

HEALTH DEPARTMENT

Serving Crowley & Otero Counties



TM/SM

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Richard Ritter

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Marie Menges, Nursing
Jo Jancar, WIC
John Miller, Business
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OTERO COUNTY BOARD OF HEALTH MEETING DECEMBER 13th, 2022, 11:00 a.m. OTERO COUNTY COURTHOUSE, ROOM 107 LA JUNTA, COLORADO

- Members Present:** Dr. Paul Yoder, President and Medical Officer
Dr. R.J. Nelson, Vice President
Lindsey Hart
Mark McCuiston
- Member(s) Absent:** Dr. David Trujillo
- Ex Officio:** Richard Ritter, BOH Secretary, OCHD Executive Director
- Legal** Nate Shultz, OCHD Attorney (via phone)
- OCHD Staff:** Marie Mora-Menges, Nursing Program Director
John Miller, Business Manager
Tony Harviston, Environmental Services Program Assistant

MINUTES

1. Call to Order: A quorum being present, the meeting was called to order by P. Yoder.
2. Public Notice Posting (Pursuant to C.R.S. 25-1-509(2)(f), C.R.S. 24-6-402 (2)(c)(I), & C.R.S. 24-6-402(2)(c)(III)): The 2022 BOH meeting schedule was posted on the BOH website on 11/30/2021, and this agenda was posted in the designated public locations in all OCHD offices and on the BOH website on 11/23/2022.
3. Public Comment: There were no public comments for items not on the agenda.
4. Consent Agenda
 - A. Approval of Minutes
 - a. 7/26/2022 Regular BOH Meeting (previously sent on 7/27/2022 and 11/22/2022).

B. Contract Ratification (Pursuant to C.R.S. 25-1-508 (5)(k) & C.R.S. 25-1-511 (3))

a. 2022 Crowley County Contract for Public Health Services

- Purpose: Crowley County support for OCHD's public health services in Crowley County.
- Status: Fully Executed
- Term: 1/1/2022-12/31/2022
- Amount: \$16,197.00
 - ✓ No increase over the previous contract amount. This amount equates to \$3.00 per capita, which is the same contribution as Otero County.

b. 2022-2023 CDPHE OD2A Contract Amendment #3

- Purpose: Updates to the SOW.
- Status: Fully Executed
- Term: 10/1/2022-8/31/2023
- Amount: \$92,005.00
 - ✓ No increase to the current term contract amount.

c. 2022-2023 CDPHE WIC Task Order Contract

- Purpose: CDPHE support for OCHD's WIC Program.
- Status: Fully Executed
- Term: 10/1/2022-9/30/2023
- Amount: \$184,650.00
 - ✓ Increase of \$3,874 over the previous contract amount of \$ 180,776.

d. 2022-2023 Trailhead Institute AmeriCorps Master Services Agreement

- Purpose: Trailhead Institute's support for OCHD's AmeriCorps Member.
- Status: Fully Executed
- Term: 2,000 hours of living stipend support for the AmeriCorps Member. Estimated to end in the last quarter of 2023.

C. Approval of Consent Agenda and Approval/Ratification of Items Therein: R. Nelson moved to approve the consent agenda, M. McCuiston seconded, motion carried.

5. Old Business: None

6. New Business

A. Budget (Pursuant to C.R.S. 25-1-508 (5)(k) & C.R.S. 25-1-511 (3))

a. Financial Summary Report (Based upon Tyler Financial Systems reports dated 11/16/2022)

- July 2022
 - ✓ Revenues: \$440,445.09
 - ✓ Expenditures: \$166,867.37
 - ✓ Surplus: \$273,577.72
 - ✓ Fund Balance: \$2,063,368.85
- August 2022
 - ✓ Revenues: \$147,155.46
 - ✓ Expenditures: \$118,968.22
 - ✓ Surplus: \$28,187.24
 - ✓ Fund Balance: \$2,091,556.09

