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Idaho Public Health Districts

# IDAHO ASSOCIATION OF DISTRICT BOARDS OF HEALTH

Boards of Health Executive Council Meeting  
September 25, 1:30 p.m.-3:30 p.m.  
Safari Hotel, Building C, 2<sup>nd</sup> Floor Conference Room  
Minutes

## Executive Council

Glen Bailey, District 1  
Doug Zenner, District 2  
Tom Dale, District 3  
Elt Hasbrouck, District 4 (excused)  
Bob Kunau, District 5  
Ken Estep, District 6  
Bill Leake, District 7

## District Directors

Lora Whalen  
Carol Moehrle  
Nikki Zogg  
Russ Duke  
Melody Boyer  
Maggie Mann  
Geri Rackow

## Guests

Brent Reinke, Twin Falls County Commissioner, District 5 Board of Health  
Bryon Reed, Bonneville County Commissioner, District 7 Board of Health Chairman

## Meeting Called to Order—Chairman

The meeting was called to order by Chair, Ken Estep, at 1:30 p.m. MST.

## Call for Additional Agenda Items—All

No additional items. Doug Zenner requested that the agenda reflect that this is an Executive Council meeting rather than a Trustee meeting, as while the State General Fund formula is on the agenda, no decisions will be made regarding the formula. In addition, he requested that the minutes being approved were for the June 19, 2019 Executive Council meeting, rather than Trustee meeting. The changes were agreed to and made.

## Approval of Minutes

**MOTION:** Doug Zenner moved to approve the minutes of the June 19, 2019 Executive Council meeting; seconded by Tom Dale. Motion passed, all in favor.

## **Formula Discussion**

Bill Leake reviewed the county contribution component of the State General Fund (SGF) formula. Because several districts did not ask for additional county funds this year; they will receive a smaller portion of the SGF appropriation in the next fiscal year. Districts that did not request a full 3% county increase typically made this decision due to the financial limitations of the smaller counties in their district. Bill posed the question as to whether the group would want to consider changes at a future Trustee meeting, so that this approach doesn't skew the distribution significantly over time.

Doug Zenner stated he would also like to consider counties that are SRS (Small Rural Schools) and heavily PILT dependent; that funding may become permanent, but that is 50-50 chance. Counties that are very small, if they lose that funding, will have to prioritize services. As a result, contributions to local Public Health may be reduced. Doug asked if counties could be held harmless (e.g., one county have 0 % increase if they are in a dire financial situation, while others could provide a % increase if it is feasible for them). Doug addressed the phased in implementation of the new food fees, and how may they impact the revenue for districts.

Bill stated that the formula for counties is set in statute, and it specifies that there is no flexibility amongst the counties within a district; it would require opening up the statute to change.

Tom Dale stated that in his district (PHD 3), they have 6 counties; Canyon County as the county with the most population pays the lion share of Public Health funding in District 3. Increases are proportionate based upon population and market value. He would prefer to let the formula continue for a time.

Ken Estep stated that Bannock and Bingham Counties make the largest contribution in PHD 6 at this time, but even so, if the PILT funding went away, it would be challenging for them to contribute to PH the way they do now.

Tom shared that he attended a meeting in DC re: PILT funding. At that meeting, a uniform desire to make PILT permanent was noted. Legislation so that undependable portion of that program is removed is one option.

Doug stated that all districts have counties that might be impacted by the PILT funding issue.

Bill clarified that Tom's position is to wait and see how the State General Fund formula plays out with the county contribution component. Tom confirmed that as his position.

Bill requested that each Executive Council member have the discussion with their respective Boards, and come to IAB in June to have further conversation. He stated that we don't want to ask counties for more unless it is truly needed, but don't want to jeopardize future state funding.

Tom stated would prefer to focus on the State providing a larger SGF appropriation. The State needs to recognizing growth; the SGF appropriation needs to at least keep up with inflation.

Bill reminded the group that they have heard from a legislator that the counties should contribute more if districts have unmet needs.

Lora Whalen stated that the statute mandates that the state only match county contributions at 67%.

Doug shared information calculated by PHD 2's Fiscal Officer. In 2009, the SGF appropriation was \$10,000,000 to the PHDs (pre-recession). With inflation, the PHDs should be getting \$12,123,339.

The group agreed that educating legislators is an ongoing process, and each PHD is actively engaged in that.

### **Vaping Legislation**

Commissioner Reinke shared that he has spoken with Sen. Brackett, who is interested in introducing legislation related to vaping. They have contacted the Legislative Services Office and will start the process to draft a bill. Geri Rackow stated that IAB did adopt a resolution related to vaping, and that all the Boards of Health support policy strategies related to reducing use of e-cigarettes.

### **IAB Annual Conference**

Doug shared that his district (PHD 2) conducted a hot wash after the June Annual meeting in Lewiston. As a result, they are posing two questions for consideration;

1. Should meetings be more centrally located for travel convenience (so people don't want to leave before meeting is over, or want to rush the meeting along)?
2. Should the meetings be held less frequently? Maybe every other year, with teleconferencing in off year?

Tom stated he would not want to go to every other year, as face to face contact is important for relationship building. He believes the annual meetings are valuable not just for the information gained but also for relationships and networking that doesn't happen on a conference call.

