KITITAS COUNTY BOARD OF HEALTH
Minutes

Thursday March 18, 2010
Commissioners’ Auditorium
10:00 a.m.

PRESENT: Board Members: Mark McClain, Paul Jewell, Alan Crankovich, Dr. Don Solberg, Rich Elliott

Other Attendees: Brent Bottoms (Kittitas County Prosecuting Attorney Office), Jan Naragon (BOHAC member), and there were approximately 4 members of the public.

Kittitas County Public Health Department staff (KCPHD): Cathy Bambrick, Sarah Bedsaul, Candi Blackford, Amy Diaz, Joe Gilbert, Mark Larson MD, Linda Navarre, Robin Read, James Rivard, Amber Simon

Commissioner Mark McClain called the meeting to order at 10:00 a.m.

Minutes:

Approval of February 18, 2010:

Motion 01-01: Motion to approve the February 18, 2010 BOH minutes. Rich Elliott moved to approve the February 18, 2010 minutes. Paul Jewell second. All approved. Motion 03-01 carried to approve the February 18, 2010 minutes.

INTRODUCTIONS AND ANNOUNCEMENTS:
Jan Naragon introduced herself as a Board of Health Advisory Committee member.

CONTRACTS AND AMENDMENTS:

Community Health of Central Washington: Children with Special Health Care Needs Program
Amendment 2010-01: Cathy Bambrick reviewed the Community Health of Central Washington: Children with Special Health Care Needs Program: Amendment 2010-01 noting that this agreement is between Community Health of Central Washington and the Kittitas County Public Health department to provide services for the Children with Special Health Care Needs program between the service dates of January 1, 2009 and December 31, 2010.

Motion 03-02: Motion to approve the Community Health of Central Washington: Children with Special Health Care Needs: Amendment 2010-01. Alan Crankovich moved to approve the Community Health of Central Washington: Children with Special Health Care Needs: Amendment 2010-01. Rich Elliott second. All approved. Motion 03-02 carried to approve the Community Health of Central Washington: Children with Special Health Care Needs: Amendment 2010-01.
DEPARTMENT UPDATE/ISSUES:

Health Officer Update: No health officer update at this meeting.

Administrator’s Report: Cathy updated that the health department staff wrapped up the 2009 H1N1 School based flu clinics in January. As interest in receiving the vaccine declined, work has focused on public education, management of the strategic national stockpile and strategies to continue vaccinating the public. The department opened a weekly drop in clinic on Thursday’s and plans on holding a free clinic one evening in March. The actual evening clinic took place on March 1st and had one patient sign up. Washington Department of Health offered additional funding to continue 2009 H1N1 activities through June 2010 and we plan on applying for these funds.

The County passed a new public disclosure policy which has provided structure to the process for both staff and those requesting documents. It ensures that the County is reimbursed for photocopying costs including requiring the requesting party to pay for and pick up documents at various stages of completion rather that at the very end of the document collection process. This was a valuable addition to our policy. The County also added an intranet based multidepartment tracking system that the staff will pilot in March.

Staff has been working on development of enforcement procedures for Environmental Health programs with the help of Prosecuting Attorney Brent Bottoms. Development of these procedures is the critical step to allow enforcement activities to occur related to Kittitas county Code Title 18.

Discussions with Department of Ecology on exempt well issues continued to focus on the possibility of initiating a water leasing program for Kittitas County which would include establishment of a fund to lease water during drought years to offset exempt ground water withdrawal use. Our County Legislators are working very hard to have the $700,000 in funding currently designated for the ground water study to be broadened to include purchase or lease of mitigated water. The County will continue to engage in discussions with Ecology related to this concept. Staff continues to work on the cistern project with the Central Washington Home Builders Association as a water source for residences in Upper County. The metering program will be kicked off in March. The water availability forms for individual and public water systems in preparation for this work will be completed in March.

There was discussion on the requirements for the Cistern project and whether or not cisterns would be considered a public water system.