- September 2022
 - ✓ Revenues: \$128,784.61
 - ✓ Expenditures: \$112,265.61
 - ✓ Surplus: \$16,519.00
 - ✓ Fund Balance: \$2,108,075.09
- October 2022
 - ✓ Revenues: \$181,179.44
 - ✓ Expenditures: \$95,644.62
 - ✓ Surplus: \$85,534.82
 - ✓ Fund Balance: \$2,193,609.91
- b. Approval of Expenditures: M. McCuistion moved to approve the July 2022, August 2022, September 2022, and October 2022 expenditures in the amounts of \$166,867.37, \$118,968.22, \$112,265.61, and \$95,644.62 respectively, R. Nelson seconded, motion carried.
- c. 2022/2023 OCHD Budget Version 3 Approval and Adoption
 - OCHD Staff Salary Adjustments
 - ✓ 9/29/2022 OCHD Budget Hearing with Otero Board of County Commissioners (OBOCC)
 - The following information (in yellow highlight below) was presented to the OBOCC (J. Hostetler and R. Oquist present) on 9/29/2022 at OCHD's Budget Hearing, with County Administrator Amy White –Tanabe and Commissioner-Elect Tim Knabenshue also present. R. Ritter sent this information, along with a copy of Version 3 of the 2022/2023 Budget, to the BOH on 11/17/2022:

OCHD Staff Salary Adjustments 2023: During the last 2+ years we have been experiencing a nationwide shortage of workers, and this has definitely become an employee-governed market. In healthcare, organizations/agencies/businesses are offering substantial signing bonuses in addition to revised, increased starting wages. At our current salary levels, OCHD simply cannot compete. During this period of time, OCHD lost Jackie Brown, Kristin Carpenter, and Aaron Olivieri to higher paying jobs. CDPHE now offers remote work, which allows for state health department work from home with CDPHE salary. On 7/16/2021 R. Ritter sent an email to the OBOCC, Amy Tanabe, and the BOH detailing his intent to explore raising OCHD salaries to a more competitive level. Over the following months, this issue was a recurrent topic at BOH meetings (e.g. 8/31/2021, 3/29/2022, 5/31/2022, and 7/26/2022).

Colorado has raised its exempt minimum salary schedule as follows:

- 2022: \$45,000
- 2023: \$50,000
- 2024: \$55,000

By 2024 the minimum threshold for exempt staff will be \$55,000. It is projected that the majority of program directors (exempt staff) will not be at that threshold without intervention. To put OCHD into compliance with this law, and to make OCHD more competitive in this extremely difficult job market, salaries must be adjusted. The Colorado exempt minimum salary schedule has been used as a starting point for this process.

The following information was shared at the 5/31/2022 BOH meeting: “For 2023, R. Ritter is formulating a plan, based upon Otero County’s salary spreadsheet, to increase both exempt and non-exempt staff salaries (excluding R. Ritter). This plan will include work experience and educational attainment credits. R. Ritter met with Amy Tanabe on 5/17/2022 to give her an overview of where the plan is heading. And very importantly, the plan will include details on how to pay for implementation which will not include any increase in local per capita support. R. Ritter will incorporate the staff salary increases into the proposed 2023 budget that will be reviewed by both the Otero County Commissioners and BOH, and at these reviews specific details will be given on the salary increases.”

The Plan

Effective 1/1/2023.

No other salary adjustments made in 2023 (COLA, anniversary increase).

Based upon the updated Colorado exempt salary schedule and the 2022 Otero County Salary spreadsheet.

Both exempt staff (program directors) and non-exempt staff (program/office support) each moved 4 grades:

Exempt: Grade 109 to 113 (Grade 113 is the same grade as the Economic Development Coordinator and the Child Services Manager).

Non-exempt: Grade 104 to 108 (Grade 108 is the same grade as Patrol Deputy).

Nursing Program Director (DON) moved 2 grades (Grade 112 to 114).

