

DEKALB COUNTY BOARD OF HEALTH MEETING

MEETING MINUTES

DATE: May 24, 2022

BOARD OF HEALTH MEMBERS PRESENT

Derryl Block, RN, PhD, President
Kellen Bosma, DMD
Lorraine Daly
Patricia Faivre
Anita Zurbrugg
Erik Englehart, MD, Vice President
Paul Stromborg, MD
Jill Olson

BOARD OF HEALTH MEMBERS ABSENT

Rukisha Crawford
Carlos Dominguez, DVM
Lizy Garcia, Secretary

STAFF MEMBERS PRESENT

Lisa Gonzalez, MPH, *Public Health Administrator*
Erin Frye, MPH, *Administrative Assistant and Marketing Manager*
Greg Maurice, LEHP, *Director of Health Protection*
Adriana Milan, MPA, *Director of Administrative Services*

CALL TO ORDER

The DeKalb County Board of Health meeting of May 24, 2022 was called to order at 6:01 pm by Dr. Block, President.

AGENDA

On a motion by Dr. Stromborg, seconded by Ms. Zurbrugg, the Board of Health Meeting Agenda of May 24th, 2022 was approved. Motion carried.

INTRODUCTION OF NEW BOARD OF HEALTH MEMBER

Mrs. Gonzalez welcomed Jill Olson, Attorney, to the Board of Health. Mrs. Gonzalez shared that Ms. Olson is the Executive Director of CASA in DeKalb County. Mrs. Gonzalez stated Jill Olson will complete the 3-year term vacated by Jessica Harrill from 4-20-2022 through 12-31-2024 and would then be eligible for two 3-year full terms.

MINUTES

Full Board

On a motion by Mrs. Faivre, seconded by Dr. Bosma, the Board of Health Meeting Minutes for March 22, 2022 were approved. Motion carried.

COMMITTEE REPORTS

Lisa Gonzalez shared that there are no committee reports for this meeting.

PERSONS TO BE HEARD FROM THE FLOOR

None

PRESENTATION

1. Freedom of Information Act (FOIA)

Mr. Maurice shared the Freedom of Information Act (FOIA) is a state statute that provides the public the right to access government documents and records. He shared the premise behind FOIA is the public has a right to know what the government is doing. He stated the law ensures a person can ask a public body for a copy of its records on a specific subject and the public body must provide those records, unless there is an exemption that protects those records from disclosure.

Mr. Maurice shared FOIA was updated on January 1, 2010, to further empower people to view, understand and take part in their government. He stated FOIA provides tools and provisions to make sure the public has timely access to information and public meetings, and penalizes government officials who knowingly try to prevent public access to government information. Mr. Maurice stated one of the most significant improvements to FOIA and Open Meetings Act (OMA) was the codification of the Public Access Counselor (PAC). He shared the purpose of the work of the Attorney General's Public Access Bureau is to ensure that FOIA and OMA fulfill their goal of providing the public with access to government documents and decision making.

Mr. Maurice explained the Public Access Counselor is an attorney in the Attorney General's office whose responsibility it is to ensure that public bodies comply with FOIA and the OMA. He shared the PAC works under the direction and supervision of the Attorney General and oversees the Public Access Bureau in the Attorney General's office, which includes attorneys and professional support staff who are available to provide a variety of services, ranging from education and free training programs to resolving disputes between public bodies and citizens over public access to information and open government.

Mr. Maurice stated public bodies are subject to FOIA and the judiciary is not subject to FOIA. He noted court records and proceedings are generally open to the public. He stated anyone, any person, group, association, corporation, firm, partnership or organization has the right to file a FOIA request to any state or local public body, including any city, township or county office.

Mr. Maurice explained FOIA requires every public body to designate at least one person to act as the FOIA officer. He shared the public body must display at its office and make available certain information including the name(s) of its FOIA officer(s), information on how to submit a FOIA, and a brief description of the office. He also stated FOIA requires any public body with a website post the required information on its website.

Mr. Maurice shared a FOIA request must be responded to within five (5) business days from the day after the public body receives the request. He stated the time period may be extended for an additional five (5) days from the date of the original due date if any of the following criteria are met: the requested information is stored at a different location; the request requires the collection of a substantial number of documents; the request requires an extensive search, the requested records have not been located and require additional effort to find; the requested records need to be reviewed by staff who can determine whether they are exempt from FOIA; the requested records cannot be produced without unduly burdening the public body or interfering with its operations; or the request requires the public body to consult with another public body that has substantial interest in the subject matter of the request.

