



**Williamson County and Cities Health District
Board of Health Meeting
Wednesday, December 14, 2022, 1:30 p.m.
355 Texas Avenue
Round Rock, TX 78664**

The meeting was called to order at 1:30 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), Christopher Copple (Cedar Park), Laurie Hadley (Round Rock), David Morgan (Georgetown), Robert Powers (Leander/Liberty Hill), Bob Farley (Hutto), Ed Tydings (Williamson County) [Arrived Late], Dr. Caroline Hilbert (WCCHD).

Absent: Jeffery Jenkins (Taylor)

1:32 p.m. – Ed Tydings arrived

- 3) Acknowledge staff and visitors; hear any comments.
Staff members and visitors present: Richard Hamala of Tiemann, Shahady & Hamala, Leigh Wallace of the City of Georgetown, Lori Murphy, Nancy Ejuma, Dr. Amanda Norwood, Cindy Botts, Michelle Broddrick, Kaitlin Murphee, Ivah Sorber, Khaila Pippen, Tara Jempty, Ivah Sorber, Zully Rios Velasquez, Nicole Evert, Alissa Orozco.

CONSENT AGENDA

- 4) Approval of minutes, Regular Meeting, 11/09/22

Motion to approve the Minutes, as presented.

Moved: Laurie Hadley
Seconded: Robert Powers
Vote: Approved unanimously

REGULAR AGENDA

- 5) Recognition of David Morgan – City of Georgetown Board Representative, 2021-2022
Ms. Pierce thanked Mr. Morgan for his service on the Board of Health and the impact he made as a Board Member. Mr. Morgan thanked Ms. Pierce and stated that his replacement representative, Ms. Wallace, the Finance Director for the City of Georgetown, will be a wonderful addition to the Board. Ms. Pierce presented Mr. Morgan with a Certificate of Appreciation, signed by both her and Ms. Hilbert. Mr. Morgan thanked Ms. Pierce for the Certificate and for the personal gift she had given him earlier that day.

No Action Taken

- 6) Discuss, consider, and take appropriate action on WCCHD FY23 Proposed Budget & 5 Year Forecast
Ms. Hilbert began by stating that since the last meeting, things had changed in funding opportunities. The partnership with Austin Public Health, in which WCCHD would receive direct funding from the CDC, had fallen through. WCCHD was notified just after Thanksgiving of this change and Leadership spent the past two weeks reworking the Budget. The impact of this change for FY23 does have result in a significant shortfall, but in FY24 and beyond, the worst-case scenario would be a substantial hit to the Budget. WCCHD will continue to aggressively look for replacement funding over the course of the next year, but Leadership wanted the Board to be aware of this change. Ms. Hadley asked how funding could be approved, and then taken away. Ms. Hilbert clarified that the CDC never actually gave the Health District an Award, but they did accept WCCHD's Letter of Intent, which in every other instance means the grantor is encouraging the potential grantee to apply and has every intention of awarding funding once the application is approved. Ms. Hilbert stated that shortly after WCCHD was informed that an Award would not be forthcoming, she contacted Ms. Pierce, as the Board Chair, who stated that she would get ahold of Representative Carter's office, to hopefully get him to speak to the CDC on our behalf. Ms. Pierce stated that she has not yet been able to get ahold of him, and that the CDC changed the specifications of the application, making WCCHD now ineligible. Ms. Hilbert

stated that with the Award, WCCHD was anticipating getting approximately \$1 million per year for the next five years, and in losing that opportunity, WCCHD shifted over to DSHS, who also received an Award from the CDC. Going through DSHS, the Health District will be getting \$300,000 per year over the next five years, which is extremely appreciated and helpful, but WCCHD will still need to make up a \$700,000 per year shortfall in funding over the next five years.

