

**SAN LUIS OBISPO COUNTY
HEALTH COMMISSION**

Minutes of Meeting

Monday, January 9, 2012 (County Board of Supervisors Chambers)

Members Present: Ed Guerena (Chair), Susan Warren (Vice-Chair), Lynn Enns (Secretary), Jesse Arnold, David Clous, Tracy Del Rio, James Pope, Anne Quinn, Jean Raymond, Mary Jean Sage

Members Absent: None

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

Speakers: Chief Tim Olivas (Morro Bay Police Department), Rita Neal (Assistant County Counsel), Kena Burke (CHC)

Agenda Item	Discussion	Action	Who/When
1. Call to Order	Meeting called to order by Chair Guerena at 6:00 p.m.	<i>Call to order</i>	<i>Chair Guerena</i>
2. Approval of Minutes	Minutes of December 12, 2011 were approved as written.	<i>Minutes approved</i>	<i>Arnold/Clous/All</i>
3. Public Comment	<p>Officer J.W.Townsen, with the Highway Patrol in San Luis Obispo, talked about California Highway Patrol's (CHP'S) Start Smart Program, a free teen driver safety education class for new and future licensed teenage drivers between the age of 15-19 and their parents or guardians. Teen drivers are found at fault in 66% of all fatal collisions that they are involved in. The program provides education on traffic collision avoidance techniques, collision causing factors, driver/parent responsibilities, seatbelt usage, moving violations, DUIs, and peer pressure. Additionally, testimonies are provided by officers and family members who have been impacted by fatal collisions. Classes are offered once a month at the CHP Office in SLO and every other month at the CHP Office in Templeton. The next class will take place on Jan 25, 2012, 6:00 pm, in SLO. Persons can call San Luis Obispo CHP Office at 593-3000 and Templeton CHP Office at 434-1822.</p> <p><i>Commissioner Clous asked what percentage of teenage drivers are attending the classes. Officer Townsen explained that attendance has been 4-5 students per month; they are working to get the word out that the class is free and about the importance of teenage drivers attending these classes.</i></p> <p>Jennifer Blonder, speaking on behalf of the Surfrider Foundation of SLO County, wanted to make further comment tonight about sewage spills affecting our local waters. She referenced two recent sewage spills (Moonstone Beach (Nov 24) and Santa Rosa Creek (Dec 17)) and noted that both were posted with paper warning signs. On Jan 4, north and south of Pismo Pier, there were warning signs posted for hazardous levels of fecal and total coliform bacteria and she questioned the cause of the high levels in this area, because it hasn't been due to rains. She referred to a test done in Pismo Beach that cataloged coliform levels for birds, cats and dogs, showing dogs were 20% of the problem. She suggested that Pismo might investigate this further and enforce their laws more closely. She also brought forward a question from Surfrider Foundation about when the County will have real time postings of coliform bacteria levels on their website. She asked if any commissioners would be interested in working with Surfrider on an educational campaign to bring awareness to the community about these problems, while looking for solutions.</p>		
4. Update: Operation Medicine Cabinet Program	Chief Tim Olivas, Morro Bay Police Department , spoke to the Commission in 2010 about the "kickoff" of Operation Medicine Cabinet, a program for SLO County residents to safely dispose of unwanted prescription and over-the-counter medications through 10 drop boxes that were provided and		