Mr. Maurice explained that a commercial request occurs when the requester seeks to use part or all of the public records for sale, resale, or solicitation or advertisement for sales or services. He explained requests by news media, not-for-profit organizations, and scientific or academic institutions are not considered commercial information requests. He shared a public body has twenty-one (21) business days to respond to a request for information made for a commercial purpose. He explained the public body can: (1) provide the requested records; (2) advise when the records will be provided and the costs; (3) deny the request (if it falls under an exception); or (4) advise the requester that the request is unduly burdensome.

Mr. Maurice explained a “business day” or “working day” is a regular day of the week (Monday through Friday) when public offices and most businesses are open. He stated Saturdays, Sundays and legal holidays are not business days and cannot be counted in the five (5) business day time period. Mr. Maurice shared the five (5) business day time period starts on the first business day after the public body receives the request.

Mr. Maurice explained the consequences of not responding to a FOIA request includes civil penalties of between \$2,500 and \$5,000 per violation. He shared public bodies have an incentive to respond within the time limits set forth because if the public body does not respond in the timeframe, it cannot charge for reproduction costs at a later time or treat it as unduly burdensome.

Mr. Maurice shared a Request for Review to the PAC may be submitted if the person believes the public body has not followed FOIA. He stated the request must occur within 60 days of the public body’s final response, be in writing, signed by the requester, and include a copy of the FOIA request and any responses from the public body.

Mr. Maurice shared public records are defined in FOIA as all records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, electronic communications, recorded information and all other documentary materials pertaining to the transaction of public business, regardless of physical form

or characteristics, having been prepared by or for, or having been or being used by, received by, in the possession of, or under the control of any public body. He stated emails, phone calls, voicemails, and similar communications can be requested under FOIA.

Mr. Maurice explained there are exceptions to public disclosure. He shared exceptions include private information including unique identifiers, including a person's social security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal e-mail addresses, home addresses, and personal license plate numbers. Mr. Maurice stated under FOIA, the unwarranted invasion of personal privacy means the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information.

Mr. Maurice shared other exceptions include law enforcement records that, if disclosed, would interfere with a pending proceeding or disclose identity of a confidential source, information that, if disclosed, might endanger anyone's life or physical safety, preliminary drafts or notes in which opinions are expressed or policies are formulated, business trade secrets or commercial or financial information that is proprietary, privileged, or confidential and disclosure would cause a competitive harm to the person or business, proposals and bids for any contact until a final selection is made, and requests that are unduly burdensome.

Mr. Maurice shared that approximately 80% of requests made to the Health Department are for well, septic, or environmental records, 10% are for animal control or bite report records, 5% are for food inspection records, and 5% are for other records such as administrative records or COVID-19 related records.

Mr. Maurice shared the Health Department averaged 59 requests/year from 2012 to 2017, 64 requests/year from 2018 to 2019 and 80 requests/year from 2020 to 2021. He stated the highest year for requests was 2020 with 84 requests. He shared that currently in 2022, the Health Department has responded to 39 requests.

Mr. Maurice explained for the Health Department most requests can be completed with approximately 1.5 hours of staff time which includes researching records and responding to the requestor. He shared some of the larger requests have taken over 30 hours of staff time to complete.

Ms. Zurbrugg asked Mr. Maurice if we know why the Health Department is seeing increasing levels of FOIA requests over time. Mr. Maurice explained that it may be due to movement in the real estate market. Dr. Block pointed out it is possible that an email conversation between two Board of Health members may be subject to FOIA.

Mrs. Gonzalez explained over the years there has been an effort for increased transparency related to Board of Health meetings and the materials are posted as soon as they are available. She reasoned it would be unlikely to have a FOIA request for those materials as they are readily available.

2. COVID-19 Situational Update

Mrs. Gonzalez provided a COVID-19 Situational Update. She shared the health department continues to provide a weekly COVID-19 dashboard update on the Health Department website. She stated as of the last report, the county had 29,944 confirmed cases and 199 deaths due to COVID-19.