Ms. Hilbert then shifted to the changes in the FY23 Funding Sources, shown via pie chart on the slide deck. She stated that the differences between the current version and the version shown at the prior Board meeting includes the removal of the APH partnership, an increase of \$300,000 from DSHS funding and a request from Staff for an additional \$237,000 in funding from reserves for FY23 to bolster some current positions that won't meet current funding requirements. Ms. Hilbert emphasized Leadership's intent to have conversations with the Board about appropriate next steps and ensure that no rash decisions are made. These discussions will revolve around what WCCHD services could look like in the future. FY23 Budget changes included cost cutting measures, as feasible, including cutting a Public Health Nurse II position request, and a contractual request for Salesforce. Some areas were slightly increased from the last Board meeting, including travel and supplies, which is due to strict grant funding requirements, where the money can only be used for specific things and Staff didn't want to leave "money on the table". The current version of the FY23 Budget includes the compensation plan, the COLA, Merit and the EH Staff Expansion. Ms. Hilbert stated that Leadership is still strongly recommending that the compensation plan and the EH Staff Expansion both stay in the Budget, as it's been 10 years since the last compensation review and there is a large need for additional focus on inspections of County-wide Retail Food Establishments, as was discussed at prior Board meetings. The COLA total amount slightly decreased, with the reduction in positions, and with Merit, Leadership spoke with Staff and felt that with all the other changes, the current merit process, where Merit is pro-rated by employee anniversary date, should stay the same for FY23. Over the course of 2023, Leadership will come back to the Board with a well-thought-out plan on how to alter this process for the future. This significantly decreases the amount for Merit in FY23. Lastly, Board feedback from the last meeting, in regard to the compensation plan, was to try to provide an increase for the greatest number of employees. Ms. Ejuma altered the methodology so that salary range midpoints were used as the deciding factor, which created an impact for 2/3 of the employees, as opposed to 1/3, with the original methodology. While this does add approximately \$100,000 to the FY23 Budget, the funding will now be split between supplemental funding and the core funding, making the impact of this change to the core FY23 funding less than previously presented. The EH Staff Expansion would have no changes from what was previously presented, with five additional positions, four Sanitarians and 1 Program Specialist.

Mr. Morgan asked how much the Health District currently has in Reserves. Ms. Hilbert replied a little over \$10 million. Mr. Morgan stated that with what is currently known on the status of funding, WCCHD will need to work on a large shift in service delivery, but that it isn't reasonable to do so prior to passing a FY23 Budget. Instead, it would be a priority for the January meeting. Mr. Morgan stated that he agreed with what Staff has presented for the FY23 Budget. Ms. Hadley and Mr. Tydings agreed. Mr. Copple asked if a new Funding Projections slide was available for review. Ms. Hilbert stated there was an that it was slide 9, and it showed the updated Reserve balances over the course of the next five years. Mr. Powers asked if the five new EH positions were funded out of Reserves. Ms. Hilbert stated that they were. He asked if that was the reason the Reserve Balances dropped in FY24. Ms. Hilbert stated that the expansion was not the only reason for this projection. Leadership's priority is to not create a shock for current employees whose funding via the lost CDC opportunity is no longer available. One scenario, which Leadership will be discussing with the Board in a future meeting, would be supporting those positions for another full year- through FY24. This would allow for a transition into using solely Core funding as the Health District's budget. Ms. Hilbert explained that Leadership wanted to provide additional time for the Board to have thorough discussions on next steps. Mr. Powers stated that he thought the EH Staff Expansion would be funded out of Reserves for the next four or five years. Ms. Hilbert stated that the plan presented at the last meeting was a two-year plan, at which time an analysis of needs going forward would be brought to the Board. Ms. Ejuma and Ms. Hilbert explained that not only was a large funding opportunity lost, but much of the COVID funding will expire in FY23. Leadership is proposing funding all current employees, who do not have continuation funding, through the end of FY24. This effort would be funded out of Reserves. Mr. Tydings stated that even with Leadership's initial plan to draw down Reserves for funding employees through the end of FY24, Reserves are still significantly higher than the required minimum. Ms. Hilbert agreed. Mr. Tydings stated that funding out of Reserves is not sustainable. Ms. Hilbert agreed and stated that this was simply a stop gap to allow for two years to plan and start adjusting to how to move forward with likely a much smaller Core Budget. Mr. Tydings asked how flexible Leadership is to moving employees from job to job, based on funding source. Ms. Hilbert stated that Leadership is open to it, as there are good employees, that WCCHD benefits from keeping, but the problem is that Leadership is trying to untangle a web of different funding sources that have propped up funding since the end of DSRIP.

