KING COUNTY BOARD OF HEALTH
999 Third Avenue, Suite 1200
Seattle, Washington 98104-4039

Carolyn Edmonds, *Board of Health Chair*

BOH Members:

Richard Conlin
Dow Constantine
George W. Counts
Jan Drago
Carolyn Edmonds
Ava Frisinger
Larry Gossett
David Hutchinson
David Irons
Kathy Lambert
Frank T. Manning
Bud Nicola
Margaret Pageler
Alonzo Plough

BOH Staff:

Maggie Moran

KING COUNTY BOARD OF HEALTH MEETING PROCEEDINGS

November 15, 2002
King County Council Chamber

Roll call

- Carolyn Edmonds-Chair,
- David Hutchinson
- Joseph Pizzorno
- Richard Conlin
- Dow Constantine
- Jan Drago
- David Irons
- Ava Frisinger
- Larry Gossett
- Kathy Lambert
- Margaret Pageler
- Kent Pullen
- Alvin Thompson
- Karen Van Dusen

Call to order

Chair Carolyn Edmonds called the meeting to order at 9:45 a.m.

Announcement of Alternates

No alternates in attendance.

Approval of September 20, 2002 Minutes and Minutes of October 18, 2002

Chair Edmonds called for a motion to accept the minutes of the September 20, 2002 meeting. M/S/A.

Chair Edmonds called for a motion to accept the minutes of the October 18, 2002 meeting. M/S/A.

General Public Comments

No public comment.

Public Health
Seattle & King County
HEALTHY PEOPLE. HEALTHY COMMUNITIES.

Chair's Report – Carolyn Edmonds

The 2003 Board of Health Meeting Schedule was distributed. Chair Edmonds pointed out that the 2003 meeting dates followed the "third Friday of each month" rule with the exception of January (1/25/03) and April (4/25/03).

State Board of Health update:

- Fees were raised for food worker permits and accommodations made for adult family homes.
- Genetics Task Force Report. The Genetics Task Force was convened to investigate discrimination that might occur based on genetic research in Washington State. Board members interested in a copy of the report should contact Chair Edmonds and/or her staff. Task Force recommendations included the establishment of a graduate program in genetic counseling at the University of Washington and a recommendation to adopt the rule that includes administrative policies protecting the privacy of newborn screening specimens and other tissue samples held by the State.
- Chair Edmonds called upon Board Member Pizzorno to share a couple of announcements. Board Member Pizzorno indicated that he would be traveling to Washington, D.C. to accept an award as a natural medicine pioneer from Senator Harkin. Board Member Pizzorno also announced that he had been appointed to the Medicare Coverage Advisory Committee. He noted that the Committee advises the federal government on services covered by Medicare.
- Chair Edmonds announced that the Recruitment Committee report had been postponed. She noted that the Board had received a tremendous number of applications from highly qualified candidates. She stated that the Committee had completed an initial screen of the applicants and would be inviting about 6 candidates for personal interviews.

Chair Edmonds reminded Board Members to get a flu shot.

Director's Report -- Dr. Alonzo Plough

A. **Emergency Preparedness Update**

Dr. Plough stated that Local and State Public Health departments across the country received a message from the Federal Government that the Federal government would be requiring the development and submission of smallpox post-exposure plans by December 1st. The scope of the plan and the deadlines for submission represented a substantial challenge for State and County public health. The Department convened meetings with Seattle and King County Executives and the emergency management structures in order to develop parallel planning approaches that would help define a comprehensive regional response to post-exposure smallpox planning. Dr. Plough stated that the Department was the lead for the development of the clinical component of the vaccination strategy, follow up and monitoring. Dr. Plough stated a post-exposure smallpox plan would involve having to vaccinate 100,000 people a day for a week in order to deal with those exposed, and the potentially exposed population which could add up to 1.7 million people in a worst case scenario. Dr. Plough stated that the Department still awaited definitive guidelines regarding vaccination of first responders. Dr. Plough referred Board Members to the Department web site for additional information regarding bioterrorism and smallpox. Dr. Plough also mentioned that relatively soon, military personnel would begin receiving smallpox vaccinations. He

added that the vaccine used for smallpox was in some cases an infectious agent and therefore the Department would be faced with monitoring responses to smallpox vaccination.

B. **Environmental Health Fee Packages**
Chair Edmonds described the process by which the Board would be reviewing each proposed fee package. She noted that a public hearing would be convened immediately following the staff briefing on each fee package. She stated that members of the public, who had signed in to provide testimony, would be called up, at which time they would each have two minutes to address the Board. She noted that Board discussion would follow each public hearing. She added that in the event that the Board was unable to take action on any or all of the proposed regulations and had to defer a vote, that she reserved her prerogative as Chair to call a special meeting in December.

- **Small Drinking Water Supply Database Fees**
  This item deferred per announcement from Greg Kipp, Chief Administrative Officer.

- **On Site Sewage Systems**
  Mr. Kipp stated that he and his colleague, Dr. Ngozi Oleru would provide a recap of each fee proposal. He noted that the Board had been briefed in September and October on the fee proposals, the methodology that was used by the Department, and the impetus for increasing the fees - 100% full cost recovery. Mr. Kipp stated that the basic premise was that the level of service would remain the same. Mr. Kipp stated that stakeholder meetings were held with each of the individual groups for which new fees were being proposed. Mr. Kipp stated that summaries of those stakeholder meetings were in the Board packets. Mr. Kipp also stated that public and legal notices, pursuant to the Board of Health rules on the proposed fees, were distributed.

  Recap of waste water design review fees: Three new fees proposed - 1) gravity system design review, 2) pressurized system design review, and 3) winter water table monitoring review. Mr. Kipp noted that all other fees listed in the draft regulation currently covered the costs of providing the service and thus were not under consideration.