Bill agreed with Tom about the importance of annual face to face meetings; people come and go, and it is important to establish relationships. He agreed that we shouldn't be rushing the agenda; if people need to go, they need to go, and should not disrupt the meeting.

Geri Rackow stated it was more of an issue for people that lived closer and wanted to get home; people who traveled longer distances built in an extra night and traveled the next day.

Tom stated he didn't feel rushed when they hosted; Bill echoed that about his district's experience as a host.

Bryon Reed stated that he is fairly new to the Board of Health in his district (PHD 7), and that he has found great value in the meetings. He asked if it would be helpful to join up with IAC Summer Commissioner and Clerk meeting.

Maggie Mann explained that we would like to do that; doing so is complicated by the established rotation of the meeting.

After further discussion, the group agreed to go ahead with the meeting as planned this year, but pose to IAB as a whole next June that we begin to follow the IAC meeting city and dates. The IAB meeting would be held at the end of the IAC meeting (e.g., if IAC was T-W-Th, then IAB could begin Thursday evening with the social event, and hold the meeting on Friday).

### **Family Planning Waiver**

Russ Duke explained that an 1115 waiver is being drafted for submission that requires that all Medicaid beneficiaries seeking Family Planning services/supplies must seek those services from a primary care provider, unless the primary care provider chooses to refer the person to a Family Planning specialist provider. The Idaho Department of Health & Welfare is not able to weigh in on the likelihood of CMS accepting this waiver. The waiver application may sit at CMS for prolonged period of time; Utah's waiver has been at CMS for over a year with no decision.

Tom stated that Elt had spoken with him, and his main concern is people who don't have a primary care provider. Russ explained that every Medicaid enrolled person will be assigned to a primary care provider.

Lora stated that no state has successfully been granted a waiver of this type, to date.

The waiver will be open for public comment until 10/12/19.

### **Director CEC Issue**

Doug asked if there would be follow up on the letter sent to the Governor's Chief of Staff (COS) re: Director CEC; he understands that Susan Buxton (Department of Human Resources) met with the district directors yesterday and addressed this.

Bill stated that the topic of the letter to the Governor came up, and the Director of HR's response was that she had seen the letter but in her opinion, the directors are state employees, and that as such, the Governor may set the CEC for the directors. She stated that the statute we quoted in the letter was incomplete, and that the statute does specify that directors are state employees. He was unsure what the next step would be, other than educate themselves as to the statute and then speak with her again.

Doug stated that it is the function of the Boards of Health to set Director compensation.

Tom asked if there are other agencies that have a similar issue. The group was unsure if there are.

Bill stated the question of equity comes up; they have looked at their director's salary but haven't looked at all others. He is not aware of any study that would compare director salaries. PHD 7 has based CEC on their experience with their director; they believe she earned more than the 3%.

Doug asked about initial salaries; Nikki Zogg asked that question yesterday and was told the Governor could set the salary.

Brent stated this philosophy is originating with the Division of Financial Management (DFM) and its Director, Alex Adams.

Tom asked if we need to request a meeting with the Governor. Should we request to meet at his office at his convenience?

Brent stated it will be important to have all your ducks in a row prior to the meeting.

Doug asked if the governor could fire/hire directors. Yes, taking the current position on CEC further.

Lora stated that there is wide disparity amongst the directors' compensation.

Bill asked if we should do our own salary analysis. Tom stated it is a very complicated process; many factors need to be considered, and would require an outside expert to conduct this.

Brent asked if we have a champion in the House & Senate on this.

Tom stated that he doesn't think the legislature has a role in this conversation

Brent stated that if we had the right legislators, they could advocate on our behalf that local public health is important work.

Bill suggested that we get all the statutes that we have been referencing, and pull out/highlight relevant sections of the statute, then set up a meeting with the Chief of Staff (COS); he would also want to include list of directors and current salaries.

Tom stated the real issue is not the numbers but a usurping of Board of Health authority to appoint and compensate district directors; he would prefer to meet directly with the Governor rather than the COS.

Brent raised potential unintended consequences to pursuing this issue; it could jeopardize benefits such as PERSI and insurance.

Bill asked if we made an issue with this, would the Governor rescind the benefits of being a state employee.

Tom believes this is coming from DHR and the governor. Lora suggested a meeting with the Director of DHR and the Exec Council.

Bill stated it is his preference to work the question up the chain of command, rather than jumping around. As we have the correspondence from COS expressing interest in meeting with the Exec Council, we should move in that direction.

Bill offered to look at state statutes; and summarize them. He would also request the following from each PHD:

- Districts; size,
- # of employees,
- salary of each director,
- length of service,
- job description

Brent asked what do small, medium, and large colleges/universities do related to administrators' salaries? It might be a reasonable model to consider. He stated it is important to convey that these positions help communities stay healthy and safe.

The group agreed to review information Bill puts together, and then consider moving forward with a meeting with the Governor's COS.

#### **Next Meeting**

The group agreed to keep in touch with Bill on his statue review, and will set cc date/time once it has been reviewed.

The group agreed to a face to face meeting at IAC Mid-Winter; that meeting will be held February 4-6. The group will set time as it gets closer.

Ken declared meeting adjourned at 3:01 p.m. MST.