Mrs. Gonzalez explained a spike in cases occurred late fall last year which had since lessened. She shared more activity is being seen which is part of the rationale for the Board of Health meeting virtually. She shared the County is at a yellow CDC community risk level. She explained some areas in Region 1 have moved to the red risk level. She shared at the current level, the recommendations are to consider masking, especially for the immunocompromised, and indoor gatherings or meeting should be well ventilated.

Mrs. Gonzalez explained the cases counted are those that are processed through labs and through the reporting system. She shared as time has gone on, more individuals are testing at home and those tests may not be reported. She reasoned there are more cases than currently being reported.

Mrs. Gonzalez shared COVID-19 outbreak activity in March and April 2022. She stated with the positivity rate increasing we have seen the number of outbreaks increase from March to April.

Mrs. Gonzalez shared the Health Department has continued administering vaccinations. She noted the Health Department walk-in clinic model has moved from 5 days a week to 3 days a week. She shared in March and April almost 400 individuals were vaccinated through the walk-in clinic.

Mrs. Gonzalez explained through IDPH partnership a small amount of at home COVID-19 antigen rapid tests were distributed. She shared tests were distributed to long-term care partners and continue to be offered on-site for individuals who want them.

Mrs. Gonzalez shared the March 29th, 2022 updated CDC recommendations. She stated a second booster dose of Pfizer or Moderna COVID-19 vaccine may be administered to individuals fifty years or older four months after their first booster dose. She stated a second booster dose of Pfizer COVID-19 vaccine may be administered to individuals twelve years or older with certain kinds of immunocompromise 4 months after their first booster dose. She shared a second booster dose of Moderna COVID-19 vaccine may be administered four months after the first booster dose to individuals eighteen years or older with the same certain kinds of immunocompromise.

Mrs. Gonzalez shared the May 19th, 2022 updated CDC recommendations. She shared the CDC recommends children ages five through eleven years old should receive a booster shot five months after their initial Pfizer-BioNTech vaccination series.

COMBINED REPORT

Mrs. Gonzalez shared if there were any questions regarding the combined report to reach out.

FINANCIAL DATA

On a motion by Dr. Stromborg, seconded by Mrs. Zurbrugg, the Financial Statements for the months of March and April 2022 were approved. Motion carried.

On a motion by Mrs. Faivre, seconded by Dr. Bosma, the Claims for the months of April and May 2022 were approved. Motion carried.

OLD BUSINESS

1. 2021 DCHD Annual Report

Mrs. Gonzalez shared the Board of Health Bylaws state by June 30th of each year, the Health Department will publish an annual report explaining the Health Department's activities and expenditures for the past year. She shared beginning in 2022, the Board of Health is to review draft content of the annual report for discussion and/or Board feedback with the final report reviewed at the May 2022 meeting and published publicly thereafter.

Mrs. Gonzalez explained the format of the 2020 report had been revised, and due to the recent revisions, the 2021 report will share the same format. She shared she provided a letter to the community detailing a summary of the year and some of the content within the report.

Mrs. Gonzalez shared the COVID-19 Response section details the Health Departments bio-surveillance and epidemiological investigation, a significant event timeline, information management, vaccination efforts, community collaboration, and, as recommended by the Board of Health, community partner reflections. Mrs. Gonzalez shared a thank you to community partners was also included.

Mrs. Gonzalez explained the health protection and community health and prevention sections show a three-year snapshot of the various services provided by the Health Department. Mrs. Gonzalez shared the financial statement section includes an unaudited summary of expenditures and revenue. She noted the financial data shown includes revenues and expenses tied to the Public Health Maintenance account.

NEW BUSINESS

1. 2021 Financial Statement (unaudited)

Mrs. Gonzalez explained the analysis of the 2021 financial statement compares the 2021 budget as adopted to 2021 budget actuals.

Mrs. Gonzalez explained the Budget column was originally budgeted in the summer of 2020. She shared the 12 Month Projected Budget column is the 2021 projected budget estimated in July 2021 with 6 months of actual data. She shared the Year-to-Date Actual column are the unaudited totals for 2021. She shared the PCNT column depicts the year-to-date amount divided by the budget.

Mrs. Gonzalez stated the property tax revenue was close to expected with a 99% PCNT. She explained that the property tax revenue was slightly lower than budgeted as it was down by approximately \$3,500.