Public Hearing

[testimony from written meeting transcript has been included in total without edits]

Richard Ludwig:

Most of you know me. My name is Richard Ludwig from 23422 S.E. 158th in Issaquah. I guess I could stand back here and you can hear me all right. First of all, I met with Barbara Wright and her staff I think it was in October. Is that right? Right. We went over much of this. I have some comments in there. We more or less agreed, I hate to say that, I'll get shot by some of my people probably. But that was a good exercise where we were able to meet with the Department and the function in this case, the off-site sewage, and to go over this thing before it became before the Board. And I think we were able to make some headway from our standpoint at least, and hopefully that's working out. But when you look at these fees, whether they're sewage or the water or whatever, I think we have to take into account who we're dealing with. Many times in these rural areas are retired people. I don't know how many are aware of it, but our Social Security will go up 1% in January and we're on fixed incomes, and rarely do I see any of these fees approach that 1% point. That's one point. The other is to remind you on the Board that those fees or motions

that affect the rural areas principally, I would hope that you follow the majority rule which was established in the past that they not only require a majority vote on the Board, they require majority vote of the Suburban City reps and the rural area reps for approval. I'm not too well prepared today. I've spent two weeks on one veteran meeting after another because, in relation to Veteran's Day, so thank you very much.

Jim Stormo:

My name is Jim Stormo and I live at 9227 - 240th Avenue S.E., Issaquah, I'm in the County, Washington. I just want to say that in this time period that we have in King County, it's a very bad time to be raising fees of any kind. There's just been a voter's explanation that says no more taxes twice in 51 and 76. I hope you would have respect for the people in the rural area to that degree. I think this should be put off as well as the water system. The idea of raising fees when this Health Board should be focused on one thing only, and that is to give Dr. Plough some budget and some way to carry out his mandate - that's the Public Health problem right now - we're at war. And these fees and costs of $140 an hour is a little ridiculous, but I won't talk to that. But I do recommend that you devote as much time and energy as you possibly can to support him as a front man for that endeavor. We all may need that help. You know, a lot of us got flu shots. I got mine at Costco. That's another thing, you don't have to go to a hospital, public health for these things. So if you'll look at that, I'll appreciate it very much. Thank you.

Board Discussion

Board Member Irons asked a question re: the Site Design Application Review fee. He inquired what percent of the fee increase was due to inflation and what percent was attributed to full cost recovery.

Phil Holmes, Senior Administrative Assistant with the Environmental Health Services Division responded that in the waste water program there was a loss of $66,000 in current expense fund that supported those programs. In the overall program there was a $54,000 inflation increase, $30,000 savings, leaving a net budget challenge of $89,000 that the proposed fees were designed to address.

Board Member Irons asked a follow up question regarding expense savings of $30,000.

Mr. Holmes responded that the savings were derived from O and M costs in vehicles and space rental.

Board Member Van Dusen suggest that, per Mr. David Jensen's written remarks to the Board, the Board might wish to revisit the examination fees and determine whether or not those fees should remain, due to apparent redundancies.

Chair Edmonds called for a motion on the recommended fee increase for on-site sewage fees. The motion was made and seconded. Chair Edmonds called for a voice vote. The vote carried and the Board adopted the recommended fee increase for on-site sewage.

Water Recreation Facilities [Pools]

Mr. Kipp recapped the proposed fee regulation. He stated that the fee proposal included changes to the fees for new construction, and plan review fees including renovations or

alterations. He stated that the proposal was to go to hourly fees with a flat fee for preoccupancy inspection.

Board Member Irons asked if the premise for moving from a flat fee to an hourly based fee plus base, was to move toward full cost recovery.

Mr. Kipp responded that Board Member Irons was correct. He added that the Department inspected a wide variety of pools of different sizes and complexities and that to attempt to establish an average fee was very difficult.

Board Member Irons requested that the Department revisit this issue with the Board sometime over the next year. He requested that the Department at that time provide data about the revised fee structure and break out that information by four different pool sizes instead of the two presented to the Board. Board Member Irons suggested that additional data would give the Department and the Board a better idea about the number of hours per inspection for different sized pools.

Chair Edmonds called the Public Hearing to order.

Public Hearing

[testimony from written meeting transcript has been included in total without edits]

Jim Stormo:

> "I would like a chance to say that where's your cost cutting. You always have two options up here. You have an option to raise fees that's easy and you rubber-stamp everything they propose, they make. But where's the people here asking for cost cutting when we'd like to see that in the County, whether it be pools or water system, sewer system, food handling. We worked with the people in the Health Department and we know they're dedicated people and there are very few of them and so forth. I can only cite wells that there's a maximum of 77% of the wells they know of that are tested and they've never been able to raise that up to 100% of the wells they know of. In the County there's all kinds they don't know of. But in the pools, it's a delicate question. If you can't get the cities to take it over, and we have one in Issaquah, we'd wonder how much of the Public Health rules and regulations you can cut because there's towns around this State that has cut their rules considerably. The houses in Seattle are $352,000 on an average. Spokane they're $146,000. There's a reason for that; I mean, you know, scarcity and all that sort of argument. But there's $20,000 to $40,000 added to every house because of these new fees, these new regulations. Whether it be pools, water and sewer, please find a way to cut the fees and the requirements.

Chair Edmonds closed the public hearing.

Board Discussion

Chair Edmonds acknowledged Board Member Van Dusen.

Board Member Van Dusen made a motion to adopt the proposed fee regulation for water recreation facilities.

Board Member Van Dusen suggested an amendment that would clarify what was meant by the term "base fee". She proposed the following language: ... "base fee… for preoccupancy inspection and consultation costs ... payable at the time of application plus..." She added

that her language change would need to be reflected in several parts of the proposed regulation where the words "base fee" appeared.

Chair Edmonds reminded the Board that a motion to amend the proposed regulation had been made by Board Member Van Dusen. Chair Edmonds reiterated that Board Member Van Dusen had made a motion to insert the words "preoccupancy inspection and consultation costs" in four places in the draft regulation.

The motion to approve Board Member Van Dusen's amendment was seconded. Chair Edmonds called for a voice vote. The motion carried.

Chair Edmonds called for a motion to adopt the regulation for water recreation facilities as amended. Chair Edmonds requested a roll call.

Ms. Moran, Board Administrator, conducted the roll call with the following results:

Board Member Conlin: Aye.
Board Member Constantine. Aye.
Board Member Drago:Aye.
Board Member Frisinger:Aye.
Board Member Gossett:Aye.
Board Member Hutchinson:Aye.
Board Member Irons:Aye.
Board Member Lambert:No.
Board Member Pageler:Aye.
Board Member Pullen:No.
Board Member Thompson:Aye.
Board Member Van Dusen:Aye.
Chair Carolyn Edmonds:Aye.