	<p>installed by SLO County Integrated Waste Management Authority (IWMA) at all 7 municipal police departments (Arroyo Grande, Atascadero, Grover Beach, Morro Bay, Paso Robles, Pismo Beach, San Luis Obispo) and 3 Sheriff substations (Los Osos, Oceano, Templeton). The program has been very successful through the cooperation of all of the police departments, the Sheriff, and the IWMA, collecting more than 2,900 pounds of medications in 2011 that would have otherwise ended up in our environment. Chief Olivas advised that in 2010, President Obama passed the “<i>Secure and Responsible Drug and Disposal Act of 2010</i>,” with the intent to encourage the Attorney General to establish regulations that will allow for the public and private take-back of medication (pharmacies). Currently the Controlled Substance Act only allows medications to be taken in by law enforcement agencies. Attorney General guidelines will potentially be coming out in 2012, with possible implementation of a program in 2014 or 2015. The Attorney General’s new guidelines will take some of the burden off of the law enforcement agencies. Until that time, Operation Medicine Cabinet program will continue to provide a safe disposal site for medications.</p> <p><u>Commissioner Questions/Comments:</u> Commissioner Arnold asked about process for destruction of medications after collection. (<i>Chief Olivas explained that the medications are transported to two facilities (one in Long Beach and one off Interstate 5), where they are incinerated. The DEA has had two one-day take back programs across the US, and has taken care of the destruction of the medications. They are hopeful that program will continue.</i>) Commissioner Clous asked where to go for more information on drop sites/locations. (<i>Chief Olivas advised they have a brochure that talks about Operation Medicine Cabinet and provides the addresses and phone numbers for each drop site. Brochures are available in pdf format on most of the Police Department’s websites, as well as on the Integrated Waste Management website.</i>)</p>		
<p>5. Overview: Ralph M. Brown Act / Conflict of Interest</p>	<p>Rita Neal, Assistant County Counsel, provided a Power Point presentation overview of the Ralph M. Brown Act and Conflicts of Interest. She explained that The Brown Act is set out in the Government Code, providing, in relevant part, that “it is the intent of the law that actions be taken openly and deliberations be conducted openly.” The Health Commission’s Bylaws specifically state that the commission is subject to the Brown Act. Commission’s standing committees and task forces are also subject to the Brown Act. Temporary advisory committees generally are not subject to the Brown Act, as they are composed of less than a quorum and serve a limited or single purpose. Agendas must list the item to be considered in general language; items off the agenda may not be discussed and no action may be taken on such items, except commission members may report on their activities and respond briefly to public comment on a non-agenda item. Agendas must be posted in an area freely accessible to the public 24 hours/day. Regular meetings must be posted at least 72 hours in advance of a meeting inside a bulletin board; internet posting alone is inadequate. Ms. Neal also explained that public comment must be allowed for each item on the agenda, in addition to a general public comment period. She also defined closed session meetings, regular meetings, emergency meetings and adjourned meetings. She talked about teleconferencing and “what constitutes a meeting, cautioning about “serial meetings / collective concurrence and private events that may give an appearance that Health Commission business is being discussed. The Brown Act requires transparency.</p>		

Ms. Neal also provided an overview of “Conflicts of Interest,” explaining that the Health Commission’s Bylaws state that the Commission shall comply with the federal and state conflict of interest laws: 1) Political Reform Act (regulating political campaigns and requires disclosure of financial interest). The Political Reform Act requires every public entity have a Conflict of Interest Code and requires and sets out who has to fill out Form 700. As an advisory body, the Health Commission does not fill out Form 700; 2) Prohibition of contractual conflicts of interest (Gov Code Section 1090) - Commissioners should disqualify themselves if they are advocating for a contract from which they would financially benefit; 3) Prohibition of incompatible employment activity or enterprise for compensation (Gov Code Section 1126) – should not engage in any employment or activity that is incompatible with your duties of a local agency; and 4) Common law rules against conflicts of interest - acting with integrity and not letting private interests influence public decisions; this extends to non-economic interests.

Commissioner Questions/Comments:

Commissioner Guereña asked if there were specific places that agendas needed to be posted. (*Ms. Neal noted that most agendas are posted at the County Government Center in an outside glass covered bulletin board. Health Commission agendas are also posted at the County Health Departments.*)

Commissioner Guereña provided an example of one commissioner talking to another commissioner about an idea for a future agenda topic and asked if this type of discussion would be a violation. (*Ms. Neal answered that a discussion like this would not be a violation, because it involves only two people, less than a quorum, who are talking about a future agenda that would be discussed with a quorum.*)

Commissioner Arnold referred to the Health Commission’s Nominating Committee interviews being open session meetings and asked if the applications are public. (*Ms. Neal advised that there are some personnel exceptions within the Brown Act and an interview setting with personal information may be something that is subject to closed session, but she would have to read the Health Commission Bylaws more carefully and talk with Dr. Borenstein before answering and getting more info to him.*)

Dr. Borenstein asked for more clarification on “serial meetings,” and her understanding that it involves communication amongst a quorum of the members. (*Ms. Neal answered that if there is discussion among 3 commissioners for purposes of clarification of an agenda or something, it is okay. But cautioned if one commissioner asks a second, who asks a third, and suddenly you have a meeting by the time you have talked to 6 people about it.*)

Commissioner Guereña suggested that the commission not use “reply to all.” (*Ms. Neal agreed that when an email goes out to all members on a topic and someone “replies to all” that technically you have started a meeting. She suggested adding a note to the bottom of the email “if you want to respond to this email, please only respond to me directly - Do not hit “reply to all.”*) **Dr. Borenstein** asked for clarification that it would be okay to send an informational email to everyone, as long as nobody replies. (*Ms. Neal confirmed.*)

Commissioner Warren provided example of public officials sitting on the board of a non-profit that may have a contract with the County and asked about conflict of interest. (*Ms. Neal explained that many nonprofits contract with the County, so this needs to be looked at on a case-by-case basis. She explained that sometimes the salaries from the nonprofits don’t constitute an economic interest, but cautioned about common law conflict of interest. These issues come up fairly regularly in this County with various public officials sitting on a lot of boards. There are factors County Counsel can go through with the public official. She advised to “err on the side of caution.”*)

