



JEFFERSON COUNTY BOARD OF HEALTH
Wednesday, February 8, 2023 - 5:00 p.m.
5th Floor Board Room

PRESENT: Kenny Murray, MD, Iris Fancher, MD, Jeffrey Dobyns, DO, and Elizabeth Turnipseed, MD

ABSENT: Michele Kong, MD and Commissioner Jimmie Stephens

OTHERS

PRESENT: David Maxey, Esq., Yvette Burt, Khalilah Brown, MD, Bryn Manzella, Rodney Holmes, Mark Wilson, MD, and Terrie Hartley

Call to Order

The meeting was called to order by Dr. Murray, Chair.

Minutes of the January 11, 2023 meeting were approved as distributed.

Maternal and Child Health/Birth Outcomes

Khalilah Brown, MD, Director of Child Health, and Yvette Burt, RN, BSN, Assistant Director of Clinical Services, provided an overview of the From Day One Program (FDO), Maternal and Child Health, and Birth Outcomes. From Day One is a comprehensive patient-centered program sponsored by Jefferson County Department of Health designed to educate and support expectant mothers from the first trimester of pregnancy through their child's first year. The mission of FDO is to improve pregnancy and birth outcomes for women and infants in Jefferson County by promoting early access to prenatal care and connecting families to community resources. Intervention strategies for improving access to care, providing continuous education, identifying barriers, and enhancing support networks help accomplish this mission. Jefferson County Department of Health partnered with Connection Health, a non-profit agency, to implement a Community Health Workers (CHW) model to address the high rates of infant mortality. The program provides direct services including baseline client assessments, infant safety, home environmental assessments, medical adherence evaluations, health goal monitoring, primary care visit appointment reminders, and health education to first-time mothers living in poverty. From Day One also provides clinical support through CHWs.

From Day One hosts quarterly Baby Safety Showers for clients in their third trimester of pregnancy where participants learn CPR, proper breastfeeding, car seat installation and correct sleeping positions for infants, and they receive information and education on fire safety, firearm safety, poison control, domestic violence, and safe-proofing the home. From Day One was selected as a 2020 Model Practice by the National Association of County and City Health Officials and was selected as a feature for the 2020 Model Practice Webinar series related to Community Health.

Ms. Burt gave an overview of the Maternal and Child Health (MCH) Roundtable. The MCH Roundtable is made up of organizations from a variety of sectors, including public health, health care, state and local governments, social services, and community representatives to tackle the problem of our area's high infant mortality rate. The first MCH meeting was held in 2017 with 30 organizations but has grown to 74 organization with 130 participants.

After the presentation, Dr. Wilson announced that Dr. Brown has accepted a position with Southern Research and her last day at JCDH will be March 3, 2023.

January 2023 Financial Statements

Dr. Murray noted the January 2023 Financial Statements were emailed to Board members prior to the meeting. There were no questions from the Board.

Contracts

On the motion of Dr. Fancher and seconded by Dr. Turnipseed, the following contracts were approved:

Renewal of a contract with Spain & Gillon, LLC (payee) to provide legal service to JCDH at a rate of \$160-\$245 per hour for legal services and \$95 per hour for paralegal services from March 1, 2023 through February 29, 2024.

Renewal of a contract with Jefferson-Blount-St. Clair Mental Health Authority (payee) to provide mental health access and services to JCDH patients who participate in the Child Health Primary Care Program; not to exceed \$70,000 per year from October 1, 2022 through September 30, 2025.

A new contract with Summit Media, LLC (payee) who will provide COVID-19 and influenza advertising services via radio promotion to Jefferson County residents; not to exceed \$10,010.00 from November 7, 2022 through January 14, 2023.

Renewal of a contract with SHI International Corporation (payee) for Microsoft Unified Enterprise Support to provide expedite troubleshooting support for all JCDH Microsoft software, access to training and teams of experts to help implement best practices for new and existing infrastructure; not to exceed \$115,431.39 from February 21, 2023 through February 20, 2024.

A new contract with Standard Heating & Air Conditioning Co. (payee) to provide heating, ventilation, and air conditioning preventive maintenance services for JCDH; not to exceed \$10,662.30 from February 1, 2023 through February 1, 2026.

A new contract with Birmingham Water Works (payee) to install 6" service connection, tapping sleeve, valve and magnetic flow assembly; not to exceed \$23,100 from January 17, 2023 through April 17, 2023.