Experience/Education Credit: Equity dictates that I do not simply raise all staff to the same starting grade to meet the new salary requirements. Some staff have been here longer than others, and some staff have advanced degrees. Thus, credit was given for OCHD experience (maximum of 10 years) and advanced education degrees (2 years for Master's Degree, 4 years for post-Master's Degree, such as M.D., PhD).

Budget impacts

Surpluses: For Budget Version 2, both the 2022 estimate and 2023 request have surpluses identified. COVID funds were used to subsidize/support non-siloed, non-subsidized staff, allowing other

funds to augment the fund balance. Unless there are extensions, ELC funding will end on 7/31/2023 and CDC workforce on 6/30/2023. The increased OPHP funding should continue (though not guaranteed).

Deficit Plugs: As has always been the case the past 22 years (and before), deficits will arise. OCHD's fund balance will be used as a deficit plug. Using fund balances in this manner is allowed pursuant to CRS 29-1-103(2).

\$50,000 Annual Deficit Extrapolation: If OCHD were to have non-stop, annual deficits of \$50,000, and using the beginning 2022 fund balance of \$2,134,975 as a starting point, it would take 42.7 years to fully exhaust the current fund balance ($\$2,134,975/\$50,000 = 42.6995$ years).

Siloed Programmatic Cost Containment: An analysis of current siloed, OCHD programs and their budgets (CTC, WIC, OD2A, STEPP, and EPR) shows that these OCHD programs will be able to contain the salary adjustments within their current budgets. The WIC Program, while still containing the costs, is projected to use up both direct and indirect costs to within approximately \$3,000 of the contract total.

Subsidizing the Salary Adjustments

- OPHP increased funding.
- CDC Workforce Funding.
- COVID-19 Funding (ELC).
- Siloed Programs.
- Fund Balance (for periods of annual deficits, which will occur).
- Retirements within the next few years will translate into decreased starting salaries for replacements.

Options

Convert exempt staff to non-exempt, no salary adjustments

➤ Risks

i. Lose staff

1. During the previous 2.5 years, OCHD has lost 5 staff, amounting to 5 F.T.E. (SW, JB, CK, AO, and TB), with only 1 outside hire coming on to replace SW, JB, and she ended up resigning for a higher paying job and was not able to be replaced. DL was internally promoted to CTC PD, and her position as assistant has not been filled. CC was internally transferred to fill AO position, and her position as RHC has not been filled. Around 20 years ago, OCHD had approximately 19 FTE. Currently OCHD has 14 FTE.

ii. Inability to recruit new staff

1. During consideration of staffing changes approximately 2 years ago (CK to Youth PD, AO to CTC PD), OCHD was not able to get any applicants for the position of Regional EPR Trainer. We also tried to hire for Youth PD, but no applicants. R. Ritter tried to directly recruit, and 2 people he spoke to both said they would be taking several thousand dollars cut per year to come to OCHD.

Do nothing, no adjustments, no classification changes

➤ Risks

- i. Lose staff (see above)
- ii. Inability to recruit new staff (see above)
- iii. Be in violation of Colorado's exempt salary schedule

Proceed with the plan as outlined above

➤ Risks

- i. Increased chance of annual deficits necessitating use of the fund balance. At this point in time, this poses the most minimal risk of all three options.
- These salary adjustments detailed above do not include R. Ritter.
 - The 9/29/2022 OBOCC budget hearing went very well, and there were no objections to moving forward with the salary adjustments.
 - Part-time Staff: In order to be equitable with all staff, part-time staff will receive an adjustment as well. Hourly rate for part-time staff will be calculated using Grade 108 (with appropriate experience/education credit given), the base salary then divided by 2,080 hours in a year to determine the hourly rate.

➤ Version 2022.2023.03

✓ Overview

- 2022 BUDGET ESTIMATE
 - REVENUE ESTIMATE: \$1,908,580
 - EXPENDITURE ESTIMATE: \$1,908,580
 - CONTINGENCY ESTIMATE: \$436,753
- 2023 BUDGET REQUEST
 - REVENUE REQUEST: \$2,142,992
 - EXPENDITURE REQUEST: \$2,142,992
 - CONTINGENCY ESTIMATE: \$316,035

✓ Notes

- The budget was sent to the BOH on 11/17/2022.
- Notes detailing information pertinent to all 3 versions of the 2022/2023 budget are found in the budget spreadsheet tab entitled "Dashboard & Notes".

