



**BENTON-FRANKLIN HEALTH DISTRICT (BFHD)
BOARD OF HEALTH (BOH)**

MEETING MINUTES

January 25th, 2023

**BENTON-FRANKLIN HEALTH DISTRICT
BOARD OF HEALTH
MEETING MINUTES
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IN ATTENDANCE

Benton	<input checked="" type="checkbox"/>	Commissioner McKay	<input checked="" type="checkbox"/>	Jason Zaccaria, Administrator & BOH Executive Secretary
	<input checked="" type="checkbox"/>	Commissioner Delvin	<input type="checkbox"/>	Lisa Wight, Sr. Human Resources Manager
	<input checked="" type="checkbox"/>	Commissioner Alvarez	<input checked="" type="checkbox"/>	Carla Prock, Sr. Healthy People & Communities Manager
Franklin	<input checked="" type="checkbox"/>	Commissioner Didier	<input checked="" type="checkbox"/>	Sean Domagalski, Interim Sr. Surveillance & Investigation Manager
	<input checked="" type="checkbox"/>	Commissioner Mullen	<input checked="" type="checkbox"/>	Janae Parent, Assistant Administrator
	<input checked="" type="checkbox"/>	Commissioner Peck	<input checked="" type="checkbox"/>	Eric Elsethagen, Information Systems & Security Manager
			<input checked="" type="checkbox"/>	Justin Compean, Systems Analyst
			<input checked="" type="checkbox"/>	Dr. Larry Jecha, Interim Health Officer
			<input checked="" type="checkbox"/>	Kelly Harnish, Healthy Living Manager
			<input checked="" type="checkbox"/>	Honor Crawford, Public Health Educator
			<input checked="" type="checkbox"/>	Heather Hill, Clinic Services Supervisor
			<input checked="" type="checkbox"/>	Diane Medick, Administrative Assistant
			<input checked="" type="checkbox"/>	Lauren Cowles, Medical Records Clerk
			<input checked="" type="checkbox"/>	Annette Cary, Editor, Tri-City Herald
			<input checked="" type="checkbox"/>	Shelly Burt, member of the public

CALL TO ORDER

Commissioner Mullen called the meeting to order at 1:30 p.m.

APPROVAL OF MINUTES

Commissioner Delvin moved to approve meeting minutes for December 21st, 2022. Commissioner Peck seconded. Motion carried.

DISCUSSION ITEMS FROM THE PUBLIC/STAFF

Shelly Burt provided a verbal comment regarding a mental health committee. S. Burt expressed the difficulty of diagnosing young children with mental and other health vulnerabilities, adding that there should be committee members that have connections with schools and an understanding of this issue. Commissioner Delvin asked about the nature of the committee, and Commissioner Peck clarified that it is an advisory committee, not part of the BOH.



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UNFINISHED BUSINESS

1. 1152 Committee Update – 1152 Committee Members

- a. Jason Zaccaria provided a brief recap, stating that formal action was taken at the previous meeting to select the top three candidates from each non-elected member category to interview. Formal action was also taken to have two Commissioners from each county, the District Administrator, and a public health expert participate on the panel. Commissioners McKay and Alvarez were selected for Benton County, and Commissioners Mullen and Peck for Franklin County. BFHD Human Resources (HR) will schedule interviews with the Board once schedules have been coordinated.
- b. The interview process must follow Open Public Meetings Act (OPMA) guidelines since a total of four Commissioners will be on the panel, which constitutes a quorum. J. Zaccaria asked the Board whether it wished to move forward with two Commissioners from each county, or whether it would entertain the possibility of only one from each county. Commissioner McKay requested confirmation that the meeting would be open due to the presence of four Commissioners on the panel, which the Board confirmed. Commissioner Delvin expressed willingness to go with only one Commissioner from each county, while Commissioners Mullen and McKay expressed a preference for two from each county. Commissioner Alvarez agreed with the latter, also emphasizing the importance and unique nature of these interviews. The Board expressed no further objections to the formal action taken at the last meeting to proceed with two Commissioners from each county.
- c. Janae Parent provided additional clarification from a statement obtained from Chris Mertens, Health District Attorney, regarding executive sessions. The interviews would not be able to be conducted in an executive session because these applicants would not be public employees, but rather volunteers being appointed; therefore, the interviews must be conducted in an open, public setting. Commissioner Peck requested confirmation of this fact, which J. Zaccaria provided.
- d. Commissioner Peck asked whether the interviews could be performed in a closed session instead of an executive session, and expressed concern about the privacy of the applicants. J. Parent paraphrased to the Board C. Mertens' opinion regarding OPMA and executive sessions. In conclusion, C. Mertens wrote: "Non-elected positions on the Board are voluntary and unpaid. Therefore, they do not constitute public employment. The selection process for such positions is subject to the OPMA and does not qualify for an exception. Thus, the interview process should be conducted as part of an open public meeting."
- e. Commissioner McKay asked the Board to confirm that it wanted to proceed with two Commissioners from each county rather than one, to which Commissioners Delvin and Alvarez responded affirmatively. Commissioner Peck clarified that if



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there is only one Commissioner from each county, this would not constitute a quorum, and therefore the interviews would qualify as a committee action or delegation rather than a meeting.