Renewal of a contract with the Alabama Department of Public Health (payor) to provide funding for Disease Intervention Specialist within the Sexually Transmitted Disease Program to conduct case investigations; not to exceed \$90,001 from January 1, 2023 through December 31, 2023.

Renewal of a contract with the Alabama Department of Public Health, Bureau of Family Health Services (payor) to provide Maternal and Child Health services to JCDH clients; not to exceed \$217,545 from October 1, 2022 through September 30, 2023.

Transfer of Portion of Bluestone Civil Penalty to the Sustainable Industrial-Residential Buffers Fund

Dr. Wilson discussed the following resolution, which will formally authorize transfer of funds received from the civil penalty against Bluestone Coke, LLC into the Sustainable Industrial-Residential Buffers fund established on October 9, 2019 for the public health benefit of residential areas that are in close proximity to heavy industrial sites. The Consent Decree dated December 14, 2022 states JCDH is to transfer fifty percent of the \$925,000 civil penalty against Bluestone Coke to the Buffers Fund to be used to benefit the communities surrounding the Bluestone plant. The Consent Decree also states JCDH is to hold a public input session where members of the public can voice their preference on how the funds should be spent. Dr. Wilson said it has not been determined how the community input session will be handled.

On the motion of Dr. Fancher, and seconded by Dr. Turnipseed, the following resolution was approved:

WHEREAS, the Jefferson County Board of Health (“JCBH”), on October 9, 2019, at a regularly called meeting, approved the attached Resolution (Attachment 1) to establish the Sustainable Industrial-Residential Buffers Fund (the “Buffers Fund”) “for the public health benefit of residential areas in close proximity to heavy industrial sites in Jefferson County”; and,

WHEREAS, on August 11, 2021, JCBH filed a Complaint against Bluestone Coke, LLC (“Bluestone”), CV-2021-902311, in the Circuit Court of Jefferson County (Birmingham Division); and

WHEREAS, the Complaint (as amended) asserts violations of the Jefferson County Board of Health Air Pollution Control Rules and Regulations (the “Rules and Regulations”) and Bluestone’s Operating Permit in connection with Bluestone’s coke plant; and

WHEREAS, on August 11, 2021, the Health Department denied Bluestone an operating permit; and

WHEREAS, on August 12, 2021, Bluestone filed a request for a hearing with the Board that asked the Board to disapprove the Health Department’s denial of Bluestone’s operating permit; and

WHEREAS, in October of 2021, Bluestone chose to cold-idle its facility (i.e., remove the heat from its coke ovens and cease all production); and

WHEREAS GASP, an Alabama non-profit corporation, filed a Motion to Intervene and was granted intervention on October 10, 2021; and

WHEREAS, GASP then filed a Complaint in Intervention asserting claims against Bluestone for violations at the Bluestone coke plant; and

WHEREAS, JCBH, Bluestone, and GASP agreed to settle all of JCBH's and GASP's claims against Bluestone by way of a Consent Decree; and

WHEREAS, the Consent Decree requires Bluestone to pay a civil penalty to JCBH in the amount of \$925,000.00 (the "civil penalty"); and

WHEREAS, the Consent Decree allows Bluestone to pay the civil penalty to JCBH in twelve or fewer monthly installments; and

WHEREAS, the Consent Decree requires JCBH to transfer 50% of the civil penalty that has been collected by JCBH to the Buffers Fund within 60 days of receipt of any portion of the civil penalty; and

WHEREAS, the Consent Decree requires that all funds transferred to the Buffers Fund be used consistent with the purposes of the Buffers Fund and that the transferred funds be spent for the benefit of the communities (Collegetown, Harriman Park, and Fairmont) adjacent to Bluestone's plant; and

WHEREAS, the Consent Decree further provides that, as to the portions of the civil penalty that are transferred to the Buffers Fund, the Health Department must spend such portions within five years of the Effective Date of the Consent Decree or the time such portions are received by the Health Department, whichever is later; and

WHEREAS, the Consent Decree further states that the Health Department will seek public comments, giving the public at least thirty days to comment, and hold a public input session where members of the public can publicly voice their preference for how the funding should be spent; and

WHEREAS, the Court approved and entered the Consent Decree on December 14, 2022 (Attachment 2); and

WHEREAS, the Health Department has begun to receive the civil penalty payments from Bluestone; and

WHEREAS, JCBH desires to comply with the Consent Decree.

