



Williamson County and Cities Health District
Special Board of Health Meeting
Wednesday, August 10, 2022, 1:30 p.m.
City of Round Rock
231 E. Main Street, HR Training Room
Round Rock, TX 78664

The meeting was called to order at 1:33 p.m. by Board of Health Chair Kathy Pierce.

- 1) Pledge of Allegiance
Ms. Pierce led the Pledge of Allegiance
- 2) Roll call was taken.
Present: Chair Kathy Pierce (Williamson County), Chris Copple (Cedar Park), Laurie Hadley (Round Rock), David Morgan (Georgetown) [Left Early], Robert Powers (Leander/Liberty Hill) [Arrived Late], Jeffery Jenkins (Taylor), Bob Farley (Hutto), Ed Tydings (Williamson County), Dr. Caroline Hilbert (WCCHD).

Absent: None.
- 3) Acknowledge staff and visitors; hear any comments.
Staff members and visitors present: Richard Hamala of Tiemann, Shahady & Hamala, Martha Dickie of ABDM Law, Nancy Ejuma, Dr. Amanda Norwood, Jason Fritz, Susanna Thornton, Cindy Botts, Michelle Broddrick, Tara Jempty, Kaitlin Murphree, Rousner Ermonfils, Zully Rios Velazquez, Jessica Morales, Jenny Ontiveros, Kevin Defina, Biviana Beltran, Aurora Maldonado

CONSENT AGENDA

- 4) Approval of minutes, Regular Meeting, 07/13/22
- 5) Approval of WCCHD Investment Reports – April 2022-June 2022
- 6) Ratification of Agreement with Texas Children's Pediatrics and Round Rock ISD – Administration of Back-to-School Immunizations

Motion to approve the Consent Agenda.

Moved: Laurie Hadley
Seconded: Christopher Copple
Vote: Approved unanimously

1:36 p.m. – Executive Session called

2:03 p.m. – Robert Powers arrived for the meeting and went directly into Executive Session

2:09 p.m. – Reconvened to Regular Session

REGULAR AGENDA

- 17) Discuss, consider, and take appropriate action on pending or contemplated litigation, settlement matters and other legal matters, including the following:
 - a. The forensic audit being conducted on behalf of WCCHD by Weaver and Tidwell, L.L.P.
 - b. Litigation or claims or potential litigation or claims against WCCHD or by WCCHD, including claims by former Executive Director Derrick Neal
 - c. Status Update-Pending Cases or Claims
 - d. Employee/personnel related matters
 - e. Other confidential attorney-client matters, including contract and certain matters related to WCCHD defense issues in which the duty of the attorney to the governmental body within the attorney/client relationship clearly conflicts with Chapter 551 of the Texas Government Code.
 - f. EEOC Charge of Discrimination 451-2021-02587: Derrick Neal v. Williamson County and Cities Health District and investigation of claims and conduct of former Executive Director Derrick Neal.

g. EEOC Charge of Discrimination 451-2022-00024: Constance Quilter v. Williamson County and Cities Health District.

No Action Taken

- 7) Division Highlight – Program Eligibility and Social Services (PESS), Tara Jempty

Ms. Jempty began by introducing herself and her team. As she explained, the PESS division was recently restructured to allow for a change in the County Indigent Health Care Program (CIHCP) administration and now consists of CIHCP eligibility caseworks, billers and a social worker. Ms. Jempty discussed new community health partner collaborations, including one with the Williamson County EMS, focusing on residents in the eastern portion of the County and those over 60 years of age. Ms. Jempty also expanded on the new CIHCP software and how this software will assist the PESS division in building an efficient medical billing process internally. Ms. Jempty briefly discussed thresholds for inclusion in the CIHCP program and concluded with the division goals and continued next steps, including additional outreach and collaboration.

No Action Taken – Informational Item Only

- 8) Discuss, consider, and take appropriate action on Interlocal Agreement with Williamson County – Indigent Health Care Program

Ms. Pierce began by stating that there is no current agreement for the Board to review. This item was brought before the Board for discussion as the prior iteration of the Cooperative Agreement stated that the Health District would manage the County's Indigent Health Program and the current version did not. Ms. Pierce stated that she and Hal Hawes, of the County Attorney's Office, felt that it would be beneficial to have an Interlocal Agreement in place to state the guidelines of expectation between the two agencies, in the management of the CIHCP program. As the Interlocal Agreement has not yet been drafted by the County Attorney's Office, this item, including the Interlocal Agreement document, will be brought back to a future meeting.