Mrs. Gonzalez explained the Licenses and Permits category had higher than budgeted revenue in the amount of \$52,200. She shared this was primarily due to revenue from animal control licenses and restaurant permits being higher than expected.

Mrs. Gonzalez explained the grant revenue was higher than budgeted due to uncertainty in funding regarding COVID-19 response efforts. She noted during the budgeting period it was unknown if there would be funding from COVID-19 grants. She stated the grant revenue was higher than budgeted in the amount of \$871,019. She explained that both Medicaid and Private Insurance revenues received were significantly lower than budgeted. She noted demand and ability to perform billable services was down during 2021 due to the COVID-19 pandemic.

Mrs. Gonzalez shared the Fees revenue was lower than budgeted to the amount of \$23,587. She shared the Non-operating Revenue was close to expected with a 95% PCNT. She shared line item 5901, Contribution to General Fund, comes from County support with FICA and IRMF for employees. She shared the budgeted amount was \$342,000 but the actual was \$495,985. She noted the almost \$154,000 difference in amount was due to redistribution of ARPA dollars.

Mrs. Gonzalez stated the total revenues for 2021 was higher than budgeted in the amount of \$933,403. She reiterated this is primarily due to higher Environmental and Vital Records Fee revenue, higher COVID-19 related grant revenue, and County distributed ARPA funding.

Mrs. Gonzalez shared the expenditures from Salaries corresponded to additional COVID-19 funding. She explained COVID-19 dollars allowed the health department to keep COVID-19 employees longer than originally anticipated which led to additional salary related expenses. She stated the salary expenses were higher than expected in the amount of \$501,063.

Mrs. Gonzalez explained the Capital Outlay expenses were lower than budgeted due to COVID-19 grants covering the cost of purchasing vehicles during that time period. Mrs. Gonzalez shared Commodities and Services were higher than projected at \$48,583. She shared that for Public Notices, Maintenance, and Professional Services the health department spent more than projected. She noted these were grant covered expenses. Mrs. Gonzalez explained the funds transferred to the County were similar to what was budgeted for 2021.

Mrs. Gonzalez shared the total expenditures for 2021 were \$531,908 greater than budgeted. She reiterated this is primarily due to greater than budgeted expenses in personnel and commodities and services categories tied to COVID-19 funding.

Mrs. Gonzalez shared when the budget was created in July of 2020, a shortfall of \$81,400 was budgeted. She shared the actual 2021 unaudited budget ended with a surplus of \$320,095. She explained as many expenses as allowed were moved under COVID-19 dollars. She explained staff

who would normally be covered by medical billing were moved to COVID-19 dollars because they were actively responding to the COVID-19 pandemic.

Mrs. Gonzalez shared the Health Department began 2021 with \$2,314,266 and ended the year with \$2,634,361. She shared Restricted Funds, which are a portion of three months cash flow, accrued time-off, \$200,000 for an extreme event, and \$100,000 to stabilize from lost revenue, are subtracted from the year-end balance to calculate the remaining available funds. She shared the restricted funds totaled \$1,285,575 which resulted in an available balance of \$1,348,786.

Mrs. Gonzalez shared an 8-year history depicting a mid-term plan to drawdown the health department's Fund Balance. She also shared 10-year history of property tax levy. She stated the audit should be completed in June and can be found on the county website.

EXECUTIVE SESSION

Dr. Block shared the Board will move into Executive Session for the purpose of discussing the Collective Bargaining Update and Employment Matters – Personnel, under Subsection number 21 of Section 2 (c) of the Open Meeting Act.

On a motion by Dr. Stromborg, seconded by Ms. Zurbrugg, the move into Executive Session for the purpose of discussing the Collective Bargaining Update and Employment Matters – Personnel, under Subsection number 21 of Section 2 (c) of the Open Meeting Act was approved. Motion carried.

Dr. Block stated the Board of Health entered Open Session at 7:22pm.

CORRESPONDENCE AND NEWS

Mrs. Gonzalez shared the July Board of Health meeting is historically when the personnel committee would present the Public Health Administrator performance review.

ADJOURNMENT

On a motion by Dr. Stromborg, seconded by Mrs. Daly, the Board of Health adjourned at 7:23pm. Motion carried.



Lizy Garcia, Secretary
DeKalb County Board of Health