- f. Commissioners Delvin and Alvarez reaffirmed a desire for an open meeting, and Commissioner Alvarez requested clarification from Commissioner Peck about the pros and cons of either decision. Commissioner Peck again expressed concern regarding the privacy of the individuals being interviewed, but stated willingness to go with the Board's decision. Commissioners Alvarez and McKay stated that the candidates should be informed that the interviews will be public, and J. Zaccaria affirmed.
- g. Commissioner Mullen requested an update from J. Zaccaria on the tribal representatives. The general council recommended that a certified letter be sent, which was done, and there still has been no response. This is similar to what has been happening in other jurisdictions across Washington state, leading some Health District Administrators to collaborate about what to do. BFHD has begun discussing with C. Mertens what can be done. Some Local Health Jurisdictions (LHJs) have included a provision in the bylaws to wait a set amount of time for a response from the American Indian Health Commission (AIHC). If a response is not received in that time period, a fourth person would be selected, even if not a tribal representative, in order to meet the statutory requirements of having an equal number of elected and non-elected members on the Board.
- h. J. Zaccaria stated that this is one possible option for the Board if a response is not received, and stated a desire to not fall out of compliance by having more elected than non-elected officials on the Board. Commissioner McKay stated that the Board's continued efforts to contact the tribal leaders should be documented to demonstrate willingness to comply. J. Zaccaria stated that the possibility of having an alternate fourth, non-tribal member could be included in the interview process for the current candidates, with the understanding that the alternate member would be replaced if and when a response from the AIHC is received.
- i. Commissioner Peck recommended against this, stating that this could potentially change the statistical balance of the voting process. Commissioner Peck recommended that the Board follow the advice of C. Mertens, which is to continue to send registered requests, hold the position for a tribal representative, and until it is filled, count all votes from the position as an abstention. Commissioner Peck also expressed concern about a possible situation where the alternate member could be adverse to tribal interests, or perceived as being so, and recommended that the position be held in abeyance and the issue revisited in six months. In that time period, there could potentially be changes in the legislature or further guidance from the Washington State Board of Health (SBOH). Commissioner Delvin agreed with this viewpoint, and stated that if



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multiple Boards of Health are having difficulty filling this position, the legislature should address this.

- j. Commissioner McKay asked what the deadline is for having the new Board positions filled. Commissioner Peck answered that the positions should have been in place on January 1st, 2023, but that some latitude is being given. J. Zaccaria stated that the Board is demonstrating and documenting due diligence.
- k. Commissioner Alvarez summarized the discussion by stating that there will be eight total Board positions, four elected and four non-elected, with the one left unfilled being counted as abstained from voting.
- l. Commissioner Mullen asked whether any of the applicants so far might fill that requirement, but J. Zaccaria was unaware of any. Commissioner Delvin asked whether the tribal representative is chosen by the AIHC, and J. Zaccaria answered in the affirmative. Commissioner McKay added that the Board does not interview individuals for this position.
- m. J. Parent stated that both the public and the Board are interested in scheduling the interviews, and asked Commissioner Alvarez for a preference as to when interviews could be scheduled. Commissioner Alvarez stated that a vacation was scheduled prior to appointment to the Board, but would return on February 12th, 2023.
- n. Commissioner Peck expressed concern about further delays, and asked if it would be okay if Commissioner Delvin represented Benton County. Commissioner Alvarez expressed a strong desire to be involved in the interview process, and a commitment to making the right decisions on behalf of the citizens of Benton County. Commissioner Peck expressed a desire to confirm the appointments in a timely manner, and stated that the suggestion to appoint Commissioner Delvin was out of respect for both the patience of the applicants and the missed deadline of the statute.
- o. Commissioner Delvin asked what the deadline was. J. Zaccaria answered that it was July 2022, and Commissioner Peck said that the SBOH had extended it to January 2023. Commissioner McKay expressed agreement with keeping Commissioner Alvarez on the interview committee, and asked J. Parent to confirm with the rest of the committee what dates will work. J. Parent stated that originally the interviews were to take place this week and next week, but would find new dates and times from February 13th, 2023 onward.
- p. Commissioner Mullen asked Commissioner Alvarez whether there was a possibility of changing vacation dates, to which Commissioner Alvarez replied that there was not. Commissioner Mullen confirmed that scheduling the interviews will wait until J. Parent sends out notice of the committee members' availability.



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2. BFHD Health Officer Recruitment Update – Jason Zaccaria

The interviews with two Health Officer candidates will be conducted in an executive session.

