



**Williamson County and Cities Health District
Board of Health Meeting
Wednesday, February 9, 2022, 1:30 p.m.
City of Round Rock Public Library
216 E. Main Street, Room B
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
- 1) Roll call was taken.
Present: Chair Kathy Pierce (Williamson County), Ed Tydings (Williamson County), Laurie Hadley (Round Rock), Chris Copple (Cedar Park), Robert Powers (Leander/Liberty Hill), Dr. Caroline Hilbert (WCCHD)

Absent: Jeffery Jenkins (Taylor), Bob Farley (Hutto)
- 3) Acknowledge staff and visitors; hear any comments.
Staff members and visitors present: Richard Hamala of Tiemann, Shahady & Hamala, Cindy Botts, Michelle Broddrick, Dr. Amanda Norwood, Lori Murphy, Matt Wojnowski of the City of Hutto

REGULAR AGENDA

- 4) Approval of minutes, Regular Meeting 01/12/22

Motion to approve the minutes from Regular Meeting 01/12/22.

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

- 5) Reappoint Backup Local Health Authority, Dr. Vinita Magoon

Ms. Hadley asked if there was an option for Dr. Hilbert to serve as backup Local Health Authority, or if that would be considered a conflict of interest. Dr. Hilbert replied that she could have served as a Local Health Authority if she had completed her residency. She explained that she stopped her schooling after receiving her medical degree. Ms. Hadley then asked if the Health District previously utilized Dr. Magoon, in the role of Local Health Authority. Dr. Hilbert stated that most of her assistance was during the loss of the prior Local Health Authority, Dr. Palazzo. During that time, Dr. Magoon stepped in and did a tremendous amount to continue the Health District clinical operations. Dr. Hilbert also stated that a backup Local Health Authority is mainly used when the primary Local Health Authority, Dr. Norwood, would be unavailable, such as when she takes a vacation.

Motion to approve the reappointment of Dr. Vinita Magoon as backup Local Health Authority.

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

- 6) Adopt a Resolution Designating Code Enforcement Official for the purposes of being issued search warrants for inspection for health hazards and violations.

Dr. Hilbert explained that WCCHD regularly inspects locations for health hazards or health violations and as such, can designate a code enforcement official. Staff would like this official to be the Environmental Health Division Director, currently Lori Murphy. Should a business owner deny WCCHD access to an inspection, which is allowable via the Environmental Health Order, the designation of a code enforcement official allows a process for WCCHD to seek an injunction and a warrant to go into the business for the purposes of the inspection. Dr. Hilbert stated that WCCHD is currently in a situation where such a process is needed. Ms. Hadley asked if the business in question hasn't been inspected since 2017, why hasn't the request for a code enforcement official been brought before the Board sooner? Ms. Murphy stated that she was hired in early 2020 and the ongoing issue with lack of accessibility to complete the inspection was one of the first issues the Environmental Health team brought to her. Since there, several attempts to inspect onsite were attempted and the rejection documented, and several phone calls have been made to no avail. Ms. Hadley asked if the Health District considered asking the

Williamson County Sheriff's Office to serve the warrant, and if WCCHD does seek to serve the warrant themselves, would staff consider taking law enforcement with them? Ms. Murphy stated that she did look into taking law enforcement with her to serve the warrant but was told that the Fire Marshall's Office would be a better fit for this type of warrant. Mr. Tydings asked if the code enforcement individual would be armed when serving warrants. Ms. Murphy stated that the individual would not be. Mr. Hamala clarified that Ms. Murphy, or the individual employed as the Environmental Health Division Director, would be the designated code enforcement official. While the current Health Order allows for retail food establishment inspections at any time, the business owners can, and have, denied entry to the Health District. The warrant issued to Ms. Murphy would be force of law to comply with the food inspection. Once the Board approves this Resolution, Ms. Murphy, or her replacement, would have the ongoing authority to go through an attorney to request a warrant, as needed. Ms. Pierce asked if the Health District has tried, and been denied, on multiple occasions to inspect a restaurant and the owners are not complying with what they need to do to have a functioning business, could the Health District choose to revoke their Health Permit instead of going in with a warrant? Ms. Murphy stated that this is an option and one that she considered, but after conversations and attempts at assistance from both the Mayor and the Mayor Pro-Tem of the City to address this issue, she didn't believe that revoking the permit would stop the owner from continuing to serve food. Ms. Murphy stated that at this point, she felt that it was important to get into the restaurant and assess the situation. Ms. Pierce asked what would occur if the restaurant continued to serve food, after its Health Permit has been revoked. Mr. Hamala answered that there would be criminal penalties to the owner. Ms. Hadley stated that it sounded like the designation of a code enforcement officer is a good first step. Mr. Hamala added that the denial of access for a restaurant inspection has only occurred one other time and the Williamson County Attorney's Office drafted the warrant for the Health District. Designation of a WCCHD code enforcement individual would allow WCCHD to manage similar issues themselves in the future.