Commissioner Guereña provided an example of “Operation Medicine Cabinet” where the commission only

	<p>received a report and took no action. He asked if a commissioner had a competing business, if they could still receive and discuss an item if no action is being taken. <i>(Ms. Neal advised if the commission starts to discuss the item and it looks like they are going to start taking an action on it, the commissioner should withdraw. But, since no action was taken on the item tonight, and the commission only received a report, there is no conflict of interest.)</i></p>		
<p>6. Request from CHC for a letter in support of CHC's Federal grant application for HRSA funding for 2012-2017 (Action Item)</p>	<p>Kena Burke, Community & Government Relations Officer for Community Health Centers of the Central Coast (CHC), asked the Commission for a letter of support for CHC's federal grant application for 2012-17. She explained that this is an important application because it is for the next 5 years and is a competitive application. CHC will be competing with other existing and proposed health centers throughout the United States. CHC depends on this funding to continue operations and provide access to health care for people who would otherwise not be able to afford it, including uninsured, migrant farmworkers, homeless patients, and public housing residents. Ms. Burke provided statistics that CHC is seeing 50% more homeless patients than in 2008; CHC had a 17% increase in the number of migrant and seasonal workers from 2008 to 2010; and CHC's overall total patients has increased 21%, with 61,529 in 2008 and 74,285 in 2010. This is an important grant that covers their entire population from Lompoc to San Miguel. Almost half of their patients are in one of these populations.</p> <p><u>Commissioner Questions/Action:</u></p> <p>Commissioner Enns asked if the number of patients were individual patients or patient encounters. <i>(Ms. Burke clarified that the numbers were individual patients; estimating 3.5 visits per patient.)</i></p> <p>Commissioner Arnold asked if CHC is noticing any health problems in workers in the strawberry fields due to pesticides. <i>(Ms. Burke doesn't have that data available, but explained that CHC provides educational outreach and prevention services to the workers in the field.)</i></p> <p>Commissioner Raymond asked if CHC is also asking for support from Santa Barbara County and the SLO County Public Health Department. <i>(Ms. Burke answered yes; CHC has asked for support from Santa Barbara County Board of Supervisors, individually, and from the Public Health Department.)</i></p> <p>Commissioner Arnold made a motion in support of the Health Commission sending a letter in support of this grant. Motion seconded by Commissioner Del Rio. All in favor.</p>		
<p>7. Health Agency / Public Health Report</p>	<p>Dr. Penny Borenstein, Health Officer, reported briefly on the following:</p> <ul style="list-style-type: none"> ▪ Trauma Center Designation: The Local Emergency Medical Services Agency (Public Health Department) is within weeks of making a designation of a Trauma Center in SLO County. A contract will be going forward to the Board of Supervisors within the next month. ▪ New Division Manager: Public Health hired Stephen Lieberman for the EMSA Division Manager/EMSA Administrator position. Public Health recently reorganized the Public Health Emergency Preparedness Program and Emergency Medical Services under one division. ▪ State Budget: The State Budget release doesn't have much in the way of direct cuts to public health, but there isn't much state money left in health services. The Medically Indigent Adult Program may continue to see increased numbers, as welfare programs are cut, and people are no longer receiving any general assistance due to inability to find work or unemployment. There is funding in the State budget proposed for an ongoing source of funding for the expansion of the Jail population as brought about by last year's Assembly Bill 109, Public Safety Realignment. SLO County is definitely experiencing increased numbers in the County Jail population and medical 		