- The majority of COVID-19 funds over the last several months (ARPA, CARES, OPPI Rural CARES, IZ CARES, ELC Round 1, ELC Round 2, and multiple rounds of COVID IZ) have been used to support non-siloed staff salary and fringe (staff that does not have a dedicated funding stream attached to them). This fiscal strategy allows the non-dedicated funds that formerly supported these non-siloed staff to augment the fund balance.
 - When the federal COVID funds began channeling through CDPHE and out to LPHAs, it was the expressed intent of CDPHE to keep the administrative burden as minimal as possible. While it may have started in this manner, the administrative burden has grown considerably.
 - Future Deficit Offsets: It is R. Ritter's intention to use the fund balance to support staff and operations during times of deficit, **which will happen**. C.R.S. 29-1-103(2) states "No budget adopted pursuant to this section shall provide for expenditures in excess of available revenues and beginning fund balances." The foregoing applies to local government budgets, including OCHD's. Thus, deficits are allowed if there are reserves sufficient to cover them in addition to projected revenues.
- ✓ Approval/Adoption: R. Nelson moved to approve/adopt the budget, L. Hart seconded, motion carried.

B. Personnel

a. New Personnel

- Marie Mora-Menges, Nursing Program Director: Ms. Mora-Menges, R.N., has joined OCHD as our new Nursing Program Director, replacing Mrs. Tarren Buford, who resigned. Welcome Marie!
- Gypsy Harviston, AmeriCorps Member Employment: Ms. Harviston has been hired, in cooperation with the Trailhead Institute, as an AmeriCorps Member. Her 3 main areas of focus during her tenure will be CCPD, HRSA, and the required AmeriCorps training. Welcome Gypsy!

b. Resignation

- Tarren Buford: Mrs. Buford has resigned her position as Nursing Program Director. She is still working on a part-time basis for OCHD.

c. CDPHE PHEP Regional Staff Restructuring: Several months ago CDPHE announced they were looking at possibly restructuring the regional EPR staff hosted at the local level. R. Ritter had a conversation with CDPHE after this was announced, and CDPHE said that they were looking at transitioning regional EPR staff (hosted at the local level) to CDPHE employees, but having them stay local. R. Ritter responded that, while he did not think this was ideal, at least current regional staff would not lose their jobs and LPHAs would have these valuable staff resources at the local level. During this call. R. Ritter also mentioned the loss of indirect rate to host LPHAs that would lose this funding. After these initial conversations, time passed until very recently information began flowing regarding the "reset and rebuild" plan. An email from dated 12/2/2022 sent to regional epidemiologists from Nicole Comstock, Interim Communicable Disease Branch Chief, reads, in part, as