NOW, THEREFORE, BE IT RESOLVED that the Jefferson County Board of Health authorizes and requests the Health Officer, Mark E. Wilson, M.D., to comply with the Consent Decree and take all necessary actions to (1) transfer the required portions of the civil penalty to the Buffers Fund as the civil penalty payments are received; (2) ensure that the amounts transferred to the Buffers Fund are spent in a manner consistent with the Consent Decree by the designated deadline; and (3) prior to spending such funds, ensure that the Health Department will seek public comments, giving the public at least thirty days to comment, and hold a public input session where members of the public can publicly voice their preference for how the funding should be spent.

Health Officer Report

Board of Health Self-Evaluations

Dr. Wilson noted two additional self-evaluations were received after the January 2023 Board meeting, bringing the total number of responses to 6. He reminded the Board the score is based on a 7-point scale. The mean score for the entire survey was 6.53/7 or 93.3 percent. The previous score was 91.9 percent. Information received on the proposed annual budget and understandable, timely, and accurate financial reports received perfect scores of 7. Opportunity to provide health officer feedback remained the lowest scoring item with a mean of 5.8 or 82.9 percent.

COVID-19 Update

Dr. Wilson reported the Centers for Disease Control and Prevention's Community Level for COVID-19 went from medium to low level this past week and the percent positivity rate was 9.7 percent. The COVID-19 transmission level, which dictates safety precautions such as masking in clinical settings, remains high. He said President Biden announced that he intends to end both the national emergency and the public health emergency declarations on May 11, 2023. Jefferson County Department of Health's COVID Incident Command team is meeting later this month to begin discussing the implications for JCDH operations related to COVID.

Influenza-like Illness

Dr. Wilson said Jefferson County influenza-like illness cases remain low at 2.97 percent of outpatient visits which is below last year's baseline.

Health Officer Retirement

Dr. Wilson announced that he is planning to retire as Health Officer before the end of this calendar year and could be as early as the end of August. He will give the Board the required 90-day notice once he decides a definite date.

Mr. David Maxey, Esq., legal counsel for the Board, distributed and reviewed Legal Procedures to Elect a Health Officer and reviewed procedures for the interview process.

Executive Session

Dr. Murray stated in light of the information provided by the Health Officer as to his potential plans, and it being the statutory duty of this Board to elect a Health Officer if the office becomes vacant, and there being a quorum of the Board of Health present, the Alabama Open Meetings Act provides that a board may meet in an Executive Session to discuss the professional competence, general reputation and character of one or more individuals that this Board may consider as potential candidates should a vacancy occur in the position of Health Officer.

Mr. Maxey stated that if any Board member has interests in applying for the position of Health Officer they must recuse themselves from this Executive Session. There were no recusals.

A motion was made by Dr. Fancher, and seconded by Dr. Turnipseed, that an Executive Session be convened to discuss the general reputation and character and professional competence of one or more individuals that this Board may consider as potential candidate should a vacancy occur in the position of Health Officer. Dr. Murray reminded the Board that no deliberation or voting can or will take place in the Executive Session. Voting "yes" individually: Dr. Dobyons, Dr. Turnipseed, Dr. Murray, and Dr. Fancher.

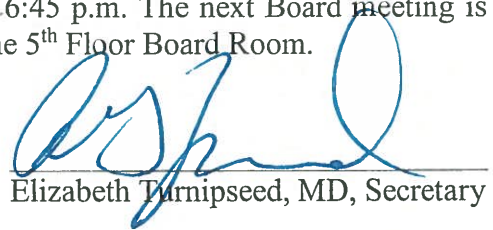
The Board of Health entered Executive Session at 6:01 p.m. Dr. Murray stated the meeting would reconvene at an undetermined time. The Board of Health reconvened from Executive Session at 6:37 p.m.

Dr. Murray stated Dr. Wilson has offered his assistance with recommendations for the process of searching for a new health officer including:

- 1) creating a job description for the Health Officer position, with minimum and preferred qualifications
- 2) finding out the scope of what JCDH Human Resources could offer in terms of advertising, recruiting, and receiving applications for the Health Officer position

On the motion of Dr. Fancher, and seconded by Dr. Turnipseed, with a unanimous vote from all Board members present, the Board of Health decided that once it is determined what JCDH Human Resources can offer in terms of advertising, recruiting, and receiving applications for the Health Officer position, they will have an open discussion at the next Board of Health meeting on how to proceed.

There being no further business the meeting adjourned at 6:45 p.m. The next Board meeting is scheduled for Wednesday, March 8, 2023 at 5:00 p.m. in the 5th Floor Board Room.



Elizabeth Turnipseed, MD, Secretary

Approved:



Kenny Murray, MD, Chair

Attachments