

**Chatham County Board of Health
Meeting Minutes
Monday, March 27, 2023
Dunlap Building – 80 East Street, Pittsboro, NC 27312**

The Chatham County Board of Health held a regular meeting on Monday, March 27, 2023, in the Board Room of the Dunlap Building in Pittsboro.

Attendees

Board Members: Karen Barbee, EdD, Chair; Stephanie Freese, DVM, Vice Chair; Marcia Herman Giddens, PA, MPH, Dr PH MD; Judith Malone, RN; William Roscoe, OD; Franklin Gomez Flores, Commissioner; MHA, MHA; Alan Rimer, PE, Ph.D., Carol Reitz-Barlow, RN, Tammy Lloyd, MD.

Staff: Michael Zelek, Danielle White, Dorothy Rawleigh, Anne Lowry

Guests:

Bob Hagemann, County Attorney
Dr. Eric Wolak, COO, Chatham Hospital

Welcome and Call to Order

Barbee began the meeting at 6:01 PM.

Conflict of Interest Disclosure

No conflict was disclosed.

Introductions

None.

Approval of Agenda

One item on the agenda was noted as needing to be changed: The next meeting date was incorrectly listed and should be April 24th.

Dr. Roscoe motioned to approve the agenda, and Ms. Reitz-Barlow seconded. The motion was approved unanimously.

Consent Agenda Approval

Dr. Barbee stated that there is an addition, Item G- Nondiscrimination policy needing to be added to the consent agenda.

Ms. Reitz-Barlow motioned to approve the revised consent agenda, and Dr. Herman-Giddens seconded. The motion was approved unanimously.

Public Input Session

None.

New Business

Board of Health Training

Bob Hagemann, County Attorney, provided the Board of Health annual training that covers the Board's responsibilities. The specific focus of this training pertained to Public Records Requests and Open Meetings Law.

Mr. Hagemann shared that Board communication, whether by email or text, is public record, noting it does not matter where records exist or whose device they are on. He stated that anything Board members have on their cell phone or email that is board business is public records and falls under the public records laws, with Board members responsible under the law to provide requested records. Because of this, Mr. Hagemann noted it is important not to mix Board business and personal matters in email communications. Dr. Rimer asked about an email he may receive regarding a Board matter and he replies, and Mr. Hagemann responded that it is a public record.

Mr. Hagemann shared that everyone should have a tag line on their email that states this email is a public record. Dr. Rimer asked if Mr. Hagemann could provide Mr. Zelek with an appropriate disclaimer, and Mr. Zelek said he will share the county's tagline with the board members. Mr. Hagemann asked if it was county policy that all county emails have taglines. Mr. Hagemann shared that the email tagline on an email that he received from Mr. Zelek said the following: *In keeping with the NC Public Records Law, e-mails, including attachments, may be released to others upon request for inspection and copying.*

Ms. Reitz-Barlow stated that the Board should consider having county email addresses. She said she had a situation with members of the community reaching out to her personal email about the equity statement the board made. Mr. Zelek said if county emails were created for board communications, Board members would need to be sure to check them regularly and they could only be used for board matters. Ms. Reitz-Barlow shared that the chair gets frequent communication from the community. Mr. Hagemann mentioned that he had a couple of situations where another city board used their personal email addresses for board communications. When they received a public records request, he noted that the board members were responsible for searching and reporting their emails and some of them shared different content, which created an issue.

Dr. Barbee shared she would prefer to have county email addresses due to Board member contact information being listed on the website. Commissioner Gomez Flores stated the challenge would be to check the emails regularly, adding that they could consider forwarding the county email address to their personal email address. Mr. Zelek will check on creating

county emails and forwarding to personal email addresses. Dr. Rimer said he would prefer a county email address. Mr. Zelek said he would follow up with the county MIS department and see what the process is for Board members receiving county email addresses.

