

**SAN LUIS OBISPO COUNTY  
HEALTH COMMISSION**

Minutes of Meeting

Monday, April 13, 2009 (Board of Supervisors Chambers)

Members Present: Lynn Enns (Chair), Jesse Arnold, Martin Craven, DDS, MD, Pam Heatherington, Ed Guerena, Pamela Munson, David Odell, Susan Warren, Dawn Williams

Members Absent: Penny Chamousis (excused)

Staff Present: Penny Borenstein, MD, Health Officer, Jean White (Recorder)

Speakers: Dr. Karen Baylor (SLO County Behavioral Health); Susan Hughes (First 5, SLO County); Dr. James Beebe (SLO Public Health Laboratory)

Agenda Item	Discussion	Action	Who/When
<b>1. Call to Order</b>	Meeting called to order by Chair Enns at 6:02 p.m.	<i>Call to order</i>	<i>Chair Enns</i>
<b>2. Approval of Minutes</b>	Minutes of March 9, 2009 were approved as written.	<i>January 2009 minutes approved</i>	<i>All</i>
<b>3. Public Comment</b>	<b>Eric Greening</b> announced that May is Bike Month in SLO County, and talked about the calendar of events throughout the County to help celebrate and advocate for bicycle-able communities and safe bicycle use. The County RideShare Office is challenging all people in the community, particularly executive level, to commute to work by bicycle. Mr. Greening encouraged Public Health staff to participate and take the challenge.		
<b>4. Overview of Prop 1E: MH Services Funding</b>	<p><b>Karen Baylor, PhD, Behavioral Health Administrator</b> provided an overview of Prop 1E that will be on the special election ballot on May 19<sup>th</sup>. She walked through a Power Point presentation that provided the Prop 1E language (Mental Health Funding. Temporary Reallocation. Helps Balance State budget.), and explained that as part of the state budget compromise, this would divert \$460 million over two years from MHSA (Mental Health Services Act) to EPSDT (Early and Periodic Screening, Diagnosis and Treatment), alleviating the State General Fund for its obligation to Fund EPSDT. MHSA prohibits supplantation and Prop 1E would provide an exception to that. Dr. Baylor walked through some of the potential impacts of Prop 1E, explaining that this would limit mental health services for people in need, and potentially could cost taxpayers more by adding costs to shelters, jails, medical care, and law enforcement. Dr. Baylor provided a list of opponents to Prop 1E, and stated that the CSAC (California State Association of Counties) and CMHDA (California Mental Health Directors Association) have taken a neutral position, but CMHDA is considering changing to an “oppose” position for a number of reasons, including a concern that this is possible precedent setting.</p> <p><b>Commissioner Questions/Comments:</b>  <b>Commissioner Heatherington</b> asked for more info about which segments of MHSA funding could be tapped. Dr. Baylor explained that it is the State Department of Mental Health’s responsibility to determine where they would take the funds from. CMHDA has asked that unexpended state MHSA administration funds be considered the first priority for this redirection and that whatever solution is implemented is done so with the intention of doing the least amount of harm possible to already existing mental health services.</p>		