Mr. Morgan asked if the State mandated that the County's Indigent Health Care program is managed by the Health District. Ms. Pierce stated that was correct and clarified that the County contracts with the Health District to do the work and in return the County pays the associated costs. Mr. Morgan asked what the total costs of the program were, and Ms. Hilbert stated that she would need to bring back that information to the next Board meeting. Ms. Pierce stated that the County pays over \$1 million to the Health District, but that the costs can be up to 8% of the total County budget, by statute. Ms. Hilbert clarified that in the past, a third-party administrator would do the billing and the Health District would only see a portion of the funding, but with the new PESS software, as discussed by Ms. Jempty earlier, and bringing billing "in-house", the Health District will see a greater portion of the funding. Ms. Pierce stated that the County could not find a third-party administrator to contract with, even after putting out two Request for Proposals. The County's Budget Office then proposed the Health District do the work themselves, through a new software option, which was discussed and agreed upon by WCCHD Leadership and staff.

Mr. Morgan then asked how the funding contribution is set to cover these costs. Is it specified in the Cooperative Agreement? Ms. Hilbert stated that it is not. WCCHD has a separate line item identified in its budget that is from the County only, to the Health District, that is specific to this program. Mr. Morgan stated that he wanted to ensure that the full cost of this program is funded by the County and Ms. Hilbert stated that it was. Member City contributions are not allocated to this program and are essentially a "separate pot". Ms. Pierce agreed and stated that on the County's end, the County's budget has the CIHCP program and the general Member Agency contribution to the Health District as "standalone" items. Ms. Ejuma stated that more discussion on Member City funding allocation will be discussed in item 10, but none of the Member City contributions fund either WIC or PESS. Mr. Morgan thanked Ms. Ejuma for her clarification.

No Action Taken

- 9) Discuss, consider, and take appropriate action regarding FY22 Budget to Actual, 2nd Quarter Financials

Ms. Broddrick began by stating that in reviewing Q2, as this is halfway through the year, the Year to Date (YTD) ratio should be approximately 50% of the total budget. The Budget to Actual shows under 50% for some of the grants, which is a result of both underspending and a delay of repayment from the State and Federal agencies by up to 60 days. Interest income has increased, above budget, due to changes in the current investment strategy, which the Board approved in May of this year, as well as an overall increase in the market. Environmental Health's Retail Food program fee revenue is above 50% due to timing, where more permits are renewed at the beginning of the year, then the second half of the year. Pool revenue is lower than budgeted, as has been previously discussed by the Board.

In relation to Expenses, Unemployment was not budgeted in FY22, but a few claims have been made and the costs associated with them are anticipated to continue to increase. Staff Liability insurance is higher than 50%, but this is also a timing issue, where renewals are heavier in the first six months of the year. Similarly, Dues and Renewals are also heavier in the first six months of the year but are anticipated to end the year right at budget. Biowaste disposal expenses have come in higher than anticipated and staff will be looking into alternative options for future budgets. Ms. Pierce asked what was included in the Risk Pool Coverage category. Ms. Broddrick stated that it was Worker's Compensation, Property and Auto Liability insurance. In the Expenditures by Category slide, Ms. Broddrick pointed out that the largest category is Salary and Fringe, as expected. While overall at the end of the second quarter the Health District is under budget in Revenue, it is also under in Expenses, with an overall variance of approximately \$375,000 ahead at six months. Mr. Tydings asked if staff was able to investigate free toll usage for Health District vehicles. Ms. Broddrick stated that she did and was told that only emergency-classified vehicles are provided toll usage free of charge. Mr. Jenkins asked how many positions are currently unfilled. Ms. Broddrick stated that she would have to confirm, but believed it was approximately 11 or 12 of the 108 budgeted positions.

No Action Taken – Informational Item Only

11) Discuss, consider, and take appropriate action regarding the WCCHD Evaluation of Services Final Report

Ms. Elizabeth Pafford began by stating that several Board members provided questions about the Evaluation Report ahead of the meeting, the answers to which would be included in a new version of the Report, to be distributed after the meeting. She also wanted to provide an opportunity for the Board to ask question in this forum. Ms. Hadley, Mr. Jenkins, and Ms. Pierce all submitted questions to WCCHD Leadership to send to MRC on the Evaluation report, ahead of the meeting. Ms. Hilbert stated that several of Ms. Hadley's questions were items that Staff could address. Those questions were included as part of the general discussion during the meeting and were answered by Ms. Hilbert. Ms. Pafford and Mr. Hall addressed the other questions brought forth by the Board, including concerns with communication channels between WCCHD staff and City Permitting/Development staff; concerns with viewing the possible need for transition to a Heath Department solely from a "business perspective", as opposed to a "community health perspective"; concerns with an assumption of the County to sustain funding levels, should a transition occur; concerns with the assumption that a transition to a Health Department would result in increased civic engagement to "vote out" the County representatives in power, should residents not be happy with current public health policies; and questions on staff thoughts on possible transition and their views on the current state of the Health District.