follows: “Scott Bookman, Director of the Division of Disease Control and Response (DCPHR) at the Colorado Department of Public Health and Environment (CDPHE), met with directors of local public health agencies (LPHAs) statewide on Wednesday to announce a reset and rebuild of our Public Health Emergency Preparedness (PHEP) funded emergency response system. This new model will focus on statewide efficiency and ensure effective collaboration. It will also create field public health staff that local public health agencies can access to help with emergency preparedness and epidemiological response. Where appropriate the state will help facilitate collaboration among local public health agencies to maximize their resources. For Fiscal Year 2024, CDPHE will provide, as in the past, approximately 70% of the available federal funding to LPHAs and Colorado’s two sovereign nations, the Southern Ute and Ute Mountain Ute Indian tribes. The new model uses a similar base funding plus a population based formula, but removes the additional allocation for regional staff to agencies that have hosted those positions previously. Starting July 1, 2023, those funds will be re-distributed in the LPHA funding formula. If you have questions about your agency’s PHEP funding in the new model, please talk with your agency’s leadership. As in the past, the remaining 30% of the PHEP funding will be used to support related operations for the DCPHR Office of Emergency Preparedness and Response (OEPR) and fund state-supervised field epidemiologists in DCPHR’s Communicable Disease Branch. Additionally, CDPHE is adding \$1.25 million of state funds to create a coordinated statewide field system to support LPHAs. This will include teams supporting state field epidemiologists in the DCPHR Communicable Disease Branch. These teams will support LPHAs statewide and hiring for any new CDPHE positions on the field epi team will follow state hiring rules. CDPHE feels that this is the best model for our state going forward as it provides greater flexibility for local public health agencies. Local decision-making will determine ongoing staffing needs. Please contact your county of employment with staffing questions. We will work closely with all of you over the coming months to develop transition plans as more information becomes available. Until this new structure is effective July 1, the current PHEP contracts and activities will continue to guide our PHEP communicable disease work.” This model differs from initial conversations that indicated the existing regional staff would be offered a transition to CDPHE employment, that those FTEs would remain intact. In a PowerPoint document dated November 2022, on slide #6, the following information appears:

➤ Highlights of the new model:

- ✓ Adding additional state resources for field staff that LPHAs can access, ensuring coordination across the state.
 - a. 10 emergency preparedness and response staff
 - b. 5 epidemiologists
- ✓ The state’s commitment to help LPHAs pool resources, if they so choose, to use for staffing and maintain capacity.
- ✓ Greater flexibility to use the resources.

- The current approximation of existing regional PHEP staff (based upon numbers from the SFY20-21 Total PHEP Award):
 - ✓ Regional EPR FTE: 25.75
 - ✓ Regional Epi FTE 13.25
 - ✓ Total Regional Staff FTE: 39

 - The FTE Math: $39 \text{ FTE} - 15 \text{ FTE} = 24$, potentially (depending on local/regional discussions) 24 less PHEP regional staff to bring to bear in an emergency.

 - The effect on OCHD:
 - ✓ Loss of regional staff funding: We will lose dedicated, siloed funding to support current regional staff Dr. Janell Maier (regional epidemiologist) and Chris Coffield (regional trainer). This will be a loss of \$187,200 for regional staff support for 2 FTEs, and a resulting indirect cost recovery loss of \$29,571.17. R. Ritter has absolutely no intention of laying-off Dr. Maier nor Ms. Coffield. R. Ritter will appoint Dr. Maier as the local EPR/ESF-8 Lead, and use local EPR funding to support at least a portion of her FTE, and Ms. Coffield will transition back to the Regional Health Connector (RHC) position, which will support a portion of her FTE. OCHD's very healthy fund balance will be used to support loss of subsidy to these important staff members. Currently, both the EPR coordinator/ESF-8 Lead and the RHC position are being done by R. Ritter.

 - Local PHEP Funding: Due to the redistribution of regional staff funding into the statewide LPHA funding formula, OCHD's local EPR funding will increase from approximately \$34,112 (SFY20-21) to a currently projected \$75,710 (an increase of \$41,598). R. Ritter is going to attempt to secure approximately \$13,000 more to OCHD's local allocation.
- C. 2023 Regular BOH Meeting Dates, Times, and Location: M. McCuiston moved to keep the BOH meeting schedule the same, L. Hart seconded, motion carried. The 2023 schedule for regular BOH meetings will be as follows:
- a. Dates: Last Tuesday of every other month, beginning in January;
 - b. Time: 11:00 a.m.; &
 - c. Location: Otero County Courthouse, Room 107
- D. 2022 BOH Member Expiring Terms: There are no BOH member terms expiring at the end of 2022.
- E. 2023 OCHD Medical Officer Approval/Renewal: On 11/22/2022, Dr. Yoder indicated to R. Ritter that he was willing to serve another term. M. McCuiston moved to appoint Dr. Yoder as OCHD Medical Officer for 2023, R. Nelson seconded, motion carried. The group expressed thanks to Dr. Yoder for continuing to serve in this capacity.
- F. 2023 BOH Officers' Election (ACTION ITEM): M. McCuiston moved to keep the same officers for 2023, namely Dr. Yoder as President and Dr. Nelson as Vice President, L. Hart seconded, motion carried. Dr. Yoder and Dr. Nelson recused

themselves from the vote. The group expressed their gratitude for Dr. Yoder's and Dr. Nelson's continued service as BOH officers.