	<p><b><u>Public Comment:</u></b>  <b>Eric Greening</b> informed the commission that the Board of Supervisors have an agenda item on their calendar tomorrow to decide whether to take a position on any or all of the propositions. He asked that the commission stand up to the shameful state budget process and support a “NO” vote on Prop 1E. He suggested the commission communicate their action in an official way to the Board of Supervisors for tomorrow’s meeting.</p> <p><b><i>Commissioner Odell made a motion that the Health Commission go on record as opposed to Proposition E in order to support Mental Health Services in our County. Motion seconded by Commission Heatherington. All in favor.</i></b>  <i>(Chair Enns will email the Board of Supervisors and the County Administrative Office prior to tomorrow’s Board meeting communicating the commission’s opposition.)</i></p>	<p><i>Motion passed in favor of Prop 1E</i></p>	
<p><b>5. Overview of Prop 1D: CA Children &amp; Families Act / Use of Funds</b></p>	<p><b>Susan Hughes, Executive Director, First 5 San Luis Obispo</b> provided a Power Point overview of Proposition 1D and talked about the history of First 5 and some of the local impacts of Prop 1D. She explained that First 5 was established in 1998 with a 50 cent tax on tobacco and that SLO County receives approximately 2 million dollars per year. Each County has a local commission that determines local needs and creates a local strategic plan and long range financial plan. Funds are allocated according to the local strategic plan, and support services for children, ages 0-5. Proposition 1D redirects a portion of First 5 funds to the State and gives the legislature total authority over how to spend these funds. Funds must still be used for programs for children, ages 0-5, but there is no assurance that funds will be spent in the same proportion in the counties from which they were taken. Prop 1D transfers 268 million annually for five years to the State General Fund (Proposition 10 Health and Human Services Fund) prior to any allocations to the state or county; specifies funds shall be used to provide direct health care services; requires every County receive a baseline of \$400,000; exempts redirected funds from the non-supplantation provisions included in Proposition 10; and permits local controller to access First 5 funds as a cash borrowable source.</p> <p><b><u>Public Comment:</u></b>  <b>Eric Greening</b> expressed his opposition to 1D, noting the scare tactics used in this campaign and the need for taking a strong stand.  <b>Dr. Steven Hanson</b>, representative from the Medical Society on the County Tobacco Control Coalition and former First 5 Commissioner praised First 5 for their emphasis on prevention. He emphasized that Prop 1D is an anti-preventive initiative and that a loud message needs to be sent in opposition of Prop 1D. He suggested that the people in Sacramento need to do their job properly and not rob initiatives like this one that were passed by a large majority of the populists.</p> <p><b><u>Commissioner Questions/Comments:</u></b>  <b>Commissioner Williams</b> shared a personal opinion that more good can be done with our money by putting it into our children than putting it into prisons and/or mental hospitals.</p> <p><b><i>Commissioner Munson made a motion that the County Health Commission go on record as opposed to Proposition 1D because they believe it will severely impact the health of the children in San Luis Obispo. Motion seconded by Commissioner Williams. All in favor.</i></b></p>	<p>Handout:  <i>Copy of Power Point Presentation</i></p> <p>Handout:  <i>First 5 Overview / Accomplishments</i></p> <p><i>Motion passed in favor of Prop 1D.</i></p>	

**6. Overview of Vector Control Program Benefit Assessment**

**Penny Borenstein, MD, Health Officer**, explained the difference between the vector control assessment ballot that will be mailed out on May 8<sup>th</sup> and the state ballot measure on May 19<sup>th</sup>. She provided a bit of history on why the vector control ballot initiative was developed and explained that this ballot will allow property owners in the County to decide if comprehensive services should be provided to reduce mosquito populations throughout the County on a year-round basis. If this measure is approved, other disease carrying insects and rodents such as ticks and rats would be monitored and regularly tested for the presence of harmful diseases. The annual assessment for a typical single family property will be \$9.80 per year and cannot exceed a 3% annual maximum increase, based on CPI.

**Commissioner Questions/Comments:**

**Commissioner Craven** concerned about the annual increase based on CPI and that an increase would occur even if all of the previous year's money hadn't been spent.

**Commissioner Craven** asked if this program would be run by the Health Department. Dr. Borenstein answered that this would be run out of the Environmental Health Division, adding 5.5 staff members as well as equipment and abatement materials.

**Commissioner Heatherington** asked about guidelines for pesticide use. Dr. Borenstein explained that the least invasive materials would be used.

**Commissioner Williams** asked about public education and incidence of Lyme Disease. Dr. Borenstein talked about the public education that Environmental Health staff (particularly the Director) have been doing through radio, television, city meetings, presentations. Dr. Borenstein explained some of the difficulties in diagnosing Lyme Disease (clinical vs. laboratory evaluation) and that clinically diagnosed Lyme Disease is only a few cases per year.

**Commissioner Arnold** asked if a tick could be tested to see if it is carrying the organism. Yes, there is a Cal Poly researcher who has been looking at ticks and has found another related organism that is inherent in some of the ticks in our County.