BUSINESS/DISCUSSION:

Appeal Hearing for Suncadia Phase II Division II Temporary Holding Tank:

At approximately 10:20 am Chairman McClain opened the special meeting to consider the Appeal Hearing. On March 8 the Kittitas County Public Health Department received Paul Bennett’s request to appeal the temporary holding tank permit issued to Suncadia Environmental LLC to serve the Stanef residence by Dr. Mark Larson.

EXHIBITS SUBMITTED: Exhibit 1- is a 23 page letter appealing holding tank. Exhibit 2- 8 page Answer prepared by Kittitas County Deputy Prosecuting Attorney Brent Bottoms. Exhibit 3- Order Affirming Health Officer’s Actions.

At this time Commissioner McClain read the appeal hearing procedures as required into the record and swore in witnesses.

Brent Bottoms, Kittitas County Deputy Prosecuting Attorney, stated that the matter before the board is a waiver that will entertain the issue of a temporary holding tank permit. The issue before the board is not about a building permit or plat amendments. Brent Bottoms asked that the discussion be held to the temporary
holding tank permit.

Paul Bennett, Petitioner, stated that testimony is specifically to the Board of Health and to Environmental Health.

At this time there was discussion in regards to the authorization of Waiver of Holding Tank and information that would be presented. It was decided that only information that pertains to the Waiver of the holding tank would be considered.

Brent Bottoms, Kittitas County Deputy Prosecuting Attorney, discussed the appeal and the issuance of the waiver for a temporary holding tank to Suncadia Environmental LLC for the property located at 230 Rinky Dink Lane (parcel 20-14-13050-0010). Brent Bottoms also discussed that Paul Bennett does not have any evidence that he is an aggrieved person (one who suffers injury). Brent Bottoms reviewed the issues that would be covered in the testimony related to the temporary holding tank including the health and safety concerns, state and local codes that allow holding tanks and if conditions were met when the health officer made the determination. Brent Bottoms called Joe Gilbert to the microphone and had him state his name, who he worked for and what his job title. Brent Bottoms proceeded to question Joe Gilbert about the actual application, where the temporary holding tank was located and the design and requirements/guidelines needed to install the temporary holding tank. Brent Bottoms also asked Joe Gilbert if there was a pumping agreement in effect and Joe Gilbert answered, yes, there was an agreement in place and there were no health and safety concerns.

Paul Bennett, Petitioner, at this time Paul Bennett questioned Joe Gilbert on whether or not an easement was placed. Joe Gilbert stated that there was not an easement in place.

Brent Bottoms, Kittitas County Prosecuting Attorney, asked Dr. Mark Larson to step to the microphone. Dr. Mark Larson stated his name and his title at the Kittitas County Public Health Department as well as his background. Brent Bottoms proceeded to question Dr. Mark Larson in regards to prior conversations with Joe Gilbert in regards to the temporary holding tank that was installed at 230 Rinky Dink Lane. Dr. Mark Larson did have a discussion with Joe Gilbert and discussed the concerns of public health and safety impacts of allowing the temporary holding tank including the effect upon ground water. Dr. Mark Larson also noted that the tank was to be pumped and transported to the Cle Elum Waste Treatment facility and there were two types of alarms installed on this tank. Paul Bennett asked Dr. Larson why the original 1000 gallon tank was removed and Dr. Mark Larson responded by saying he believed it was unpermitted.

Paul Bennett, Petitioner, stated that he had requested the appeal for a waiver of temporary holding tank because he wanted the Public Health Officer to reevaluate the decision to approve the waiver of the temporary holding tank. He then reviewed the "(2) Key Documents and Requirements" section of his supporting documentation and highlighted section 3(A). He presented that there was no letter of certification for sewer availability provided. He followed by attempting to review the building permit application but was not allowed to proceed by the board as it did not pertain to the Staneff residence decision. Mr. Bennett discussed the alternate plan, the temporary holding tank and corresponding application, the system design and the lift station that is intended to support all of Phase II of Suncadia. At this time Paul Bennett summarized his issues and asked the Health Officer to make his decision based on the new information presented.