Board Members, after discussion amongst themselves and with MRC staff, requested that the next iteration of the Report include a list of definitive pros and cons related to MRC's recommendation to transition to a Health Department; a clarification on what the impact to the services provided by WCCHD would be, if a transition occurs, including the prioritization of changes that would need to occur to complete the transition and a list of comparable agencies and their governance structure. Ms. Pafford concluded with brief highlights of the report. Staff has been found to be doing great work, and that is expected to continue, regardless of the final governance model chosen. Challenges include communication, turn over and general trauma regarding overwork during the pandemic. These challenges are not unique to WCCHD, but to all workers and to the public health sector, in general. County and City budgets, related to funding, could also hold future challenges, but at this time, those challenges are outside of the Board and Staff control.

After MRC staff left the meeting, the Board discussed their impressions of the report. Mr. Copple stated that his expectation was for more information related to any threats or concerns about the current governance structure of WCCHD. Who was serving as Board Members, the efficiency of services provided by a District vs a Department and why other agencies chose one structure over another. Mr. Farley added that the report, in its current state, adds questions, not resolve them, for discussion with the County on a possible transition. He stated that there is much yet to be addressed before a recommendation to move forward should be made. Mr. Morgan stated that he felt the report provided good data, as an outside opinion, on the performance of the District, the services provided and the thoughts of staff, but he was underwhelmed on the response from the public. He also stated that in terms of a well-researched recommendation, with a solid plan behind it, to ensure the services continue to be provided and staff is involved in the process – a lot more work remains to be done. Ms. Hilbert stated that WCCHD Executive Leadership would be happy to work on some of the questions and concerns posed by the Board that were not addressed in the initial report. Staff will be looking through a programmatic and staffing perspective, but Ms. Hilbert felt that Executive Leadership's inherent knowledge of the Health District will be able to provide substantive information that might be able to further the Board's discussions. The Board agreed and stated that they wanted Leadership's involvement and opinions. Ms. Pierce and Mr. Farley stated that while there was a lot of data, there was not a lot to connect the data to the recommendation. Mr. Morgan asked Ms. Hilbert if she had enough information from this discussion to create a workplan of next steps, in summary form, for the Board to review, so they can determine if this is the direction in which they want to go, and if all their concerns were included in this workplan. Ms. Hilbert stated she did and agreed to provide this for discussion at the next meeting.

3:41 p.m. – David Morgan left the meeting

Mr. Copple stated that he would also like to have MRC provide additional information on the governance structure aspect in their final report, as this was part of the original scope of work for the project. The Board agreed. Mr. Copple added that the Evaluation Subcommittee could address this directly with MRC at the next subcommittee meeting.

No Action Taken

10) Discuss, consider, and take appropriate action regarding the Member City Contribution Allocation Strategy

Ms. Hilbert began by stating that the Board has requested to know exactly where the Member City funding is being allocated, on a line-item basis. While this was being undertaken as part of the FY23 budget, with Ms. Ejuma coming on board as Deputy Director, she was able to jump into this project and help provide this information sooner. The assumption, in relation to the allocation, is that the Member City funding would primarily go towards programs that were directly benefiting residents of Member City communities. The priorities were direct services, then indirect and ending with administration. Similarly, funds were allocated to a priority list of cost categories, starting with salaries, then supplies and then other items, including contractual requirements and local travel. Ms. Hilbert clarified that Ms. Ejuma noted during the PESS presentation that neither PESS nor WIC are included in the Member City allocation, as they are funded strictly from the County or the State directly. Additionally, if a program area does not serve the residents of a Member City, such as the IVM program for the City of Round Rock, funds from that City are not allocated to the program. Ms. Ejuma also stated that this allocation is for the General Funds, as provided by the Member City contribution, the programs are also funded by other sources, including grants. Ms. Hadley and Mr. Powers both stated that this item is appreciated and interesting but does not need to be provided on a regular basis. The Board discussed residents of Cities "paying twice", as they pay both for the Member City contribution and the County contribution, through their taxes, as well as how helpful the service area impact report was for each Member City. Ms. Pierce asked if the State would pay the County "rent" for WIC staff working out of County buildings. Ms. Ejuma responded that if the State were invoiced, they could potentially cover a "rent" fee, but it would reduce the amount of services that could be provided because it would come out of the existing WIC budget. WIC could go back to the State to request additional funding to cover the cost of a lease on space, but if that additional funding was not approved, it would need to come out of the current budget and staffing would need to be reduced to balance their budget, or they would need to alter their County footprint, where they would only work out of two buildings, instead of four, for example.