**Commissioner Arnold** expressed his concerns with this measure, believing it is undemocratic because not all registered voters can vote; only property owners. (This falls under Prop 218, requiring anything with a specific benefit to specific constituents be assessed the amount of the benefit). Commissioner Arnold also concerned with the proportion of fees not being dependent on whether the home is a multi-million dollar home, a modest home, or if it is a large breeding area for mosquitoes.

**Commissioner Odell** talked about vector control being a basic component of public health and the fact that San Luis Obispo County is one of the last counties to adopt this. He fully supports adopting this as a basic principle of good public health in the County.

**Commissioner Guerena** asked about West Nile Virus stats over the past few years. (Generally, there have been fewer cases over the last couple of years.)

**Commissioner Guerena** asked about the ballot process. Dr. Borenstein explained ballots will be mailed in early May, public will have 45 days to respond. On the 45<sup>th</sup> day, there will be a public hearing for the Board of Supervisors to hear public comment. The can take any comment under advisement and invalidate the ballot or accept it and they themselves can vote on their \$5,600 dollars in assessment.

**Commissioner Guerena** asked about data on vectors. Dr. Borenstein answered that data is available and that it can be nil one year, but epidemic in another.

**Commissioner Warren** asked how much revenue they expect to generate in the first year. Dr. Borenstein believes it in the range of \$900,000 for the entire program annually.

	<p><b>Public Comment:</b>  <b>Eric Greening</b> attended the Board of Supervisors meeting where they authorized moving forward with this assessment, and the information provided there was that there is no ability to eliminate ticks through this program and that it is ¾ a mosquito program. Also, it was stated that Mr. Batson and/or staff of the Health Department could not advocate for this, only provide an informational campaign. Mr. Greening expressed his concerns: Tenants are left voiceless and landlords pass on costs to tenants; parcel tax is the same for a mansion as a shack; not all of the environmentally ill will be notified when adulticides are used; a program that is hiring people for a specific function when departments are suffering massive layoffs, may not be the most urgent; and he doesn't want taxpayers money to be used for a "information campaign" that only advocates for one side.</p> <p><b>Elizabeth Johnson</b>, San Luis Obispo, expressed her disappointment that County general funds paid for personalized ballots. She agreed with Mr. Greening that adding 5.5 staff positions in this financial climate is not the best use of funds. She suggested looking at other alternatives for a vector control program that is not based on this type of assessment.</p> <p><b>Commissioner Heatherington</b> asked if funds would be available if there were a true emergency of an epidemic. (Dr. Borenstein answered that there would probably be a diversion of funds if there were a major epidemic.)</p> <p><i>Commissioner Odell made a motion that the County Health Commission go on record in support of the Vector Control Program Benefit Assessment. Motion seconded by Commissioner Guerena. Discussion: Commissioner Guerena supports because vector control has been the core of the society, and believes we have to look and measure what's there. Commissioner Arnold respects the opinions of others, but objects to putting vector control ahead of everything else. Commissioner Warren believes the \$900,000 could be better spent. Vote: 5 In Favor; 3 Opposed (Warren, Heatherington, Arnold); 1 Abstention (Williams). Motion passed.</i></p>	<p><i>Motion passed in support of the Vector Control Program Benefit Assessment.</i></p>	
<p><b>7. SLO County Public Health Laboratory Upgrade &amp; Services</b></p>	<p><b>Dr. James Beebe, Laboratory Director</b>, provided a Power Point overview of Public Health laboratory services. He praised the laboratory staff and talked about some of the testing that they perform: STD testing, HIV antibody, Syphilis serology, tuberculosis testing, studies of fungi and yeasts, mycology, bacteriology, testing for viruses and parasites, testing of water, shellfish, food, and bioterrorism agents. He talked about who the laboratory serves, and some of what is new in the laboratory, including Quantiferon testing for TB infection; a new molecular method for Chlamydia and Gonorrhea screening; marine toxin testing on shellfish; and, recently becoming a member of the CDC's sponsored Laboratory Response Network, allowing them to be officially commissioned as a bioterrorism confirmatory laboratory.</p> <p>Dr. Beebe talked about the three phases of the laboratory remodel project they are undergoing and announced that they will be receiving \$329,000 through the Federal Reconciliation Bill that will allow them to complete the remodel before the end of this calendar year. As a bioterrorism response laboratory they will be able to serve a 3-county area that includes Santa Barbara, Ventura and San Luis Obispo and, with one last change, will be able to provide laboratory support to the FBI. He described some of the potential bioterrorism agents that they</p>		

