

DELAWARE COUNTY BOARD OF HEALTH

REGULAR MONTHLY MEETING

March 14, 2013

The Delaware County Board of Health met in Commissioner's courtroom on the 3rd floor of the Delaware County Building. The meeting was called to order at 7:08pm by Chairperson Judi Harris. Board members present were Dr. John Peterson, Phyllies Beatty, Dr. Anthony Dowell, Dr. David Grasso and Joseph Russell.

Chairperson Harris asked for approval of the February 2013 minutes; a motion was made and seconded to accept the minutes as written. Motion carried.

Chairperson Harris discussed the names for consideration to fill the vacancy on the Board. Administrator Joshua Williams was able to confirm four of the seven names listed as Democrats and the remaining three couldn't be verified. Chairperson asked the Board if anyone had names of individuals not on the current list. Chairperson Harris thought a short bio with each name should be given to the Commissioners for consideration. Dr. Dowell was surprised to learn one of his recommendations couldn't be verified; J. Williams explained the office of Voter Registration could only verify with the information provided. Dr. Dowell agreed to check with two of three persons not verified. A motion was made by Dr. Peterson, seconded by P. Beatty to submit the list of four/five names to the Commissioners once J. Williams confirms political party affiliation on two of the candidates, motion carried.

Chairperson Harris discussed the appeals on Food Safety Permit fees, explaining the Board doesn't have the ability to change the law to exclude institutions such as school cafeterias and the Delaware County Jail but excluding organizations such as Band Boosters because most would fall with 15 days or less operational time. If the Board agrees to follow the law as written the appellant's only recourse would be to file an appeal with the Commissioners. Joshua Williams read a letter from attorney Donald Dunnuck giving his opinion:

"In response to your email, the statute permitting the Board to establish and collect fees is IC 16-20-1-27 copy attached. As you recall last fall the Commissioners by ordinance increased the Delaware County Board of Health permit fees, copy of ordinance enclosed. In my opinion the appeal may be heard by the Board of Health and in the event the establishment appealing the fees disagrees with the decision of the Board then they may appeal next to the Commissioners."

Chairperson Harris stated the Board has heard all of the current appeals. J. Williams discussed his recommendation which he gave to the Board at February's meeting. ISDH guidance for exemptions from the regulation which requires a permit and inspections would require a 501-3C tax exempt status with the IRS and service food 15 days or less in a calendar year. School organizations, such as Band Boosters, must have the 501-3C classification status independent of the school because the taxing unit of the school district is not a 501 registered agency; so income from this type of organization can not be treated as tax exempt under the umbrella of the school district. J. Williams plans on having discussion with the school district this year explaining the Department's position; a meeting is set for April to begin this conversation. J. Williams discussed his recommendation to separate the taxing units from the 501-3C establishments allowing the department to continue the permitting process for those

establishments who have filed an appeal and are a 501-3C conducting business more than 15 days a year by collecting the permit fee and if the Board agrees to separate out the taxing units, such as the jail and schools, it would give us the opportunity to continue the conversation looking to 2014 to apply the fees. It would allow the taxing units to build it into their budgets for next year. J. Williams has provided a mechanism of some relief to the schools due to re-evaluating the square footage approve to the permitting fees by reducing it to the food service area; allowing the Health Department to determine the school's permit does not cover other areas where other organizations may be prepping and service food under fund raising activity that requires a 501 status. After further discussion, a motion was made by Dr. Peterson and seconded by Dr. Dowell to separate the Sheriff's office and public schools which are taxing units as a category in and of itself, private schools and other business which are tax exempt organizations through the IRS 501 code are separate and other organizations which have applied for exception from permit fees which are registered under the 501 code or private schools which will be required to pay permit fees as all other businesses are required; taxing units that have appealed should be required to apply for a permit and pay the associated costs to support Public Health Services starting in 2014, motion carried.

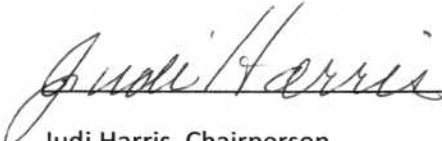
Chairperson Harris gave a Strategic Planning update; on April 2nd Chairperson Harris will be attending an all day seminar by the Indiana Public Health Association, during the Health Awareness Week Conference. J. Williams gave an update on his work with Jerry King with IPHA, Henry and Clark counties for accreditation preparation.

Williams asked Ed Contaser to attend so Mr. Contaser may explain how the first floor should be listed on the market. A tenant should be sought; encouraging the Board to list the property with a leasing agent. Mr. Conatser is a realtor with FC Tucker, explaining his experience with the downtown area. Chairperson Harris asked Mr. Conatser to explain the agreement process; Mr Conatser explained the process. After discussion a motion by Dr. Dowell, seconded by Dr. Peterson allowing J. Williams to negotiate the leasing agent agreement with Ed Conatser but leaving final approval of proposed tenant by the Board, motion carried.

J. Williams reported the fiber optic project had begun and should be completed by March 25th.

Health Officer, Dr. Donna A. Wilkins announced April 6th as the 2nd annual Prevent Child Abuse Committee seminar.

The next Board meeting will be April 11th. A motion was made and seconded to adjourn; motion carried. Meeting adjourned at 8:02 p.m.



Judi Harris, Chairperson



Donna A. Wilkins M.D., Health Officer