The regulation as amended was adopted by a vote of 11 to 2.

School Inspections

Mr. Kipp stated that the proposed school inspection fees were focused on new construction and renovation or remodeling as well as inspection fees. He noted that in the Department's experience elementary schools and high schools had different levels of complexity and as a result the draft regulations included a differentiated rate for the base fee for each category. He also added that the Department had proposed preoccupancy inspection fees and periodic inspection fees. Mr. Kipp noted that it had been the history of the Health Department to try to do inspections every three years and that those inspections had been subsidized. He stated that the Department did not anticipate nor were they proposing to do any unrequested periodic inspections in the year 2003. He added that the Department might get some requests to do periodic inspections from individual schools, so the Department had established a fee for that purpose. Mr. Kipp stated that the Department would spend some time next year working with the schools to see what kind of a working relationship could be established with their risk managers and that they would most likely revisit the periodic inspections fees next year. He stated that when the Department did receive a request for an inspection, the Department's cost to date were approximately $284 for elementary schools, $569 for middle schools and $853 for high schools.

Public Hearing

[testimony from written meeting transcript has been included in total without edits]

Robert Collard:

"Good morning. My name is Bob Collard, I'm the Assistant Superintendent for Business and Support Services of the Lake Washington School District, and my address is 16250 N.E. 74th, Redmond. Today I'm here on behalf of the King County Schools Coalition and the Lake Washington School District to express our concern regarding the Board's proposed fee increases. The Coalition has submitted a detailed comment letter to the Board and requests that the Board table consideration of the matter at this time. While my comments are focused at this point on the school inspection fees, we essentially have the same concerns as it relates to the pool fees which were just adopted and the food service fees. Essentially the same logic prevails in all three. The Coalition has significant concerns regarding the physical impacts of the Board's proposal on school district budgets. Like other public entities we continue to face severe budget constraints. The Board's proposal which results in dramatic fee increases for all level school inspections fails to consider the reality of school district budgets and the appropriate use of public funds. A large increase in fees such as those proposed would take away dollars that would otherwise be used to finance capital projects and ongoing operations that are required to serve our citizens. We're particularly concerned regarding the inability to have any control over the cost associated with the inspections. First the fee proposals do not provide any means for incorporating existing school procedures to ensure the health and safety of our students and staff, and this would include the work of our architects in coordination with other cities in terms of designs. Rather the fee structure guarantees such functions will be duplicated and the districts alone will be responsible for paying the full cost. The fee structure provides little if any standard for controlling the frequency and detail of inspections, and the health inspections of school facilities are becoming increasingly frequent and costly without readily apparent reason for the increase, review and visits. And this relates crossing over a little bit to the food service. With respect to the construction plan review, some question of the value added by the Department particularly considering the size of the fees. Of equal concern is they have unsubstantiated degree of the fee increase which ranges from 184% for ongoing inspections to over 1000% for construction plan reviews. On the surface the degree of the fee increase appears to be an attempt by the Department to transfer to school districts overhead and operating costs far in excess of that needed to provide the inspection fees. I'm unaware of any evaluation in terms of how these overhead costs could be reduced. As public part we urge the Board to table consideration of the fee increase at this time and work with us to identify effective solutions and efficiencies. Thank you. I would be happy to answer any questions if anybody had any."

A discussion ensued between members of the Board and Mr. Collard regarding the Northwest Association and whether the Association's risk loss review procedure of member schools in any way duplicated the review conducted by the Health Department.

Sally McLean:

"Good morning. My name is Sally McLean. I'm the Chief Financial Officer for the Federal Way School District. My address is 31405 - 18th Avenue, Federal Way, Washington. Today I am here on behalf of the King County School Coalition and the Federal Way School District to urge your careful consideration of the proposed increases relating to school, food and pool inspection fees. The Coalition has submitted a detailed comment letter to the Board and request that the Board table

consideration of these items in order to allow for further examination of the fee structure. The proposed fee increases will impact school district budgets. As widely reported in recent months, the funding for basic education in the State of Washington is significantly constrained. I am currently engaged in public dialogs with our schools, our parents and our broader community making plans for a potential $8 million State revenue reduction for next school year. We are talking about things like implementing a four-day week. Like implementing five out of six of our normal high school classes. So we are looking at some significant problems for next year. And as public trustees, both you and the school district, we have a duty to maximize the public's investment in public education. As such, we would like to request the Board to provide us with detailed information supporting the proposed fees and to work with us to determine if there are ways to increase efficiencies and avoid redundancies with other County departments and school district practices. You will hear from Director Mary Asplund specifically in regards to the food service inspection fees at a later point in time, at a later point in time in your agenda. Thank you."

Chair Edmonds closed the public hearing.

Board Discussion

A discussion ensued between members of the Board, Mr. Collard and Ms. McLean regarding statements made in their respective public testimony. The following points were made: inspection fees would come from schools operating budgets, not their capital budgets; periodic inspections were by nature periodic and conducted at the request of schools; concern on the part of schools that through future discussions, the frequency and voluntary nature of the inspections could change.

Dr. Plough interjected that the periodic inspection program as a Health Department driven activity would be going away because the County financing mechanism to subsidize the program had gone away. He added that the proposed fee would only apply when requested by a particular school. He stated that there would be no assessment or generation of inspection activity by the Health Department independent of a request from the school. He added that the fee simply provided a financing structure for what staff expected to be a very small number of requests from schools to conduct said inspections.

Board Member Pullen stated that the purpose of the public hearing was to learn what people were thinking. He stated that the School Coalition indicated their interest to work with the County, that they were willing to accept some sort of a fee increase, but they wanted to avoid duplication of service and effort. Board Member Pullen stated that he was supportive of the idea to postpone a Board decision pending face-to-face discussions with stakeholders.

Board Member Conlin expressed concerns related to duplication of service. A discussion ensued about whether or not there was duplication of service between the Health Department and other county and city departments involved in site review and inspection.