	<p>will be able to test for and, if needed, could refer to the next highest level lab, Los Angeles Public Health laboratory, and then the Center for Disease Control Lab. He explained their highest priorities for testing would be human specimens and culture isolates from cases of illness with signs and symptoms judged by a clinician or epidemiologist as consistent with infection/intoxication due to a recognized Bioterrorism agent and environmental specimens collected from a scene or associated with an event that is deemed a credible threat by an FBI agent in concert with local law enforcement.</p> <p><b><u>Commissioner Questions/Comments:</u></b>  <b>Commissioner Arnold</b> asked about food testing. Dr. Beebe explained the complexity of food testing and why you cannot test for everything. He explained the best situation for food testing is when multiple people have gotten sick from the same thing and the “micro” causing the illness can be recovered and cultured, for further analysis and characterization.</p> <p><b>Commissioner Guerena</b> asked if #'s on reportable diseases are routinely published. Dr. Beebe advised that disease reportables are available on the Public Health website and on the back page of the quarterly Public Health Bulletin. <i>Commissioner Guerena, Arnold and Munson will be added to the mailing list.</i></p> <p><b>Commissioner Craven</b> asked if the lab is self sustained financially. Dr. Beebe explained that approx. ¼ of their budget comes from the County general fund.</p>		
<p><b>8. Ordinance for Land Application of Biosolids / Treated Sewage Sludge</b></p>	<p><b>Penny Borenstein, MD, Health Officer</b>, provided background information on the development of the interim ordinance for land application of biosolids, talking about the work groups that were convened and the establishment of the local interim ordinance approved by the Board of Supervisors in February 2004. She reported that the interim ordinance is due to expire on February 28, 2010. In order to replace the interim ordinance, the Public Health Department began to draft a new ordinance and sent it out to interested parties for review and comment. Feedback has been received, and it has been concluded, that an Environmental Impact Report (EIR) will be necessary to address the environmental issues. The cost of an EIR will be approx. \$200,000. The Public Health Department is presenting 4 options to the Board of Supervisors on April 21<sup>st</sup> for direction to staff. The four options are: 1) continue with the ordinance development process to permanently replace the existing interim ordinance; 2) extend the existing interim ordinance for three years with no changes; 3) extend the existing interim ordinance for three years with minor technical changes; 4) allow the existing interim ordinance to expire on 2/28/10.</p> <p><b>Rich Lichtenfels, Supervising Environmental Health Specialist</b>, from the Environmental Health Division of the Public Health Department was present to answer technical questions.</p> <p><b><u>Commissioner Discussion/Questions:</u></b>  <b>Commissioner Heatherington</b> asked about Option 3, specifically the cost and extent of the “minor technical changes.” Mr. Lichtenfels answered that they don’t believe these would be insurmountable changes and the cost would be minimal.  <b>Commissioner Guerena</b> asked for definition of “composted biosolids” and where this is being applied. Mr. Lichtenfels explained that the interim ordinance allows composted biosolids to be applied to agricultural land. Composted biosolids are high quality biosolids; green waste mixed with biosolid</p>		

materials. Commissioner Guerena asked about testing for pharmaceuticals. Mr. Lichtenfels explained that testing for pharmaceuticals is currently not required, but is an emerging concern. **Commissioner Arnold** asked about the ratio of mixing green waste with biosolid material. Mr. Lichtenfels referred to Bruce Keogh, Manager of the Morro Bay/Cayucos Wastewater Treatment Plant, who explained that they are the only biosolid composting operation in SLO County. He explained state regulations -- dry weight is 2 parts green waste to 1 part biosolids. They have many people that use small quantities for landscaping. Pure biosolids are tested for 165 possible contaminants. The ability for testing of emerging contaminants such as pharmaceuticals is on the “cutting edge” and based on cost, we will probably see more testing for that done in the next few years.