Motion to approve item 6: Adopt a Resolution Designating Code Enforcement Official for the purposes of being issued search warrants for inspection for health hazards and violations.

Moved: Ed Tydings
Seconded: Christopher Copple
Vote: Approved unanimously

Ms. Pierce informed the Board that having not heard the need for any updates regarding Item 7 from Legal Counsel, that item would not be discussed in Executive Session.

1:42 p.m. – Executive Session called

1:46 p.m. – David Morgan arrived and went directly to Executive Session

2:22 p.m. – reconvened to Regular Session

REGULAR AGENDA

- 9) Discuss, consider, and take appropriate action on pending or contemplated litigation, settlement matters and other legal matters, including the following:
- a. Litigation or claims or potential litigation or claims against WCCHD or by WCCHD
 - b. Status Update-Pending Cases or Claims
 - c. Employee/personnel related matters
 - d. 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.
 - e. 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.

No Action Taken

- 10) Discuss, consider, and take appropriate action on employment of an Executive Director for WCCHD

Motion to schedule a meeting to interview Dr. Hilbert for the position of Executive Director at a Special-called Meeting on February 17, 2022, at 4:30 p.m. at the City of Round Rock City Hall.

Moved: Laurie Hadley
Seconded: David Morgan
Vote: Approved unanimously

2:23 p.m. – Laurie Hadley left the meeting

11) Receive status report and take appropriate action on issuance of a Request for Qualifications of an Evaluation of WCCHD Services

Mr. Copple gave a brief report to the Board. He stated that the solicitation period for submittal of the RFQ closed the prior day at 3:00 p.m., with only two respondents. The RFQ Evaluation Subcommittee, consisting of Ms. Pierce, Mr. Jenkins, and himself, would meet the following week to review the submissions and bring back a recommendation to the Board in March. Mr. Morgan asked for the names of the respondents and Mr. Copple stated that discussion of the names was protected by a non-disclosure agreement, at the request of the respondents. Ms. Pierce stated that one of the respondents was an agency that the subcommittee reached out to, on the recommendation of other local care agencies, such as Georgetown Health Foundation.

No Action Taken – Informational Item Only

12) Discuss, consider, and take appropriate action on WCCHD Flexible Work Environment policy

Dr. Hilbert began by stating that the Board reviewed this item at its January 12, 2022, meeting, and based on feedback from that meeting, Staff made additional changes to the policy and to the associated guidelines and procedures. Dr. Hilbert added that the largest changes were inclusions of general tasks that were appropriate for telecommuting, as well as what Division Directors should be mindful of when considering positions for possible flexible work options. Changes to the guidelines include accountability, risk management and work/home requirements. Dr. Hilbert stated that between the changes to the policy, the guidelines and the procedures, she hoped that all the Board's concerns were being addressed. Mr. Morgan asked if the policy included an allowance for an exception to a position, under an unusual circumstance. Dr. Hilbert says there was. Mr. Morgan responded that he was happy this was included as the City of Georgetown is finding that flexible work and telework options are evolving. Should there be a "hard-to-fill" position, some flexibility for unique exceptions may be needed.

Motion to approve the WCCHD Flexible Work Environment policy, as presented.

Moved: David Morgan
Seconded: Christopher Copple
Vote: Approved unanimously

13) Discuss, consider, and take appropriate action on Request for Proposal – WCCHD Salary Survey

Dr. Hilbert began by stating that at its December 8, 2022, meeting, the Board approved Staff to move forward with an external salary study, not to exceed \$60,000, with the prior study being done internally by WCCHD staff in 2013. The presented Request for Proposal is still waiting on inclusion of a few items by Staff, including a timeline and requirements for professional liability insurance, but otherwise is ready for the Board's review prior to posting. Dr. Hilbert stated that she would like to post the RFP on the Health District's website, initially, but if there are few submissions, she might request that the Member Cities assist with posting on their respective websites to increase exposure. Ms. Pierce clarified that the Health District wanted to post the RFP only on the Health District's website initially. Ms. Broddrick added that the Health District uses a system that is less robust than the County's system but does work well for the Health District's few procurement needs. Dr. Hilbert confirmed that initially, the RFP would be posted just to the WCCHD website, but that she has also reached out to TACCHO for recommendations of companies to reach out to, should proposals not be submitted.