No Action Taken – Informational Item Only

- 12) Discuss, consider, and take appropriate action on WCCHD Procurement Policy
- 13) Discuss, consider, and take appropriate action on WCCHD Code of Ethics Policy

The Board opted to discuss items 12 and 13 in conjunction. Ms. Hilbert began by stating that the major change to the Procurement Policy was the removal of the ethics portion of the policy, which was removed and added the Code of Ethics general policy instead. The Procurement Policy also had procurement levels and approvers added, at the Board's request, for major expenses.

Motion to approve items 12 and 13.

Moved: Ed Tydings
Seconded: Bob Farley
Vote: Approved unanimously

- 14) Discuss, consider, and take appropriate action on WCCHD Pool Policy

Ms. Pierce referenced the backup information that Staff provided as possible options for the WCCHD Pool Program and distributed an option that she was proposing to the Board for consideration. Mr. Tydings stated that it was his understanding from the prior Board meeting discussion that the Pool Program was initially developed due to outside events. Ms. Hilbert explained that the Pool Program was established as a standalone program that could operate based on its own fee structure. There is currently one individual who works on the program. This individual would be willing to stay with the Health District and continue working on other Environmental Health items, should the Pool Program be eliminated. Mr. Tydings stated that his main concern was in pulling staff from the Retail Food inspection program to cover Pools, which he felt would be detrimental to the County, as a whole. Ms. Hilbert stated that this is no longer occurring, and the focus is now on getting caught up on the Retail Food side. The Pool Program, on the financial side, however, does pull revenue from the Retail Food program, as well as Clinical Services, to cover its expenses. It is not "paying for itself", as originally expected, when put into place. Ms. Pierce stated that the County is getting complaints from the whole of Williamson County. If there are complaints regarding pools, they need to go to the appropriate jurisdiction (the Cities), to handle it, not the County. The Pool Program, in her opinion, was taking on more responsibility than the Health District needed to do. However, if there truly is a public health concern, such as Legionnaire's Disease, the option she put forth for consideration would not eliminate the Health District from having input into the situation, it would only eliminate inspections on construction and existing pools who are currently being asked to remodel and retrofit. Mr. Farley, Mr. Tydings and Mr. Jenkins asked about existing policy and if a change to the Pool Program would require policy and/or Ordinance updates prior to being able to enact. Mr. Hamala stated that a Public Health Order, governing pools, is currently enacted. The Order could be rescinded or amended by the Board. Should a complaint come into the Health District, the Local Health Authority could work with the Cities to address it. Ms. Hadley stated that the Cities would need to be open to taking on the responsibility, as the City of Round Rock did. The City of Round Rock can address construction and inspection concerns, but disease management is outside of their wheelhouse, and they would need to bring in the Health District anyway.

Ms. Pierce asked if there are any legal implications to rescinding the existing Pool Order and Mr. Hamala stated that he and Ms. Hilbert had previously discussed this. There may be a few customers that would be due refunds for paying permitting fees with out the Health District yet acting. Ms. Hadley suggested that Staff come back to the next meeting with language that they are comfortable with, and every Board Member needs to go back to their respective Cities to ensure that they are comfortable with taking on the added Pool inspection responsibilities. Ms. Pierce stated that the option that she drafted is not written for the Commissioners Court to close pools, but for the Health District to hire a consultant to investigate a health issue related to a pool, if Dr. Norwood is not comfortable investigating, and if the consultant said the issue needed to be rectifying, the Health District, with an informed opinion, could close the pool. Ms. Hilbert stated that the existing Order allowed the Health District to close pools for structural, health-related issues, such as electricity close to the water and endangering people. Should the Order be eliminated, someone at the County would need to inspect structural or safety complaints. Ms. Pierce stated that there would be no one at the County to do so – as no one did it prior to the Order being enacted. Ms. Hadley added that the Cities, who have Building Inspection departments, will do that manual inspection, should a complaint arise, but the County does not, so in those cases, where the complaint falls in County jurisdiction, who would do it? Ms. Pierce confirmed that a complainant would have to go before the Commissioners Court to have them address that individual case. Ms. Hadley added that the Board should thoroughly consider the implications of rescinding the Order because one could argue that a gate latch or side rails being broken is a public health issue. Mr. Powers asked what the City of Round Rock currently does not assume responsibility for, as they are no longer a part of the Health District's Pool Program. Ms. Hadley stated that her city addresses all structural and construction-related issues, including closing pools for broken gates and latches, but they would ask the Health District for help with any potential disease concerns. Complaints from the public do occur regularly, but the workload had not been overwhelming for her existing staff. Mr. Tydings and Mr. Powers both had questions about the logistics of responsibility for the different complaints and processes for addressing any issues, should the Order be rescinded. Ms. Pierce summarized the Board discussion, with Staff coming back to the Board at a future meeting with language, based on the guidance from the Board during this discussion. Mr. Hamala stated that a Statement of Policy could be drafted, when the Pool Order is rescinded, to address some of the Board's concerns on responsibility.