Ms. Hilbert asked regarding the FY23 Budget, is there any feed back from the Board on what Staff has presented? Ms. Hadley stated that she was disappointed that the Merit changes could not happen for FY23, but she understood. She then asked if additional funding opportunities might be available in the near future from the CDC. Ms. Hilbert stated that historically, the Health District has needed to get piecemeal grants and the lost CDC opportunity would have been blanket funding, for a variety of positions, with much fewer strings attached to deliverables. Staff, unfortunately, doesn't foresee that type of funding being available, but stated that there are many opportunities for focused funding. This will benefit some divisions and make it a bit more challenging for others. Ms. Hadley stated that she applauded Leadership's ability to pivot so quickly given the significance of the loss of this funding opportunity. Mr. Tydings asked if there was an option for adding to the Reserves in the future. Ms. Hilbert and Ms. Ejuma stated that it was a possibility, depending on the funding type and any restrictions they might have on any "leftover" money. Additionally, County funds could be used, if the County was accepting of this practice. Ms. Broddrick added that when the prior WCCHD Leadership found out that DSRIP was going away, Reserves were significantly increased, with the intention to be used to float WCCHD positions until alternate funding opportunities could be found. The Board, at the time, was anticipating having this discussion in 2020. When COVID hit, and supplemental funding became available, the discussion was simply "the can kicked down the road". Now that DSRIP is gone and COVID funding is anticipated to end in FY23, the conversation is finally happening with the current Leadership and the current Board.

Motion to approve the FY23 and multi-year plan, as presented.

Moved: David Morgan
Seconded: Ed Tydings
Vote: Approved unanimously

- 7) Discuss, consider, and take appropriate action on 2023 Regular Meeting Dates
Ms. Pierce asked the Board to review the proposed 2023 Meeting Calendar. Ms. Hadley asked if the proposed meetings were continuing to be the second Wednesday of the month. Ms. Hilbert confirmed that they were.

Motion to approve the calendar, as presented.

Moved: Bob Farley
Seconded: Laurie Hadley
Vote: Approved unanimously

- 8) Discuss, consider, and take appropriate action regarding a Memorandum of Understanding with Austin Radiological Association (ARA) – WCCHD Patient Referrals
Ms. Hilbert explained that this was an annual agreement with ARA that allows for WCCHD’s clinical services team to refer to them patients, as needed, for additional testing or exams. If the patient does not have insurance, WCCHD pays the Medicaid rate to ARA. If the exam or test is not Medicaid-eligible, then WCCHD will pay 20% of the billed charges. Mr. Hamala reviewed the MOU and suggested changes, that ARA agreed to, which brought the MOU in alignment with the Texas Governmental Code and the Texas Public Information Statute and removed the right for ARA to financially audit WCCHD. Ms. Hadley stated that the amount allocated to this agreement in the FY23 Budget is \$6,500 and inquired as to how many patients that amount may cover. Ms. Murphee stated that WCCHD sends approximately ten patients per week to ARA for various tests. All active Tuberculosis patients get routine chest x-rays approximately once per month and every latent Tuberculosis patient, that hasn’t already had one, will also be sent for a chest x-ray. Dr. Norwood added that not only is the fiscal rate that WCCHD has with ARA a very good rate, but that they are also a good partner. Ms. Pierce commented that WCCHD has continued to find and maintain good partnerships with other local agencies.