Motion to approve the Request for Proposal – WCCHD Salary Survey, as presented.

Moved: Robert Powers
Seconded: David Morgan
Vote: Approved unanimously

14) Discuss, consider, and take appropriate action on Interlocal Agreement with Williamson County – WilcoCare recipients

Dr. Hilbert began by stating that the WilcoCare program, which the Health District administers on behalf of Williamson County, looks at vulnerable populations that need help accessing health care. The County's EMS program does something similar, in which it tries to redirect individuals who call 9-1-1 in a non-emergency in order to get medical care. She stated that there is a lot of similarity in the populations served and in the mission of the programs, and together the programs are looking to create a "one-stop shop" for patients to receive medical care. The presented Interlocal Agreement and Business Associates Agreement are to allow for confidential, HIPAA-compliant data sharing. Mr. Tydings added that with data sharing agreements in place, the two agencies can work collaboratively to address the needs of these vulnerable populations. Dr. Hilbert stated that late last year the Board approved an interlocal agreement with Williamson County EMS to share data related to COVID vaccinations. Ms. Pierce explained that the County's policy is to only approve agreements that have already been approved and signed by the other party. The Board would, therefore, have to approve and allow Dr. Hilbert to sign, before it could be put on the Commissioners Court agenda.

Motion to approve the Interlocal and Business Associates Agreement with Williamson County, as presented.

Moved: Ed Tydings
Seconded: Robert Powers
Vote: Approved unanimously

15) New Board Member Orientation – Environmental Health Division, Lori Murphy

Ms. Murphy presented an overview of the Environmental Health Division to the Board, including specific information on the Retail Food Program, the Pool Program, Plan Review and Public Nuisance complaints. Mr. Morgan and Ms. Pierce asked for clarification on the number of retail food inspections being done, as opposed to the FDA-identified “gold-standard”, annually, per inspector. Ms. Murphy stated that the number of inspections actually being done by WCCHD staff is almost twice what the “gold-standard” is and based on the number of businesses to be inspected in Williamson County, the number being done should actually be higher. Mr. Tydings asked if the total number of inspections included those done by Sanitarians-in-training. Ms. Murphy stated it did. Dr. Hilbert informed the Board that while further discussion would take place during item 16, Staff did research other local environmental health programs and even in jurisdictions with much lower population, the number of health inspectors are the same or higher to that of WCCHD. Ms. Pierce asked what types of complaints WCCHD investigates. Ms. Murphy answered that it could be restaurant complaints related to food safety, lack of permits for mobile food vendors, eminent health hazard complaints, such as illness outbreaks or spilled sewage. Mr. Morgan asked what the “gold-standard” would be for restaurant inspection rotations. Ms. Murphy answered that the FDA asks inspection agencies to break retail food establishments into different risk categories and routine inspections happen 1-3 times per year, based on the identified risk. Additional inspections related to requested inspections, opening inspections, inspections related to complaints or follow up inspections related to compliance issues would be in addition. Mr. Morgan asked if current staffing allowed for all of these inspections. Ms. Murphy stated current staffing could not complete all the required inspections for all of the retail food establishments in Williamson County. At this time, with current staffing, WCCHD can address all complaints, ensure that all businesses are open and complete some routine inspections. There are retail food establishments that have not been inspected since 2018, however, which is due to an already high workload on her small team. Mr. Morgan clarified that a metric of note for him, is not necessarily the “gold-standard”, but the Health District’s standard. He requested that for the FY23 budget, Staff put together some data for the Board to review, that shows how the Health District can begin to address meeting the Health District’s standard and what that standard might look like. Mr. Tydings asked how the Environmental Health program is funded. Ms. Murphy stated that different jurisdictions have different funding mechanisms, which was part of the research into other local programs that Staff did. Austin is primarily funded through general funds, while WCCHD has attempted to make the program entirely fee funded. Dr. Hilbert added that in general county health departments that have a retail food program tend to be closer to 100% enterprise/fee funded. City health departments tend to operate out of general funds. Mr. Morgan asked for additional information to be brought back to the Board on the Health District’s standard as it relates to “industry-standard”, not necessarily “gold-standard”. Mr. Copple asked if WCCHD was working off of the 2021 International Swimming Pool and Spa Code or the 2018 version. Ms. Murphy stated that currently the 2018, but that the Pool Inspection Supervisor is reviewing the 2021 version and will soon be moving to that version. Mr. Copple added a suggestion that in order to facilitate WCCHD working with Member Cities on pool plan reviews, Staff should reach out to City Development Services divisions and various City Chambers of Commerce. Mr. Copple added that like Mr. Morgan’s request, he would be interested in a Staff recommendation on what level of service is needed as the Williamson County population continues to grow in coming years. Ms. Murphy clarified for the Board that complaint, plan review and follow-up inspections are not fee-based, so while they increase workload, they do not add to the revenue for the Division. She also clarified that the FDA “gold-standard” of fewer inspections allows for more time at each inspection site, increasing education and taking the time to view possible violations.