Brent Bottoms, Kittitas County Deputy Prosecuting Attorney, noted there were no questions for Paul Bennett at this time.

The Board of Health discussed the information presented to the Kittitas County Public Health Department Health Officer at the time the Waiver was issued and the information that was currently being presented by Paul Bennett.

Brent Bottoms, Kittitas County Deputy Prosecuting Attorney, disputed the legal standing of Paul Bennett’s appeal of the Waiver. He noted the law states that in order to appeal the Health Officer’s decision to
Bennett’s appeal of the Waiver. He noted the law states that in order to appeal the Health Officer’s decision to allow a waiver “one must be an aggrieved party; one must have suffered injury himself”. Brent Bottoms discussed that nothing has been stated or presented to indicate that Paul Bennett has suffered harm because of the decision; therefore he did not have legal standing to appeal the waiver. He requested to have the appeal terminated on that basis.

**Motion 03-03:** Motion to grant the dismissal of the appeal to the Board of Health regarding the issuance of a Temporary Holding Tank Waiver on the grounds that the petitioner did not provide/demonstrate any injury/harm to self. Paul Jewell moved to approve the motion to grant the dismissal of the appeal to the Board of Health regarding the issuance of a Temporary Holding Tank Waiver on the grounds that the petitioner did not provide/demonstrate any injury/harm to self. Rich Elliott second. All approved. Motion 03-03 carried to grant the dismissal of the appeal to the Board of Health regarding the issuance of a Temporary Holding Tank Waiver on the grounds that the petitioner did not provide/demonstrate any injury/harm to self.

**Financial Update:** Amber Simon presented a new standard format of the Kittitas County Public Health Department Financial Performance Analysis for February 2010 and noted that the Board of Health members will receive this form in addition to the 2007-2010 cash fund form from this point on. She reviewed the overall surplus for the month which was $136,902.10.

**Smart Growth:** Sarah Bedsaul provided a brief update on the Smart Growth conference that she attended in Olympia last month. Commissioner Paul Jewell and Ellensburg City Council Member Nancy Lillquist also attended. Sarah stated that other communities are just starting projects that Kittitas County has been working on for years. For example, some of the projects in and around our community include:
- Yakima River Trail
- Non Motorized Transportation Community plan
- Updated land use codes for more walkable and bikeable communities
- County food access program
- Gleaning projects

There was also discussion about incorporating health into planning performance based cluster plats and having the cities and county plan together.

**Immunizations of Adolescents:** Amy Diaz presented the Immunization of Adolescents rates report developed with the support of a grant from Washington State Department of Health. She briefly reviewed the charts that were presented. Amy reviewed the data collection process followed including the survey of High School parents and medical providers. She reviewed the results including the reasons why parents did not immunize their children. She also noted that approximately 90 percent of those surveyed returned them with an entry form for a drawing of a $50.00 gift card indicating that incentives improve survey results.

**Proposed Immunization Legislation:** Linda Navarre discussed two important proposed legislations that are being considered this year. The first is the Vaccine for Children which will continue to allow children ages 19 and under to receive state supplied vaccine. The other will make it mandatory for parents to see a provider for education before signing exemptions which would hopefully decrease the amount of exemption forms that are turned into schools. There was further discussion on the Vaccine for Children status and Linda Navarre will keep Dr. Don Solberg updated the legislation.

**Announcement of Immunization Clinics:** Linda Navarre announced that the Kittitas County Health Department will be holding its Free Immunization Clinic for children ages 19 and under on April 17th. The Kittitas County Public Health Department will hold several other clinics throughout the summer.
Motion 03-04: Motion to adjourn the March 18, 2010 meeting. Rich Elliott moved to adjourn the March 18, 2010 meeting. Paul Jewell second. All approved. Motion carried to adjourn the March 18, 2010 meeting.

Meeting adjourned at 11:59am

Next Meeting: April 15, 2010 at 10:00 a.m. Commissioners’ Auditorium

Mark McClain, Chair of the Board of Health

Cathy Bambrick, Administrator
Kitittas County Public Health Department

Candi Blackford, Clerk of the Board of Health