Board Member Irons stated that in his estimation, the Board of Health had some latitude in defining the scope and depth of the review and that there appeared to be some duplication. Board Member Irons suggested that the Board table school inspection fees until the Department and interested parties could map out services, identify possible areas of duplication and further refine the draft regulation. He requested that Chair Edmonds consider his remarks as a motion.

Chair Edmonds responded that she would allow the motion to be made.

Board Member Conlin asked what the budgetary impact would be if the Board were to postpone action on the fee proposal.

Mr. Kipp stated that the budget impact would depend on how long the issue was deferred. He stated that the current fees were $50 an hour plus $75 for a pre-inspection fee. Mr. Kipp stated that the last time the fees were revised was in 1993 and that there had been a significant subsidy of other funds. Mr. Kipp stated that the Department's projection was that they would have 40 schools to review in the year 2003; or about three a month on average. He added that the longer Board action was deferred, costs would continue to accrue with no revenues to support them.

Dr. Plough responded that the Department's review was not identical to the general Building Code. He stated that the Department's review focused on specific elements that related to potential health risks, such as assuring proper ventilation in high school labs where dangerous carcinogens and benzene were used in experiments.

Board Member Irons suggested that if the Board held action on school inspection fees for 60 days, it could be anticipated that that would mean that about six to seven schools would be reviewed under the old fee schedule thereby resulting in a fairly small financial impact on those districts and the Department.

Mr. Kipp responded that without knowing what the schedule was for school inspections during that proposed 60-day period it was difficult to assess the impact to the Department.

Board Member Pageler stated that her assessment of the discussion thus far was as follows: that an argument had been made that the Board and Department needed to make sure that the number of hours required to do inspections and plan reviews were managed very closely. Furthermore that the Department needed to identify areas of duplication. She stated that in her estimation, neither of those arguments or suggestions required delayed action on the fees. She said the fees were related to the cost per hour. She added that the number of hours necessary to perform a service was a separate discussion that she would like to come back to in 60 days with a staff report about progress made with the school districts. Board Member Pageler stated that she believed the Board could in fact go ahead with enacting the new fee scale and that the schedule actually provided an incentive for everybody to come to the table and talk about how the hours could effectively be managed.

Board Member Hutchinson stated that he thought the focus of the discussion was on the size of the fees and that there was a relationship between the size of the fee and the ability to do the work.

Chair Edmonds inquired of Board Member Pizzorno whether or not he wished to offer an amendment.

Board Member Pizzorno stated that as long as the language was changed from "periodic inspection" to "inspection as requested" his concern would be addressed.

Chair Edmonds called for a conclusion to the Board's discussion. She stated that there appeared to be a desire on the part of the majority of the Board to defer action on school inspection fees.

Board Member Pullen stated that there had been some good suggestions for amendments from Board Member Pizzorno and Board Member Van Dusen. He added that a motion to postpone in parliamentary practice took precedence over a motion to amend. He stated that he thought the suggestions offered by Board Member Pizzorno and Board Member Van Dusen and others could be lumped into the discussions with the School Coalition so that the end product represented something they could all be proud of.

Chair Edmonds announced that the Board would defer the vote on school inspection fees. She directed the Department to go back and incorporate suggestions from the Board's discussion and report back to the Board at their January meeting. She added that it would be the intent of the Board to take action on the draft regulation at that time.

Board Member Irons asked if it was Chair Edmonds intent to direct the Department to include dialogue with user groups.

Chair Edmonds stated that it was implicit in her direction to the Department that they should engage stakeholders.

Food Service - Meat

Chair Edmonds invited Mr. Kipp to commence with the recap of the proposed amendment for the protection of Public Health against the spread of disease by meat, poultry, rabbit and aquatic food products.

Mr. Kipp stated that there were four proposed fee changes

- Permit for the distributor establishment - reduced by $3.00;
- Permit for market establishments [+/- two persons engaged in the processing or dispensing of meat] – increased from $425 to $520.
- Establishments with three or more persons – increased from $575 to $624.
- Mobile truck establishments – increased from $200 to $432.

Public Hearing

[testimony from written meeting transcript has been included in total without edits]

Karen Kinney:

"I want to thank you for this opportunity. My name is Karen Kinney and my address is 4529 -33rd Avenue South in Seattle. And I am speaking on behalf of the King County Agriculture Commission of which I am a member. We are submitting a copy of part of what I'm going to say. We request that you carefully consider the significant impact that would be associated with the MPRAF variance permit fee increase. Within the MPRAF mobile truck establishment there's a variance that has been established by the Health Department Task Force, which is composed of Public Health staff, USDA staff, farmers market managers and farmers within in King County. The goal of the Task Force which was created as result of the Executive's directive, is to expand the products that can be brought to farmers markets by local farmers. While this proposed fee increase would affect only a few farmers, the affect on them would be considerable. Because these farmers sell only at farmers markets, they have relatively few days to spread the cost of the permit fee. Some farmers will elect not to incur this expense thus resulting in the loss of a valuable product mix enjoyed by shoppers at farmers markets throughout the County. Please consider other creative ways to alter your fee structures. As always, we the Ag Commission stand ready to continue any discussion that would meet your needs

while protecting the limited revenue stream of these farmers. Consumers have asked for these products and the Task Force has worked hard to make them available. It would be unfortunate to have the actual fee be the stumbling block to the success of this program. And I would also like to point out that within this variance the Health Department has required the farmers market managers to absorb the time and expense of monitoring vendor compliance with this program. So that I don't know how they cost, the 216% fee increase is actually related to the amount of time that it takes to administer this particular permit. I'd also like to point out that there were no meetings ahead of time with two of the key stakeholder groups that were, that are severely impacted by this, the Ag Commission and the Health Department Task Force. And we would appreciate being involved in the process. Thank you."

Board Discussion

For the benefit of Board Member Gossett, Mr. Kipp recapped the rationale for the proposed fee increases.

Board Member Lambert referred to the summary of the stakeholder meetings and the inquiry about the USDA role in fat testing. She also inquired about the feasibility of the industry doing their own meat testing thereby reducing their reliance on the Public Health Department.

Dr. Oleru pointed out that the USDA was geared more towards consumer protection as opposed to the relative agency at the federal level, which would be the FDA. She added that the USDA fat testing and consumer protection provisions would not address health issues. Dr. Oleru noted that King County was unique insofar as the meat program.