	<p>costs associated with care for that increased population will rise, so it is important to the County and the Health Agency to have a known funding source.</p> <ul style="list-style-type: none"> ▪ County Budget: The Health Agency is being asked to submit a budget that is 5% less than their current General Fund support. The process has begun and each year it gets more challenging to identify areas to cut. The budget needs to be submitted by February 2nd. ▪ Influenza: The first case of influenza has been confirmed in SLO County. There is still time to get a flu shot. Flu season typically peaks in January/February. There has been some report in the news about a new variant of the influenza virus that has shown up in a dozen people in five states. This is a variation of an existing strain that is in the vaccine, but not particularly protected by the current vaccine. This is being watched very closely by CDC and others; thus far, no reports in the State of California. <p><i>Commissioner Arnold referred to Jennifer Blonder’s public comment and asked if it is known what is causing the pollution at Pismo Beach. Dr. Borenstien’s short answer was no, but she referred to the research study done by Cal Poly, that reported out in the past year, showing that birds on the Pismo Pier seemed to be causative of increased coliform levels in that area.</i></p>		
<p>8. Health Commissioner Updates</p>	<p>Chair Guereña: No update. Commissioner Pope: No update. Commissioner Quinn: No update. Commissioner Arnold: No update. Commissioner Clous: Reported that the Tobacco Control Coalition did not meet in December. He also reported that the Pesticide Use Committee requested and received 2011 pesticide log data from the County Agricultural Department. The committee reviewed the data and generated questions that have been forwarded to Janice Campbell at the Agricultural Department. Results of the committee’s review will be discussed at the February Health Commission meeting, where Janice Campbell will be a speaker. Commissioner Enns: No update. Commissioner Warren: No update. Commissioner Del Rio: No update. Commissioner Sage: Reported that SLO CAP will be holding a public forum “<i>Transportation Trip Planning</i>” workshop on Thursday, January 12, 2012 at the Vets Hall, from 8:30-10:00 am. She also reported that the <i>Beginnings</i> Program has posted their meeting dates, with the next bi-monthly meeting scheduled on February 10. The <i>Beginnings</i> coalition is in the process of developing an educational brochure that will go out to OB offices and other agencies. She further reported that the Domestic Violence Task Force hasn’t met for a couple of months, due to a change of administrative staff, but should be meeting this month. Commissioner Sage also serves on the Preventive Health Grant Committee and explained that with the recent resignation of David Odell, the need for an alternate member from the Commission on that committee. She explained that this committee receives between 60-63 grant applications that have to be read by every member of the committee in a short period of time, and that the committee meets weekly through February and March. She asked if Commissioner Pope or any other commissioner would be interested in serving as an alternate on this committee. Commissioner Pope volunteered. Commissioner Raymond: Attended the Adult Service Policy Council meeting last Friday where there was a presentation by Fred Monroe, Ridership Development, who was looking at ways to expand</p>		

	<p>transportation options in San Luis Obispo. People’s Self Help Housing also provided an update on housing in our County, providing a listing of what properties are available; although they have a long waiting list. There was also a presentation from Morgan Torell, County Planning Department, who talked about SLO County and older adults and the possibility of the County beginning work on a senior friendly community this year. Ms. Torell mentioned that there are federal grants available for housing for older adults. Commissioner Raymond will forward Ms. Torell’s contact information to Jean White.</p>		
9. Committee Reports	<p><u>Nominating Committee:</u> Commissioner Arnold introduced Gill Blonsley, who has been recommended by the Nominating Committee to serve as a Consumer representative on the Health Commission (filling David Odell’s vacated term). Mr. Blonsley provided a brief introduction of himself. Mr. Blonsley is a retired healthcare administrator and has lived in SLO County for 6 years. As a post retirement project, Mr. Blonsley developed and managed the Hospice Partner’s Thrift Shop. He has served on a variety of public boards, including the Human Relations Commission in the City of San Luis Obispo.</p> <p><i>A motion was made by Commissioner Arnold to forward the recommendation of Gill Blonsley to serve as a Consumer representative on the Health Commission, to the Board of Supervisors for final approval. Motion seconded by Commissioner Enns and all in favor.</i></p> <p>No further committee reports.</p>		
10. Prospective Future Items	<p><u>Next Meeting: February 6, 2013</u></p> <ul style="list-style-type: none"> ▪ Chair Guereña announced that the February meeting will be held on the first Monday in February, due to County holidays on the 2nd and 3rd Mondays. ▪ Janice Campbell from the Ag Department will provide an update on County Pesticide Use Enforcement Program at the February meeting. <p><u>Suggested Future Topics</u></p> <ul style="list-style-type: none"> ▪ Commissioner Del Rio suggested inviting a specialist with the Alzheimer’s organization to speak on Alzheimer’s and other dementias as part of an elder care services program. She also suggested inviting a representative from the Sheriff’s Department to talk about Project Lifesaver, a wrist band program for locating persons who have become disoriented. She will check on availability, targeting March or April for a presentation. ▪ Commissioner Raymond suggested as part of the elder care services program, that the Commission also invite Morgan Torell from the Planning Department, who has a good presentation on numbers of older adults in SLO County. She will work with Commissioner Del Rio on coordinating a program. ▪ Commissioner Quinn offered to draft a letter to <i>The Tribune</i> commending Operation Medicine Cabinet. She will draft a letter for review and present it to the commission at the February meeting. ▪ Commissioner Quinn commented that the Commission is still receiving public input from Surfrider Foundation-SLO with their concerns about elevated levels of bacteria in ocean water and the posting of advisories. She suggested checking with Santa Cruz and Santa Barbara County’s Health Commissions on how those counties handle these issues. Chair Guereña reminded that Mr. Batson, Director of Environmental Health (EH) reported last month that EH is in the process of updating their website and suggested inviting Mr. Batson back in March to provide an update. Commissioner Clous suggested also inviting Surfrider Foundation to that meeting. 		
11. Adjournment	Motion to adjourn at 7:35.	<i>Meeting adjourned.</i>	