Motion to approve the Memorandum of Understanding with Austin Radiological Association, as presented.

Moved: Ed Tydings
Seconded: David Morgan
Vote: Approved unanimously

- 9) Discuss, consider, and take appropriate action on WCCHD Addendum to Measurement Resources Company’s (MRC) Evaluation Final Report
Ms. Pierce stated that Ms. Hilbert had previously presented the information in the Addendum, namely, what the Health District disagreed with in the MRC Evaluation Final Report. This information was now compiled in a report. Ms. Hilbert added that Staff was asking the Board to officially accept the Addendum, as part of the MRC Final Report, so that if the Report is shared or reviewed, the Addendum will be included, as part of the official record. Ms. Hilbert clarified for the Board that the Addendum contains all of the points that Staff had concerns within the assumptions and in the conclusions of the Report.

Motion to accept the addendum, as part of the Report.

Moved: Laurie Hadley
Seconded: Robert Powers

Mr. Powers asked if the Addendum is written as “Staff’s concerns” or “the Board’s concerns”. Ms. Hilbert stated that the Addendum is drafted as a letter to the Board, with Staff’s concerns. Ms. Pierce and Mr. Morgan commented that should the Board approve this Addendum, then the Board is, in effect, accepting this Letter and its contents.

Vote: Approved unanimously

- 10) Discuss, consider, and take appropriate action on WCCHD Data Use Agreement and Business Associates Agreement Templates – Civil Surgeons for Latent Tuberculosis Infection Surveillance Grant
Ms. Hilbert explained these templates are related to the previously Board-approved Civil Surgeons for LTBI Surveillance Grant, and would allow the provider, as a covered entity, to provide patient-identifiable information to WCCHD, to assist with follow-ups, per the grant requirements. These agreements ensure that the information is protected from both the WCCHD and Civil Surgeon/provider side. The Data Use Agreement covers the information that is shared, and the Business Associates Agreement is an umbrella over the DUA to ensure that that sharing is all done properly. Ms. Pierce shared with the Board that these agreements are in relation to HIPAA requirements. Ms. Hadley asked if legal counsel had reviewed the agreements. Mr. Hamala stated that he had. Ms. Hilbert clarified that the agreements the Board would be approving are templates, that could be used for any provider we secure, as part of this grant, and would be in place until the

grant ends.

Motion to approve.

Moved: Bob Farley
Seconded: Robert Powers
Vote: Approved unanimously

- 11) Discuss, consider, and take appropriate action on WCCHD Drug-Free Confirmation Policy
Ms. Hilbert explained that while this policy is required as part of the CDC Civil Surgeons grant, it would also be a “best practice” for WCCHD as an agency. Both HR and the Clinical Division Director worked closely to develop this policy and Standard Operating Guidelines (SOG), which are modeled after the City of Georgetown’s policy. This policy would require that any positions that are public-facing would need a pre-employment screening, anyone who operates an agency vehicle and gets into an accident would be screened, as well as anyone with whom we have “reasonable suspicion”. The corresponding costs associated with this testing is anticipated to be approximately \$2,000 in the HR policy. Ms. Hadley asked if the testing would be done by staff or would be sent out. Dr. Norwood stated that the collection would be done by staff, but the testing, itself, would be done offsite by a separate entity. Ms. Hadley asked if both alcohol and illegal drugs would be tested for in the case of vehicle accidents. Ms. Hilbert stated that while that is not currently being done, moving forward, with the approval of this policy, it would be. Mr. Tydings asked if there would be a process for allowing staff who had physician-approved medication to be exempted from testing. Ms. Murphee stated that this process is currently in discussion, but would probably require that any medication be disclosed to the employee nurse, who would maintain that information in the event of a “positive” that would be otherwise explained by the physician-approved medication.