Chair Edmonds called for a motion to put the proposed amendment of the meat inspection fees before the Board. The motion was made and seconded to adopt the amendment for the protection of Public Health against the spread of disease by MPRAF products.

Board Member Conlin moved that the following language be inserted under A3- the variance permit fee - which would read, "A permit for an MPRAF mobile truck establishment farmers market variance of $216."

The motion was made and seconded.

Board Member Van Dusen inquired as to whether or not the language was specific enough to reflect the intent. Dr. Oleru indicated that the language would refer to all farmers' markets located in King County. Mr. Conlin indicated that that was his intent.

Chair Edmonds asked if the Department would still be able to charge the higher fee to the mobile catering trucks.

Dr. Oleru responded in the affirmative.

Board Member Pageler argued that the Board of Health's role was to assure that the same level of protection and corresponding inspection was done irrespective of the type of establishment. She added that the variance provision was in place and therefore there was no need to establish a special variance for a particular class of vendors.

Board Member Hutchinson asked if the inspection took place irrespective of the price, to which Dr. Oleru responded that the inspection did take place.

Board Member Conlin asked for clarification regarding the variance. Ms. Karen Kinney representing the Agriculture Commission stated that the variance related to farmers and fishing families that were selling frozen meat, poultry and seafood at the farmers markets and would not apply to somebody who had eaten food at the farmers market.

Chair Edmonds called for a voice vote to amend the MPRAF fee schedule to include item 3A, a permit for MPRAF mobile truck establishments farmers market variance at $216. The motion passed on a voice vote.

Chair Edmonds called for a vote on the main motion to adopt the proposed fees to the MPRAF regulation as amended. The regulation as amended was adopted.

Food Service Establishments

Chair Edmonds invited Mr. Kipp to recap the proposed regulation regarding food service establishments. Chair Edmonds indicated that an amendment had been distributed to Board members. She added that she wished to speak to the original motion and then explain her proposed amendment.

Chair Edmonds stated that the Department and individual Board Members had been working with due diligence to amend the fee increase for the non-profits, the 501(c)(3)'s both permanent and temporary, and to amend the fees for the schools lunchroom inspections. She added that Board Members that she had talked to, when those fees were first proposed, had expressed concern over raising the fees of the non-profits to such a degree especially given other County budget reductions to human service organizations.

Mr. Kipp recapped the food establishment fee proposal. He stated that the draft regulation applied to food establishments that included restaurants, caterers, food processing establishments, mobile food service units, temporary food establishments, taverns, grocery stores, and bed and breakfasts. He added that the draft regulation also addressed plan review for the new construction of food establishment kitchens.

Mr. Kipp stated that the full cost recovery principle applied to those fees as well. He stated that in the past there had been a policy to allow a 50% discount for religious, charitable or educational organizations and 501(c)(3)'s. Additionally, there had been a similar 50% reduction for folks who were associated with the Washington State Commission for the Blind, vending facilities. Mr. Kipp stated that the proposed regulation charged that group of establishments 45% of the new fee. He added that the Department also proposed a reduction in the number of inspections at schools. Instead of providing three inspections -- two regular inspections and one educational visit --- the Department proposed that they work with the schools and reduce from three visits to two - one regular visit and one educational visit-- every other year. The regular visit would be annual; the educational visit would be every other year.

Chair Edmonds pointed out that the amendment would require a small subsidy on the part of King County's general fund of approximately $70,000. She added that four County Council members on the Board were committed to seeking a general fund subsidy.

Board Member Lambert stated her concerns about the late fee charges, which she believed, were onerous. She suggested looking at a graduated scale.

Board Member Thompson asked for an explanation of food demonstrators.

Board Member Drago inquired about the differences in fees for small vs. large restaurants.

Mr. Kipp recapped previous Board discussions regarding the rationale for selected fees. Mr. Kipp responded that under the existing fee structure the larger restaurants were subsidizing the smaller restaurants. He added that when one looked at actual costs and full cost recovery for services provided, the smaller restaurants ended up with a disproportionate increase because they had been subsidized in the past.

Chair Edmonds convened the public hearing.

Public Hearing

[testimony from written meeting transcript has been included in total without edits]

Bill Moyer.

"By the way, let me be the first to thank you for reducing the fee before we even provide testimony, it's gracious of you. I'm Bill Moyer, the Director of nutrient projects for an agency which is a 501(c)(3) called Senior Services of Seattle-King County. We would have been impacted greatly by any fee increase. We operate 32 congregate meal, group meal settings in King County where we provide meals to low income, disadvantaged, and minority individuals. I'm going to cut most of the comments that I was going to make because you've already acted favorably, but I want to say that solving the King County Departmental budget crisis does solve the crisis. It ends up on the street in a reduction of service. And that's exactly what it would have done. The cut will not be as great now but there will be a great, there will be a cut. I want to say that we're basically in a Catch-22, many of our programs are in a Catch-22. On the one hand we cannot charge participants for the meal. We must provide it whether they make a donation or not. And second, we can't operate without Health Department approval. So it hits the street in many ways. So I'm thankful for what you did and I'll cut my comments off now. Thank you very much."

Stan Bowman:

"Good afternoon. My name is Stan Bowman, I'm with the Washington. Restaurant Association and represent restaurants in King County. My office is at 510 Plum Street in Olympia. I urge you not to raise fees on restaurants at this time. King County restaurants are struggling. They're going out of business at a record pace. They're also experiencing dramatic cost increases due to government mandates at the State, County and City level, not just from this Board, but from a lot of agencies. We're being asked to pay our own way, yet I would put it to this Board and to the members of the County Council sitting here, that restaurants do pay their own way. Restaurants pay the highest sales taxes in the State in King County. In addition, we pay an additional half a cent sales tax for the stadium fees. We're paying more than our share. We also pay dramatic taxes for utilities and properties. We are a significant tax base for this County and those taxes I would put to you is perfectly appropriate to have some of those applied back to operating the County health program. This is the third increase in four years that our restaurants have had to bear. It's 167% increase since 1999 and a 76% increase just this year for the smallest restaurants. At the same time we've seen a reduction in service by cutting inspections from three to two a year. So at the same time we've had cost increases