No Action Taken

- 15) Discuss, consider, and take appropriate action on Memorandum of Understanding with Austin Public Health – CDC Public Health Infrastructure Grant joint application

Ms. Hilbert began by reminding the Board that by partnering with Austin Public Health on this CDC grant, WCCHD can draw down significantly more funding than applying on their own through the State. The CDC reviewed the Letter of Intent and gave their approval for APH and WCCHD to move forward with submitting an application. Ms. Hilbert credited Ms. Ejuma for spearheading this project. Ms. Hilbert stated that the anticipated award would be approximately \$5.2 million, over a 5-year period, the vast majority of which will be spent on retaining existing staff, who were previously funded from the now defunct DSRIIP funding. As part of the application, an MOU is needed between WCCHD and APH. Once the application is submitted, Staff will begin working with APH on an Interlocal Agreement. Staff will be working on finalizing the MOU and what is needed from the Board, at this time, is to approve Ms. Hilbert to sign the MOU, on behalf of the Health District, after the changes have been vetted and approved by Legal. Mr. Hamala asked if there were any substantiative changes in the last iteration of the MOU. Ms. Ejuma answered that the changes were in relation to what to do with any "additional funds" that may be received, outside of the originally requested amounts, specified in the application.

Motion to approve item 15, granting authorization to the Executive and Deputy Directors to accept changes, as appropriate, subject to legal approval.

Moved: Ed Tydings
Seconded: Laurie Hadley
Vote: Approved unanimously

16) Executive Director's Report

Ms. Hilbert began by stating that while COVID cases are high, they seem to be coming down a bit from the latest peak, though another peak is anticipated with the start of the school year. Williamson County has seven cases of Monkeypox, those cases still need to be officially confirmed by the CDC. The WCCHD website has an informational page on Monkeypox, to try to educate the public. Ms. Hadley asked Dr. Norwood for a brief overview of Monkeypox, as a disease. Dr. Norwood deferred to Ms. Rios Velasquez, WCCHD Lead Epidemiologist, who provided the overview. Ms. Hilbert informed the Board that the Public Health Accreditation Board (PHAB) was able to reschedule a site visit for the Health District's reaccreditation review and it went well. A final decision on the reaccreditation should be announced soon. It was a busy month for HR with eight incoming staff and seven outgoing. The WIC drive through "New Mom" event went well, as did the Round Rock ISD and Texas Children's Hospital Back to School vaccination collaborative event. WCCHD is going to be doing several sports physicals clinics over the next two weeks. Lastly, Public Health WINS is a survey of the public health workforce sector. The general sector overview was included in the Board packet, and WCCHD is seeing many of the same workforce challenges.

Ms. Pierce thanked Ms. Hilbert and the staff for all their hard work during these uncertain times and stated that WCCHD is greatly appreciated by the community and by the Board. Ms. Hilbert thanked Ms. Pierce for her kind words and thanked Ms. Hadley for the City of Round Rock generously hosting Board Meetings for the past year. The September 2022 Board meeting is expected to be held at WCCHD Headquarters at 355 Texas Avenue, Round Rock.

19) Adjourn

Motion to adjourn.

Moved: Laurie Hadley
Seconded: Jeffery Jenkins
Vote: Approved unanimously

Board Chair Pierce adjourned the meeting at 3:44 p.m.

Recorded by: 
Cindy Botts, Executive Assistant

Reviewed by: 
Christopher Copple, Secretary