Motion to approve.

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

- 12) Discuss, consider, and take appropriate action on WCCHD MRC RISE Grant Contract
Ms. Hilbert began by stating that the Board previously approved the grant application several months ago. The grant was awarded at \$75,000 and would go to the volunteer corps, for a full-scale exercise, materials and supplies. Since the application approval by the Board, nothing has changed in the scope of work or budget. Ms. Hilbert stated that legal counsel has reviewed the contract and that NACCHO, the grantor, has approved the recommended language changes.

Motion to approve.

Moved: David Morgan
Seconded: Ed Tydings

Ms. Pierce stated that she appreciated staff bringing the grant opportunities to the Board for approval, prior to the actual application.

Vote: Approved unanimously

2:09 p.m. – Executive Session called

Mr. Morgan requested that the Board reconvene to Regular Session for the Executive Director’s Report, as that was the last item on the agenda, other than any action coming out of Executive Session, prior to Executive Session being held. Ms. Pierce agreed.

2:10 p.m. – Reconvened to Regular Session

- 13) Executive Director’s Report
Ms. Hilbert began by giving a brief overview of the items occurring in the Health District since the Board’s last meeting in November. Firstly, DSHS notified local agencies that oysters that have been harvested in a certain area of Galveston Bay have been causing gastrointestinal issues throughout the State. WCCHD Epidemiology and Environmental Health teams are both aware and are connecting with local seafood restaurants to ensure that precautions are being taken. Additionally, the Epidemiology team have been working hard to update the COVID dashboard from daily to a more overarching Influenza-like Illnesses (ILI) dashboard, which also will include RSV, which has been a particular issue in the past year, especially for children. This dashboard will be updated weekly. Additionally, Ms. Hilbert informed the Board that the Health District’s investment officer, Mr. Heselmeyer of the Williamson County Auditor’s Office, recently purchased \$2 million of Agency Discount Note at 4.735%, which will mature at the end of August 2023. Staffing has been relatively stable, with two employees onboarding and one offboarding. The Georgetown clinic, which both Mr. Morgan and Ms. Pierce, are aware, is a County building, and the County has opted to sell the building. In order to maintain a presence in the City, Ms. Hilbert has been trying to

connect with local non-profits to determine if we can co-locate, at least part of current WCCHD services. She toured the Georgetown Health Foundation's space and will be bringing the WIC Division Director to tour it as well with the hope that it will fit at least some of our spacing needs. The timeline for Georgetown Health Foundation to move into the currently empty building is the end of 2024, but given WCCHD's need, they may be willing to have WCCHD move in initially this Summer. Ms. Rios introduced the new ILI dashboard and walked the Board through the different features. Mr. Morgan asked if it was still as manual as the COVID dashboard had been and unfortunately, which some improvements in efficiency has been made, it remains a manual process to gather the intel and update the dashboard. Lastly, the current Retail Food Order is being reviewed and will be brought to the Board for a potential update in the next couple of months.

2:20 p.m. – Executive Session called

3:20 p.m. – Reconvened to Regular Session

REGULAR AGENDA

- 15) 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

- 16) Discuss, consider, and take appropriate action regarding the annual evaluation and the compensation of the Executive Director

Motion to adjust the Executive Director's current pay to include a 2% Merit increase, to be retroactive to her anniversary date; and when the WCCHD Compensation Plan is applied, the Executive Director will move to the market adjustment rate and receive the standard employee 5% COLA.

Moved: Laurie Hadley
Seconded: Bob Farley
Vote: Approved unanimously

- 17) Adjourn

Motion to adjourn.

Moved: David Morgan
Seconded: Kathy Pierce
Vote: Approved unanimously

Board Chair Pierce adjourned the meeting at 3:25 p.m.

Recorded by:  _____
Cindy Botts, Executive Assistant

Reviewed by:  _____
Christopher Copple, Secretary