on our businesses in increased fee, the services have been decreased, and yet where are the efficiencies that are supposed to be happening at the Department? This is on a business that operates a profit margin between 2% to 6% for a well run restaurant. We've put proposals before the County in the past and we've put them before you again to day on ideas to cut costs. For instance, _____ self-inspection program. This is a program where managers are certified to inspect their own restaurants. They would inspect the restaurants monthly with an annual County inspection. That would increase the number of restaurant health inspections from two times a year to 12 times a year plus the County inspection. At the same time, that would reduce the cost of the Department to operate the program utilizing private sector proposals. Second, I would put to you that the King County food code is in and of itself duplicative and unnecessary. It is duplicative of the State food code, which is currently being updated to the FDA model food code. The County staff is experiencing significant amount of time and effort to participate in that process. And yet at the same time, they're participating in the State food code update. They continue to manage and maintain a County food code, which has many provisions that are the same and yet doesn't provide an increased Public Health purpose. These dramatic increases cannot be easily borne by King County restaurants and make King County less competitive for attracting new restaurants and more difficult for existing restaurants to stay in business and keep operating in King County. I would urge you to reconsider this, instead implement more efficiencies in the Department as well as members of the County Council I would encourage you to look transferring some of our high sales taxes revenue into this purpose as well. Thank you.

Kim Storms:

"Just remember the stormy weather we've been having and probably will have this weekend. My name is Kim Storms, I'm a registered dietician with Senior Services. I'm here today as a registered dietician who provides consulting services to approximately 16 ethnic nutrition programs in Seattle and King County. And we have been extremely concerned about the increase that was proposed for the non-profits. We do take food safety and sanitation very seriously. While the Health Department is out to our programs by code twice a year, we are at our programs a minimum of at least once per month. Many times we're there at least twice per month doing food safety and sanitation inspections. All of our staff are qualified, many of us are registered dieticians, many of us are also qualified to give the food handler class to our volunteers. If we did see such a dramatic increase, even still a $113 we do truly appreciate, but it is very difficult for us to try to come up with additional funding for increases. We cannot increase our donations because these are suggested only. We have federal guidelines that also state that when it comes to reducing our portion sizes, we cannot do that either because we have USDA guidelines to follow. So there's a very good possibility if anything, if we have an increase in our fee, that where the money may be coming from is actually from our programs coming back on their different supplies that they need to meet food code, such as getting bleach for sanitizing, having gloves to have that barrier so that they don't have direct hand contact with the food, having the liquid soap and the paper towels. So we do so highly appreciate the opportunity to speak in favor of the non-profits today and the plights that we are facing, and that for us to urge you to consider the seniors that we are serving and for us so that we do not need to be reducing our meals or having to reduce any of the seniors that come to our program. Thank you so very much for your support today."

Gary Tang:

"I'm Gary Tang with the Asian Council Referral Service. The address of the organization is 720 - 8th Avenue South, zip code is 98104. Our agency has operated one of the largest multi-ethnic, multi-cultural nutrition program in the County since 1982. I'm here to give a testimony against the increase of the annual kitchen permit fee for non-profit. And I'm pleased to know that the Council already reduced to $113 per year, but if possible, even reduce lower than that amount. I'm going to explain why. We provide a crucial service to limited English speaking Asian Pacific elders. Majority of them are immigrants and refugees. Many commute to the six of our nutrition sites from south Federal Way north from Shoreline. We have over 40 senior volunteers who go through the difficulties of getting food handling permits so that they can volunteer to work in the kitchen. But if the fee were increased to $113, which means our agency will not be able to increase volunteer opportunities for seniors to continue working in the kitchen. And like many non-profit organizations due to the economic downturns we do not experience increase of revenue and also experiencing some funding cut. Just like what Kim said, we are not able to increase the cost from our customers or our clients, so that I really urge the Board of Health and the Council members seriously consider not to increase the kitchen permit fee. Thanks."

Carol Johnson:

"Madame Chair, members of the Board. Thank you very much for this opportunity to present to you. My name is Carol Johnson. I'm the Nutrition Director for Seattle Public Schools and our address is, I have to always look it up because we have a new address, 2445 - 3rd Avenue South. I must first give appreciation to the King County Health Department. I am currently serving on their newly formed Stakeholders Advisory Committee and I appreciate the opportunity to give input into the impact of changes on our, and how it impacts the child nutrition programs. When we first heard about the increase I asked that we maybe have a meeting as was indicated earlier to work with the affected school districts because I do believe that there are alternatives to raising the prices and here again, I do appreciate the Board and the Department's endeavors to try to reduce the cost to the districts. Even with the, with it still being one-half, it is still a significant increase to the districts and as was stated earlier, the Board, our School Board budgets have already been adopted and will impact directly on the program. So we would like to continue to work with the Department and we would like to have it deferred the part about school districts, to work with them to look at other ways that other counties have reduced the amount of inspections and reduced the costs so that we can be able to continue to serve the students in the schools. Thank you."

Mary Asplund:

"Hello, I'm Mary Asplund, I'm Director Nutrition Services for Federal Way Schools, 1344 S. 308th Street, Federal Way, 98003. And I'm also a committee member on the Food Code Advisory Committee for the State Board of Health. We really appreciate the Board of Health's initiative in the amendment to reduce the fees to half of what was originally proposed, or to restore that. However, schools are only in operation 180 days out of the year. We have a limited revenue base but still we value training, we value the students' meals are safe and sanitary, and we that incorporated into our program with every action we take every school day. We have certification for our staff and already this year we've offered a 10-hour safety and sanitation course. We have gone together as other districts to have classes offered that are shared so any school district employee can go any other district and attend their classes. We have a certification program that we put money behind in terms of

rewarding our staff through a very slight increase in pay, but it's still valued by those staff. As others will say, we have a limited revenue base because we are a subsidized program and we're mandated to not increase or, we're mandated to not have a profit from our meal service to kids. In closing, again we appreciate your looking at reduced fees to schools because all of it has a financial impact to our, not only our nutrition services departments but if we can't make up that money as their budget for your Public Health fee increase happens in March, and we've already passed our budget for this school year, and we don't have the funds to make up that difference. Thank you."

