone not doing their job.

Erik Wilklund, I-DNR, said to Google State Code of Iowa 455B.172. It talks about jurisdiction of the DNR and local boards.

Point 3 says: Each county board of health shall adopt standards for private water supplies and private sewage disposal facilities. These standards shall be at least as stringent but consistent with the standards adopted by the commission. If a county board of health has not adopted standards for private water supplies and private sewage disposal facilities, the standards adopted by the commission shall be applied and enforced within the county by the county board of health.

Point 4 says: Each county board of health shall regulate the private water supply and private sewage disposal facilities located within the county board's jurisdiction, including the enforcement of standards adopted pursuant to this section.

So the Code of Iowa gives the Board of Health the authority to regulate private wells and private disposal facilities. He encourages us to reach out to our Department of Health and Human Services representative to find out more. He just wants us to know what the Iowa Code imposes on the Board of Health as a responsibility.

Sherry reminded everyone to show up on Monday, June 5th and the Board of Supervisors Meeting Room at Noon.

Whatever Shannon finds out she will let the Board of Health know.

Public Comment: None.

Future Meeting Dates: A special Board of Health meeting will be held on Monday, June 5, 2023 at Noon at the Board of Supervisors Meeting Room.

The meeting adjourned at 1:05 P.M.

Respectfully Submitted,

Jolynn Harger, Executive/Financial Assistant