No Action Taken – Informational Item Only

16) Discuss, consider, and take appropriate action on WCCHD Fees

Dr. Hilbert began by stating that during the December 2021 meeting, the Board requested a more detailed fee discuss at the current meeting. She reminded the Board that while Clinical Services and the Pool Program within Environmental Health (EH) have fee schedules, Staff was only bringing the Retail Food fee schedule to the Board for discussion at this time. All fee structures would be reviewed for FY23, and annually, thereafter, as part of the budget process. Dr. Hilbert added that the Environmental Health Division has been striving to be an Enterprise Division, but has not actually been successful, for at least the past five years. Staff has been discussing internally as to whether it makes sense to move forward with the directive to have EH be an Enterprise Division from years ago, particularly if that has never actually been achieved. If that is a directive the Board would like to remain with, the true cost of service for various permits is included in the agenda backup information, included in the Board packet. She explained that the law changed approximately four years ago so that the Health District is allowed to charge more than the cap of \$300 if the charge is tied back to a cost of service. Based on the current calculations, an increase in fees of approximately \$150 per category would allow for continuation at the current level of service, assuming funding is under the Enterprise Division directive. Should the Board wish to increase the current level of service to address concerns brought up during the Environmental Health Division presentation earlier in the meeting, then the fees would increase further. Dr. Hilbert continued by stating that in researching other local retail food inspection programs and how they charge, it would be her recommendation to move to at least a hybrid model of funding, where fees support the Division, in part, but is also supported from General Funds, which are derived from Member City contributions annually. Should the Board wish to go that route, a discussion as to a recommendation for the split would be had at the March meeting, where a general discussion on reserves and Member City contributions will also take place.

Mr. Morgan asked if the EH Division had ever been sustained by fees alone. Dr. Hilbert replied that they had not, with General Funds covering anywhere from 20%-50% of the costs of the program annually. Mr. Morgan asked for additional information to come back to the Board- how do WCCHD fees compare to other local agencies on a by permit category basis. He also asked that the discussion to be had at the March meeting not only focus on the cost recovery of the program, but the Board’s philosophy on the desired level of service. Dr. Hilbert replied that in looking at other local agencies, WCCHD is charging fees on the higher end, as most of the agencies have not moved beyond the 2016 law that capped fees at \$300. Instead, they are supplementing their revenues from General Funds. For Austin Public Health, their fees are higher than WCCHD, but they also charge different fees for their Member Cities, which WCCHD could duplicate, as a benefit for the Member Cities. Mr. Powers asked how the cost of service was calculated, based on the size of the establishment. Ms.

Murphy explained that the cost of service considered the level of risk and the estimated number of inspections, based on the risk level. Mr. Powers asked if multiple inspections are required, because of a compliant, if there are any fees charged. Ms. Murphy stated there are not, other than an administrative fee related to an inspection failure. Mr. Tydings asked what the impact to the cost-of-service analysis would be if additional inspectors were added. Ms. Murphy explained that the current cost of service calculation was based on the “gold-standard”, not on the level of service that is currently being offered. Assumptions also included the current inspectors’ salaries, actual material costs, and actual time splits between customer service, inspection, and supervisor time, per location. Mr. Copple stated that he would like to have stakeholder input from the various Chamber of Commerce on permits and fee increases. He also stated that should the Board choose to raise fees, what the communication distribution of this change would be – would WCCHD do that or would every City need to increase the fees identified in their own fee schedules. Mr. Hamala added that WCCHD is allowed to set fees for the whole jurisdiction, and the Cities would then include a note in their own fee schedules that state that retail inspection fees are set by the Health District, so that changes on the city schedule are not needed every time WCCHD chooses to change fees.