Linda Howell:

"Thank you, Madame Chair and Board. I want to thank you for the opportunity and also express my appreciation of reviewing and amending the proposed fees. My name is Linda Howell, I'm the Food Service Director for Northshore School District, which covers the schools in the Kenmore, Bothell and Woodinville area. I am unique in that we have 21 of our 30 schools are in King County and nine of them are in Snohomish County. We serve approximately 8,000 to 9,000 meals a day in the district. With this new amendment, or proposed amendment, has kind of taken away some of the items that I was going to share. But I did want to share with you some of the extra training that we do with our staff aside from their food handlers permit. We also ask all our permanent employees to have at least a six-hour class which 50% of it is dedicated to food safety and sanitation. We send all our managers and lead people to Snohomish County for a 16-hour manager certification class which we spent almost $15,000 in the last few years, last four years. We also have initiated a certification program which includes a 10-hour safety and sanitation portion to it. We also have a field supervisor out that's constantly monitoring our safety and sanitation practices. If the proposed fees had gone through as they were written, our increase would have gone from $5,000 to $14,000 with . . .[END TAPE 3, SIDE A]…..I guess I'm still hoping that we can work with the Health Department on this fee issue and collaborate with them and I think it looks like they've talked about the inspections. Perhaps we can look at our educational programs a little bit different, that they could do instead of going out to each individual site, maybe we could bring all our staff in for more of a all-in-one training. And also in closing, I think we should maybe brainstorm and look at what other counties are doing to reduce costs. Just in my, in our own district as I said, we have one junior high school that we just paid the 2002 fees for which was $155. With the proposed new amended I believe our costs are going to be for a similar size junior high $306. So it's, you know, what's happening differently in one county versus the other. So, I appreciate the time. Thank you."

Dan Johnson:

"My name is Dan Johnson. Thank you for the compliment of mistakenly reading that as Don Johnson. I'm the Food Services Director for the Kent School District and our address is 12033 S.E. 256th in Kent, Washington 98030. The proposed increase on permit fees for the Kent School District will jeopardize a precariously balanced department budget. This increase comes on top of permit fee increases from 1999 to the present proposed increases of 258%, 85%, 114% and as proposed originally 304%. With the amendment, if you pass the amendment, that would impact, that would drop it to a 51% which would certainly be easier for us to deal with. The proposed increase for our district increases from the current year fee of $8,547 would be either for $2,500, $25,805 or $12,902, depending on how you vote on this amendment. Until 1995, school food service operations were exempt from these fees because they were non-profit organizations. And in 1996 we started assessing

fees to non-profit organizations in King County. It appears that these fee increases seem designed to only to balance costs and do not represent any increase in the level of service. With the exception of the recently implemented educational visits which are redundant to our own departments in association professional growth activities and curricula. We understand the need to balance budgets. As public servants it is required and there are many ways of finding balance. We would like the opportunity to explore them with you. We believe that together we could find alternative means to achieve at least current levels of service and ensure the safety of our customers. As a group school food service programs are very effective and responsible for the trust placed in them because we do hold the food safety budget, excuse me, food safety highest among our many responsibilities of feeding our nation's children. A July, 2002 article in the Pediatric Infectious Disease Journal cited the Centers for Disease Control and prevention data showing that between 1973 and '97 there were 604 incidents of school related food borne illness. These incidents occurred at the primary and secondary school, college and universities, and include outbreaks from food brought from home, not just school meals. In the context of the 142.6 million meals served during those 24 years, that's less than one incident for every 236 million meals served. Even one child becoming sick from food prepared in school kitchens is too many, that's why safety in school meals is woven into every fabric of everything that we do every day in every school. Our programs are cost based programs whose function is to successfully prepare students for the important job of learning. Our programs are not a revenue source and the increases that are being proposed will impact our programs. When we increase the costs of our meals to cover costs, we price some families out of our programs. Please table or postpone this increase and let us work together to find an alternative solution to these increased fees while safeguarding the safety and well-being of our children. I thank you very much for your consideration."

Amy Brackenbury:

"Good afternoon. Thank you very much. My name is Amy Brackenbury. I'm here on behalf of the Washington food industry and the grocers operating in King County. Our address is 1217 - 4th Avenue in Olympia. First I would like to thank you all for your diligent consideration of the impact of these fee increases on our industry. I don't think that the vote that you'll take today will be easy for any of you. And I also want to thank the staff for the very thorough analysis of the fee structure and the costs. I'm a member of King County's Food Safety Advisory Committee and we met earlier this week and they went through these costs and broke it down in a per hour. And while we found that maybe the model that they were using didn't tell us everything we needed to know, it was very helpful and it assured a lot of people that they'd really done their homework in moving to a total cost recovery program. But having said that, I would be remiss if I didn't express our industry's concern and disappointment with the increases that are being proposed here. One of the things that has come up, and I wanted to point out, it appears on here as though grocery stores are getting a fee decrease, and in fact the largest stores in just their grocery permit are seeing a cut about in half. But few grocery stores have just a grocery store permit. Most grocery stores have a grocery store permit, retail bakery permit, a food processing permit, a snack bar permit. Some have food promoter permits, and they also have meat and seafood permits. So while it may appear that they are getting a small break on the large store end, they're really not because all of these fees are increasing incrementally and some of the fees may be a few hundred dollars for some of the bakery and deli food processing permits and say Admiral Thriftway in West Seattle or the Red Apple store in Rainier Beach. But for some of the larger operations they're looking at $10,000, $15,000, and $20,000 increases

just in King County because of these other fees. So it's not just the retail grocery fee that they pay, it's all of these others on top of it. So I just, I wanted to make sure that you are aware of that. It will cause an economic hardship within our industry and our industry is really struggling right now for a lot of other issues, you know, worker comp rate increases, unemployment insurance, tax increases, things that you have no control over, but are factored in none the less. The only thing I would suggest is in moving to a fee for service program I would really like to see this body embrace some of the recommendations that I hope will be coming out of the King County Food Safety Advisory Committee and moving to a more risk based program allowing self-inspections, eliminating duplication. We've got a great group of people set up there to make some long term changes that I think will help improve efficiencies and I hope you'll listen to the staff when they come back with those recommendations. Thank you."