**Public Comment:**

**David Broadwater, CSI**, referred to a four-page brief he wrote and distributed to commissioners that provided 8 options on possible ways to proceed, with a brief description of the advantages and disadvantages of each, from environmental and financial perspectives. He stated that *CSI’s most preferred option is to extend the interim moratorium for four years, and include composts containing sewage sludge*. The current interim ordinance only regulates sewage sludge and not any compost material that has sewage sludge in it. A four year extension will allow enough time for the financial climate to settle and an EIR to be done. Mr. Broadwater strongly urged the commission to write a letter to the Board of Supervisors asking for an extension of the Interim Ordinance and including compost.

**Bruce Keogh, Manager of the Morro Bay/Cayucos Wastewater Treatment Plant**, expressed Morro Bay City staff’s support for the development of a land application ordinance that addresses how to responsibly, sustainably deal with the biosolids produced within San Luis Obispo County. He emphasized the need for the ordinance to be based on sound science and not swayed by a local minority. *City staff recommends an extension of the ordinance as currently written would be the appropriate measure at this time*, allowing more time to adequately address numerous issues surrounding biosolids. He emphasized the need that PUBLIC EDUCATION be a major component of the recommendation of any ordinance that goes forth. Mr. Keogh talked about their composting operation, permitted by the California Integrated Waste Management Board. He is happy to provide more information on their composting operation and offered to provide a tour of their facility.

**John Wallace, District Administrator, South San Luis Obispo County Sanitation District**, agreed with Mr. Keogh about the importance of public education and noted that this is one of the recommendations of the original task force that was not followed well and is very important. He stated that the interim ordinance has been an adequate vehicle to get where we are today and through the creation of a more permanent ordinance, with an EIR, some of the debate will be taken out of information that has been presented. He noted that there is a long history of successful use of biosolids, with no reported consequences. Mr. Wallace suggested the cost of the EIR could be brought forward to the Water Quality Control Board, asking for funding from some of the fines that have been collected. His board believes that our biosolids need to be dealt with within our own County and not look to Kern County and others. *Mr. Wallace recommended that while looking for money for an EIR, an extension of the ordinance as currently written would be appropriate.*

**Commissioner Arnold** asked Mr. Wallace if the interim ordinance prohibited them from doing land application they had done in the past. Mr. Wallace explained that they could apply for a permit, but are waiting for development of a permanent ordinance. In the meantime, they have been going to Kern County with their materials.