No Action Taken – Informational Item Only

- 17) Discuss, consider, and take appropriate action on WCCHD policy priority review list for 2022

Dr. Hilbert began by stating that at its meeting in November 2021, the Board requested that Staff bring back a priority list of policies that will be brought before the Board to review in 2022. Included in the Board packet is the priority list. Dr. Hilbert explained that the priority list focuses on administrative and financial policies, several of the policies have already been brought to the Board and approved. Those with a star next to them are policies that do not currently exist and would need to be created, as opposed to updated. Dr. Hilbert added that if the Cities already had policies for those that the Health District does not, if the Board would like to share them, Staff would be happy to review them and use them a potential template. Mr. Copple asked to know when the Board could expect to see each of the policies. Dr. Hilbert explained that the Reserves policy would be brought to the Board in March, as part of the budget process, but the personnel policies are listed in order of priority. Mr. Copple added that the previously approved RFP for the WCCHD Salary Survey could also include a recommendation for addressing the Merit policy, as part of a full compensation plan. Mr. Morgan added that his recommendation would be to address the procurement policy first. Mr. Morgan offered to provide the Procurement, P-card and Internal Controls policy from the City of Georgetown to Staff. Mr. Morgan asked for additional information regarding the need for a whistleblower policy. Dr. Hilbert explained that while the Health District does have an employee grievance process, it stops with the Executive Director. Mr. Morgan stated that the City of Georgetown has both a Whistleblower policy as well as a service for an anonymous tip line that can be shared. Mr. Morgan added that an Internal Controls policy can also be addressed through the Health District’s annual auditor.

No Action Taken – Informational Item Only

- 18) Executive Director’s Report

Ms. Pierce informed the Board that she requested the Executive Director’s Report to be a standing item on the monthly Board agendas to provide Dr. Hilbert with the option of bringing any relevant information to the Board’s attention, as needed. Dr. Hilbert stated that for this month, there still was no word on the extension of DSRIP. She reminded the Board that if the extension is not approved, FY22 would lose approximately \$212,000 with a loss in FY23 of approximately \$1.5M, in addition to every year after. Dr. Hilbert also informed the Board that the “Charity Care” program was being discussed at the State level, as a replacement for DSRIP funding. However, TACCHO has some concerns with the Charity Care program, she explained, as the regulations, rules and guidelines around the program are not friendly to public health. The model of how care is provided would need to change, and the Health District would need to operate as a private practice, or a Federally Qualified Health Center (FQHC). Dr. Hilbert stated that with the guidelines in public health shifting, sometimes programs need to “follow the money”, but in this case, the internal discussion both with TACCHO and with Health District leadership has been whether the model shift is truly a paradigm shift to what Public Health will look like in the future, in Texas, or if this program, is not of value to Health Districts. Dr. Hilbert stated that she would learn more about the program at the TACCHO meeting the following day and will continue to keep the Board informed. She also added that in the event that DSRIP is not continued, and the Charitable Care funding doesn’t make sense for the Health District’s population, then a revenue loss of approximately \$1.5M, which primarily funded the Clinical Services team, a core function of the Health District, would be significant and would need to be “made up” somehow. It also gives context to the current reserve levels of the Health District and the Board may wish to consider this loss of revenue as it discusses reserves at the next meeting. In terms of staffing, two employees have left in the past month, one was a long-time employee who retired, and the other was a front-line eligibility individual who needed to address some personal concerns. There have also been several very short grant timelines – 1-2 week turnarounds, which if the Health District receives and they are new grants, contracts will be brought to the Board for review. The Class D Pharmacy license is only currently in effect for Round Rock and Staff has been trying to get licenses for the other PHCs. The application was rejected, after much back and forth, because the Health District does not own the buildings we are working out of. Staff has appealed to the Texas State Pharmacy Board (TSPB) for a legal review, but TSPB Staff does not think there will be a change in the decision. Staff has worked with Ms. Pierce to draft an agreement for the Health District to “lease” the building for \$1 or something similar, that will meet the requirements of the TSPB. Lastly, the lobbies are open at all four PHCs. Due to staffing issues, there may be only one or two staff members at each site on a given day, but those issues are being addressed.

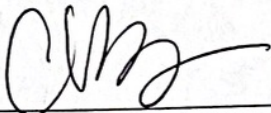
- 19) Adjourn


Motion to adjourn.

Moved: David Morgan
Seconded: Ed Tydings

Vote: Approved unanimously

Board Chair Pierce adjourned the meeting at 4:01 p.m.

Recorded by: 
Cindy Botts, Executive Assistant

Reviewed by: 
Chris Copple, Secretary