NEW BUSINESS:

Election of Officer Positions

- a. Commissioner Delvin moved to appoint Commissioner McKay to the position of Chair of the Board. Commissioner Peck seconded. Voting was unanimous. Motion carried.
- b. Commissioner Peck thanked Commissioner Mullen for his service. Commissioner Delvin asked whether the Chair and Vice Chair positions needed to be held by members from different counties. J. Zaccaria stated that this is not necessarily the case.
- c. Commissioner Peck moved to appoint Commissioner Alvarez to the position of Vice Chair.
- d. Commissioner Delvin asked whether the positions need to be held by members from different counties. Commissioner Peck stated that it does not say this in the bylaws. J. Zaccaria asked the Chair whether this is the case. Commissioner Peck stated that historically the Board has alternated the positions between the counties. J. Parent consulted the bylaws and stated that the bylaws do not specify either way.
- e. There was no second for Commissioner Peck's motion. Motion was not carried.
- f. Commissioner Didier moved to appoint Commissioner Mullen as Vice Chair. Commissioner Delvin seconded. Voting was unanimous. Motion carried.

EXECUTIVE SESSION

- a. Chair Mullen called for an executive session to evaluate the qualifications of an applicant for public employment, per Revised Code of Washington (RCW) 42.30.110(1)(g). Attendance requested for the session included all Commissioners, J. Zaccaria, Eric Elsethagen, and the two Health Officer candidates. The session was called at 1:59 p.m. for 60 minutes.
- b. Chair Mullen called the meeting back to order at 2:57 p.m., no action taken.
- c. Chair Mullen opened the floor for comment by the Board on the interview process. Commissioner Peck expressed appreciation to the BFHD staff for coordinating the interviews, and stated that both candidates had excellent qualifications and good discussion was had with both.
- d. Commissioner McKay moved to have J. Zaccaria offer Dr. Aren Giske the position of BFHD Health Officer. Commissioner Didier seconded. Voting was unanimous, motion carried.



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ANNOUNCEMENTS

1. School-aged Vaccine Event – Heather Hill

- a. Both Kennewick and Pasco School Districts expressed to BFHD a severe need for childhood vaccine availability, due to the number of children who are not in compliance with vaccination requirements. Each District reported between 250-300 children out of vaccination compliance, which means these children would not be allowed to attend school.
- b. BFHD partnered with Health Commons, a nonprofit organization, to arrange and conduct an outside vaccination clinic at Amistad Elementary school. BFHD provided vaccines and staff, and Health Commons took leadership of the event. The vaccines were provided at no cost to the families, because the vaccines came from the Vaccine for Children program. The event was open to any child aged six months to 18 years, regardless of school district, and adult flu vaccines were also available.
- c. There will be a second, similar clinic on January 31st at the downtown Pasco library, also run by Health Commons and BFHD, with the Pasco Kiwanis Club providing volunteer support.
- d. Current plan is to do a repeat event at the end of February or early March, with an anticipated long-term goal of doing more clinics through BFHD, possibly hosting one on a Saturday during the summer months.
- e. Commissioner Delvin asked whether Richland School District had also reached out. H. Hill answered that BFHD did reach out, but the District did not express interest in the event. Health Commons is willing to do another clinic, possibly in North Franklin County or Benton City.
- f. Commissioner Delvin asked whether Richland School District has a higher number of children in vaccination compliance, to which H. Hill answered that the number of children out of compliance is similar to the other two Districts. Richland School District did provide information about both the Kennewick and Pasco vaccination events to families in the District and encourage attendance.
- g. Commissioner Mullen requested clarification on what is meant by vaccination compliance. H. Hill answered that according to Washington State law, children must have a certain number of doses of a specific group of vaccines before entering the public school system. There can be a grace period where the child can begin attending without the vaccines, but there is a deadline after which the child will not be allowed to continue attending school without obtaining these vaccines.
- h. Commissioner Mullen asked whether the COVID vaccine is one of these requirements, and H. Hill responded that it is not. The requirements include vaccines such as tetanus, diphtheria, pertussis, varicella, measles, mumps, and rubella.



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- i. Commissioner Alvarez asked whether these requirements are limited to elementary-school children, and H. Hill answered that these vaccines are spread out through the various school years. Commissioner Mullen asked how many vaccinations are required. H. Hill did not have the exact number to hand, but included the vaccines listed above, as well as the Hepatitis B series. There are several more that are recommended but not required, and a child will not be prevented from attending school if missing vaccines from the recommended list.

2. PROTEC17 Collective Bargaining – Jason Zaccaria

The last collective bargaining session was held on January 19th, 2023. BFHD management is optimistic that after several additional sessions an agreement will be reached, and a package will be able to be brought to the Board for review and consideration.

APPROVAL OF VOUCHERS

Chair Mullen moved to approve vouchers 105-2022 through 109-2022 & 01-2023 through 02-2023 in the amount of \$698,141.66, with the Chair to sign the vouchers on behalf of the Board of Health. Commissioner Delvin seconded. Voting was unanimous, motion carried.

DATE OF NEXT MEETING

Date of next meeting is scheduled for February 15th, 2023. Commissioner Peck and Commissioner Alvarez noted conflicts with that date due to upcoming meetings. February 22nd, 2023, was proposed as the new meeting date and was accepted by the Board.

ADJOURNMENT

Chair Mullen adjourned the meeting at 3:07 p.m.

Signature on file

Commissioner Will McKay
Chair of the Board

Signature on file

Jason Zaccaria
Executive Secretary