	<p><b>Commissioner Heatherington</b> noted that LA City is turning a lot of their sludge into power rather than taking it to Kern County. She believes the discussion tonight indicates that more regulation is needed. <b>Mr. Wallace</b> added that regulating the right way is the better choice.</p> <p><i>Commissioner Craven made a motion in support of Option 2 of staff's report, extending the existing Interim Ordinance for three years with no changes. Motion seconded by Commissioner Warren. Discussion: Commissioner Craven explained his preference for a 3 year extension to move towards an EIR and permanent ordinance sooner. Commissioners Arnold and Warren support Mr. Wallace's idea of looking for other funding sources for the EIR, other than County general funds. Commissioner Heatherington cannot support Option 2, but could support Option 3. She is concerned that Option 2 sends a message that the commission is not concerned about the composting. Vote: 6 in favor; 1 opposed (Heatherington); 2 abstentions (Guerena/Williams). Motion passed.</i></p>	<p><i>Motion passed in support of Option 2 of staff report.</i></p>	
<p><b>9. Health Agency Report</b></p>	<p><b>Penny Borenstein, M.D., Health Officer</b>, referred to two lists of Health Agency service level reductions, titled "FY 2009-10 General Fund Support Reduction Form" and "FY 2009-10 General Fund Support Reduction Form—2<sup>nd</sup> Round Cuts," and explained that all County departments (excluding public safety departments) were required to submit these to the County Administrative Office to help address the 30 million dollar gap the County is facing going into FY 2009-10. The first list reflected a 5% reduction from the current year's level of funding and the second list reflected an additional 10% in service level reductions; totaling approximately 5 million dollars in reductions. Dr. Borenstein walked through the list, talking about the impacts of these reductions to programs and services.</p> <p><b>Chair Enns</b> asked if the Health Agency was still holding positions vacant. Dr. Borenstein answered yes, but in order to continue to provide necessary core public health services, some positions would need to be filled.</p> <p><b>Commissioner Heatherington</b> expressed concern about additional reductions to CHC and asked what the bottom line (for reduction) would be. <b>Commissioner Guerena</b> asked about reductions to CHC and potential impacts on the ERs and other providers. Dr. Borenstein talked about some of the growth CHC has seen, and explained that these are the types of issues and questions that are being looked at and assessed by CHC and the County.</p> <p><b>Commissioner Arnold</b> referred to a sewage spill on Board Street about a month ago and asked about the policy for notification to persons who live in homes on the creek. Dr. Borenstein explained that public notification is done through the media and talked about some of the difficulties in doing individual notifications. She referenced a letter that has been written to the commission from an individual living near the creek.</p>		
<p><b>10. Health Commissioner Updates</b></p>	<p><b>Chair Enns:</b> Reported that she attended and staffed the Health Commission booth at the Public Health Fair last week, where she distributed copies of the health survey and the disposal of medications flyer.</p> <p><b>Commissioner Arnold:</b> Clarified from last month that May 19<sup>th</sup> is World Viral Hepatitis Day and talked about proclamations that will be brought forward to the Board of Supervisors and in</p>		

	<p>Sacramento. He also announced that July 12<sup>th</sup> is the 25<sup>th</sup> anniversary of the AIDS Support Network and talked about some of the activities that will be a part of this event.</p> <p><b>Commissioner Guarena:</b> Attended a workshop on “pharmaceutical waste at healthcare facilities” at the San Jose Waste Treatment Plan, where they reported on two bills, SB 26 and HR 1191, that would help open the pathways for pharmacies and others to accept and dispose of medications. He noted the importance of educating people about what NOT to put down the drain and into the landfills. Unfortunately, San Luis Obispo County does not have any good alternative methods for disposal of pharmaceuticals.</p> <p><b>Commissioner Heatherington:</b> Will report from the Domestic Violence Task Force minutes at next month’s meeting.</p> <p><b>Commissioner Odell:</b> No report.</p> <p><b>Commissioner Munson:</b> No report.</p> <p><b>Commissioner Craven:</b> Reported on the Children’s Dental Clinic held at CHC in South County on April 4<sup>th</sup>, sponsored by First 5 and the Oral Health Commission, where volunteer dentists and hygienists saw 54 patients. He also reported that the Partnership for the Children / Clinica de Tolosa received a \$20,000 preventive health grant that will cover general anesthesia for children.</p> <p><b>Commissioner Warren:</b> Reported that the Drug &amp; Alcohol Board is looking for community members to serve on the board. She also noted that Drug &amp; Alcohol Services moved their office from Grand Avenue to Longbranch in Arroyo Grande, to the same building as Probation.</p> <p><b>Commissioner Williams</b> has seen flyers for a “Tooth Fairy” event in May and asked who was sponsoring the event. Dr. Craven believes this is being sponsored by a subgroup of the Oral Health Coalition.</p>		
<b>11. Committee Reports</b>	<p><u>Nominating Committee:</u> Commissioner Odell announced that there is an opening on the commission in the consumer category. A press release has been sent to media announcing the vacancy and the vacancy has been posted at the County Clerk Recorder’s Office.</p> <p>No further committee reports.</p>		
<b>12. Prospective Future Items</b>	<p><u>May 2009:</u> Childhood Obesity and School Nutrition</p> <p><u>Future topic:</u> Disposal of pharmaceuticals</p>		
<b>13. Adjournment</b>	Motion to adjourn at 9:32 pm	<i>Meeting adjourned</i>	