Mr. Hagemann then provided training on open meetings laws, asking how many members were on the Board. Mr. Zelek shared the Board has eleven (11) members. Mr. Hagemann noted that open meetings law is triggered whenever there is a majority of the Board present at the same time or communicating electronically about business of the board. He added that a meeting calendar must be posted regularly, and special meetings can be called by the chair but must consist of a quorum and have forty-eight (48) hours' notice. Mr. Hagemann said that emergency meetings, which include an item that cannot wait for two (2) days, can be held with less than forty-eight (48) hours meeting notice. He shared that meetings are open to the public, but some items warrant a closed session, such as personnel matters and matters where state or federal law provides confidentiality for sensitive information.

Mr. Hagemann said that the Board could contact him for any legal advice and that committees of the Board are considered a public body and subject to open meetings law. Mr. Zelek said he and Mr. Hagemann spoke previously about increasing the Board committee membership to at least four (4) members each given open meetings laws. Dr. Herman-Giddens asked about phone calls. Mr. Hagemann said that if the chair sets up a call and with the majority of the Board present, it is a meeting subject to open meetings laws.

Mr. Hagemann said if Mr. Zelek emailed the agenda to the board and someone responds to all and a discussion ensues, it can trigger open meetings law. He said when Board members get emails from the group, it is important not to respond to all with Board business, adding that if the chair has a one-on-one call, it is not subject to open meetings law. Mr. Hagemann noted that per the new Board policy, if a member leaves a meeting without being excused, they are counted as a yes vote, adding they must be excused by the Board before leaving for this not to happen, but that could affect the quorum.

Commissioner Gomez-Flores asked if NC General Statutes 130A-35 are related to the Board. Mr. Hagemann said 130A-35 specifies the composition of the board of health, adding that a county board of health shall be the policymaking, rule-making and adjudicatory body for the county health department, the members of the board of health shall be appointed by the county board of commissioners, and the board shall be composed of 11 members. He noted that the statute speaks to the membership, structure, eligibility to serve, and authority of the board. Mr. Hagemann referred the Board to General Statute 130A-35 for more information. Dr. Roscoe asked if Mr. Hagemann was the county attorney, and Mr. Hagemann responded yes and that he has been with the county since 2020.

Mr. Zelek thanked Mr. Hagemann for his support and being such a valuable resource.

Board of Health Operating Policy

Mr. Zelek presented the proposed new Board of Health Operating Policy, noting that the Board currently has two (2) procedures: the Board of Health Operating Procedures and the Hearing Procedures. In creating this new policy, he said the two (2) existing procedures would be condensed into one overarching policy, the Board of Health Operating Policy.

Mr. Zelek said the new policy assures that the Board adheres to NC general statutes and other applicable laws governing local BOHs. He covered what the current procedures include, adding that the new Board of Health Operating Policy covers all of this information and what is missing from the current procedures. He shared this added information includes: Board composition, appointment and removal of members, officers, terms, meetings, committees, resignation, compensation (mileage reimbursement), Board responsibilities, supervision of the health director, budget approval, policy and rulemaking procedures, and adjudication. Mr. Zelek also said this policy can be used as a reference document for new members.

In addition, Mr. Zelek said the new proposed policy includes the following appendices: Standing Committees, Annual Meeting Schedule, Remote Meeting Protocol, Mileage Reimbursement Form, Board of Health Childhood Lead Poisoning Prevention Rules, Board of Health Rules for the Construction, Repair and Abandonment of Wells in Chatham County. Mr. Zelek asked if anyone had questions, and none were raised. Ms. Reitz-Barlow said the new policy was a good idea.

Ms. Reitz-Barlow motioned to approve the Board of Health Operating Policy and rescind the Board of Health Operating and Hearing Procedures, and Commissioner Gomez Flores seconded. The motion was approved unanimously.