7. Program Reports

A. Vital Statistics, John Miller: General information

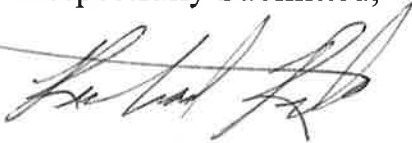
8. Executive Session: R. Ritter requested an executive session with the BOH Members and N. Shultz regarding personnel, specifically the BOH's annual evaluation of the executive director. C.R.S. 24-6-402 (4)(f)(I) was cited as the statute authorizing the executive session. R. Ritter's anniversary evaluation typically occurs in July. This year, at the 7/26/2022 BOH meeting, the Executive Session was postponed due to a power failure. The next meeting, scheduled for 9/27/2022, was cancelled primarily due to the fact that Version 3 of the budget was not yet ready and because of a lack of other agenda items. The next scheduled BOH meeting was this meeting. R. Nelson moved to convene into executive session, M. McCuiston seconded, motion carried. The BOH, N. Shultz, and R. Ritter then moved into executive session at approximately 12:01 pm. The following Executive Session provisions were made explicit:

- ✓ For discussion of a personnel matter under C.R.S. Section 24-6-402(4)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees;
- ✓ Participants are to confine all discussion to the stated purpose of the executive session, and no formal action may occur in the executive session.
- ✓ If at any point in the executive session any participant believes that the discussion is going outside the proper scope of the executive session, they are to interrupt the discussion and make an objection.
- ✓ After reconvening into regular, public session, if any person who participated in the executive session believes that any substantial discussion of any matters not included in the motion to go into the executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, they will state their concerns for the public record.
- ✓ Discussions that occur in an executive session shall be electronically recorded. The electronic recording shall reflect the actual content of the discussion in executive session. The sole exception to this requirement is that no electronic recording shall be required to be kept of that portion of an executive session that constitutes an attorney-client communication, in the opinion of the attorney in attendance at the executive session.
- ✓ The electronic recording device shall be tested before going into executive session to determine whether it is operating. In the event the electronic recording device is unavailable or not operating, the BOH shall not convene in executive session until an operating recording device is available.
- ✓ Upon completion of the executive session, if a tape recorder is used, the tape shall be labeled with "BOH-Executive Session" and the date, and initialed or signed by the Presiding Officer. If a digital recorder is used, the data file recording of the executive

session shall be saved to a secure, confidential storage location and the file shall be labeled with "BOH-Executive Session" and the date.

- ✓ Executive session minutes kept by electronic recording device shall stand approved with no further action. If additional written minutes are taken, they shall be approved at a future executive session.
 - ✓ The electronic recording and any written minutes of the executive session shall be maintained for 90 days after the date of the executive session and shall not be disclosed to any person except as required by law.
9. Reconvene: The BOH reconvened into regular session at approximately 12:25 pm. The Executive Session was recorded and will be kept for 90 days.
10. Executive Director's Annual Evaluation: L. Hart made a motion that, over the course of the previous year, R. Ritter's performance as executive director has exceeded expectations and the BOH congratulated him on a job well done. R. Ritter will be given a \$7,600 annual increase to his current base salary. M. McCuiston seconded, motion carried. R. Ritter expressed appreciation for his continued employment and for the generous compensation increase.
11. Adjournment: With no further business, P. Yoder adjourned the meeting.

Respectfully Submitted,



Richard Ritter
Secretary, Otero County Board of Health
Executive Director, Otero County Health Department