Danette Allen:

"I am Danette Allen from the Meals Partnership Coalition. And I just want to say thank you for reconsidering the fees to non-profits. Listening to non-profits and religious organizations repeatedly some of the concerns that they had was that the increase in the food service establishment permit fees would jeopardize the health of homeless and poverty level children, adults and seniors. If the proposed fees were increased, it would encourage a return to food preparation that does not meet with the safe food standards of Public Health for mass feeding. Increased fees would encourage churches and other community organizations to disallow meal providers to have access to their commercial kitchens. In some circumstances increased permit fees would force meal providers to divert meager funds from securing the food needed to keep people alive, healthy and well. And again, I urge Public Health to remain true to the vision of healthy people, healthy communities, and that that vision does include people who are poverty level and who are homeless. So again, thank you for reconsideration of the fees. Again, any fee increase for non-profits will have an impact on them at any level and we would love to have continued dialog about that issue. So thank you."

Toni Forbes:

"Good afternoon. My name's Toni Forbes. I am the Kitchen Coordinator for the Aloha Inn which is a transitional housing shelter. Our address is 1911 Aurora Avenue North, Seattle, 98109. I strongly urge the Board to not increase the kitchen permit fees. For one thing, my kitchen is run basically on donations, 98% are donations. I provide healthy, nutritional meals for 65 to 75 people, men and women. Our goal is to get them off the streets. If the fees are increased, then our quality of food is also decreased, our success rate is decreased because we have to pull services, cut in services. I'm really concerned because our job is to get homelessness off the streets. We provide meals, mental health services, medical services, everything they need to start their lives again. And if the fees are increased, then my job is harder trying to serve nutritional meals so that they're mentally capable of finding jobs, finding permanent housing without worrying about where their next meal's going to come from. Thank you.

Board Discussion

Chair Edmonds announced the conclusion of the public hearing. She called for a motion to put the food service establishment fees before the Board. The motion was moved and seconded.

Board Member Irons asked for clarification about the amendment.

Chair Edmonds responded that the original proposed amendment eliminated the 50% subsidy for schools and Alternate # 3, the amendment introduced by Chair Edmonds, restored the 50% subsidy for schools.

Board Member Irons commented on his previous meetings with Department staff. Board Member Irons stated that his discussion with staff yielded a mutual agreement to develop a work plan, within a 6-month time period, to look at how to accomplish what the Department and the Board wanted accomplished - full cost recovery - while at the same time encouraging people to adhere to the County health codes. He stated that he had concerns about taking and distributing the cost of the investigation and code enforcement onto all establishments because it could serve as a disincentive and discourage people from living up to the King County health standards. He added that the impact of the code enforcement investigation was spread across all the restaurants and all the establishments. He stated that the violator should carry the cost burden of violations.

Mr. Kipp pointed out that there were additional costs associated with reinspection. He added that built into the base fee was a component for marginal violations. Mr. Kipp stated that the Department was in agreement to look at the costs associated with addressing violations and would do so with the involvement of the industry.

Board Member Pullen commented that the motion put before the Board was to adopt Alternative 3 as an amendment. He stated that he had interpreted that to mean that it would be an amendatory vote to the original amendment. He added that first it would require the adoption of the 501(c)(3) amendment to the original proposed amendment, and if passed, then the Board would have final passage of the yellow sheet as amended by the 501(c)(3).

Board Member Lambert commented on the current County funding crisis as well as the implication of state budget cuts on county operations. She called for the Health Department to identify all of the Department's responsibilities, identify where the Department could partner with other agencies, and establish priorities that would help the Department become the lean, mean machine that they were going to have to be until the economic downturn was reversed.

Board Member Conlin stated his appreciation for his county colleague's efforts. He stated that he was especially committed to go to the Legislature and find the long-range stable funding source for Public Health.

Board Member Pullen also thanked the Chair and others who had worked on alternatives. He stated his intentions of supporting Alternative # 3 but that he would not support final passage of the regulation. He stated his concerns about fee increases without any of the kind of efficiencies that people have been asking of the Department and Public Health agencies.

Board Member Van Dusen indicated her intentions relative to the amendment. She stated that she hoped that at some point the County would take a look at the provision of central infrastructure services and whether or not the cost of providing those services should be passed along to the public as part of the base fee or whether they should part of the cost of doing business in the county.

Chair Edmonds called for a voice vote on the amendment to the food service fees. The amendment was adopted. Chair Edmonds called for a vote on the final motion to adopt the food service fees as amended.

Board Member Pullen requested a roll call vote.

Chair Edmonds requested a roll call vote.

Ms. Moran, Board Administrator, conducted the roll call with the following results:

Board Member Conlin :Aye.
Board Member Constantine: Aye.
Board Member Drago:Aye.
Board Member Frisinger: Aye.
Board Member Gossett:Aye.
Board Member Hutchinson:Aye.
Board Member Irons:Aye.
Board Member Lambert:Aye.
Board Member Pageler:Aye.
Board Member Pullen:No.
Board Member Thompson:Aye.
Board Member Van Dusen:Aye.
Chair Edmonds: Aye.

The regulation as amended was adopted by a vote of 12 to 1.

Chair Edmonds acknowledged Board Member Irons.

Board Member Irons acknowledged Chair Edmonds leadership in securing support for an alternative fee proposal. Board Member Irons stated that, part of his discussion with Department staff, had to do with the likelihood that the Department would not be receiving backfill for the second part of the year. He added that he expected every Board member to be in Olympia to champion a stable public health funding source and that they also needed to be prepared that the money would not be available. He stated that he would like the Department to develop a work plan that they would bring back to the Board sometime in the Spring. He added that the work plan should outline core services and what would happen if the backfill money was not made available. He added that the work plan would better help the Board understand Dr. Plough's vision for the Department. He added that he would like to see some information about how the organizational structure might be affected by budgetary reductions as well as information about overhead costs passed on to the Department by King County. Board Member Irons stated that the aforementioned types of information would enable the Board to better understand and make recommendations if and when the time came.

Chair Edmonds reminded Board Members that the next meeting would be a joint meeting with the State Board of Health on December 10th. She adjourned the meeting at 1:13 p.m.

KING COUNTY BOARD OF HEALTH

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Carolyn Edmonds, Chair