FY 22/23 Board of Health Awards Committee and Animal Appeals

Dr. Barbee asked for volunteers for the Board Awards and Animal Appeals Board application review Committee. She said three (3) or four (4) members were needed to serve. Dr. Rimer asked what the awards were, and Mr. Zelek said there are two (2) awards the board presents annually: an Employee of the Year and a Community Partner of the Year. Dr. Freese, Dr. Lloyd, Dr. Rimer and Ms. Reitz-Barlow said they will be part of the committee.

Reports

None.

Health Director Report

Mr. Zelek shared the following updates as part of his report:

- The department recently learned Chatham will receive additional opioid settlement funds through a second settlement. The amount of the second settlement will total

around \$2.3 million over 15 years. Mr. Zelek presented an update to the Board of Commissioners last week, where they approved moving forward with this funding.

- There will be multiple staff introductions at next month's meeting, including the new Overdose Prevention Coordinator position.
- The Chatham County Board of Commissioners signed a resolution declaring April as Child Abuse Prevention Month. This is something the Public Health Department works with the Department of Social Services on each year, and staff are invited to wear blue this Friday.
- The national public health emergency related to COVID-19 will come to an end May 11, 2023. There are some changes related to this that will take place soon and in the months ahead. The Department is working to keep the public informed, including recently posting an FAQ on social media in English and Spanish. Updates include:
 - The Optum testing site at the Old Ag Building in Pittsboro will wrap up operations March 30, 2023.
 - The Public Health Department will continue to offer no-cost at-home rapid tests at its two sites as long as unexpired supply is available and will be able to request these kits through June 2023 from the NC DHHS.
 - Commercialization of vaccines is expected this fall. Insurance will continue to cover vaccinations and recommended boosters. The Public Health Department will offer vaccinations at no cost to those without insurance through communicable disease grant funds to ensure access.
- Medicaid expansion is finally moving forward thanks to an agreement in the state legislature. This will not take effect until after a state budget is passed.
 - Around 4,000 Chatham residents expected to benefit, more than half a million statewide
 - Expands coverage to those who earn up to 138% of the federal poverty level
- Thanks to the hard work of Child Care Health Consultant, Miranda Lanning, and Immunization Tracking Coordinator, Olivia Taylor, 39 out of 41 childcare programs have completed the Chatham County Annual Child Care Immunization Report. Only 16 children out of nearly 1,200 thus far are not up-to-date on vaccinations (10 with documented religious exemption). Dorothy shared religious exemptions have not gone up like thought they would.
- Maia Fulton-Black and Zach Horner submitted a proposal to present at the 2023 Council of State and Territorial Epidemiologists conference that was recently accepted. Their presentation will cover successes as well as some challenges and lessons learned from the 2021 Community Assessment process. Dorothy shared conference is in June.

- The department is developing a job shadowing program through its Personnel Working Group so staff, new and experienced, can learn about the programs offered by other divisions. This is part of our strategic plan to increase cross-division collaboration, and it will begin next month.
- Recruitment is underway to fill an upcoming vacancy on the Animal Appeals Board for a community member.
- Zach Horner and his wife, Sarah, welcomed their first child, Charlotte, on Saint Patrick's Day. All are doing well.

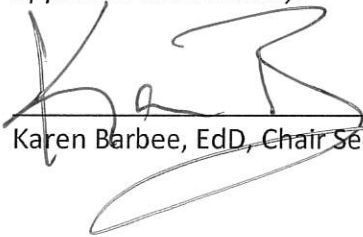
Old Business

None.

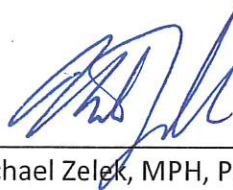
Adjournment

Dr. Barbee said the next meeting will be in the boardroom of the Dunlap Building, on May 22, 2023.

Ms. Reitz-Barlow motioned to adjourn the meeting and Dr. Freese seconded. The motion was approved unanimously.



Karen Barbee, EdD, Chair Secretary Ex Officio



Michael Zelek, MPH, Public Health Director