



MEETING MINUTES

Board of Health Meeting
 650 Newtown Pike
 June 12, 2023
 5:45 p.m.

ATTENDANCE	BOARD MEMBERS PRESENT: Dr. Lee Dossett, Mr. Mike Friesen, Dr. Maria Gomez, Dr. Gregory Hood, Mr. Majd Jabbour, Dr. Rodney Jackson, Councilmember Jennifer Reynolds, Dr. Elizabeth Riley, and Dr. Zimmerman. OTHERS PRESENT: LFCHD Staff, LFCHD Counsel.
TOPIC	DISCUSSION
Call to Order	<ul style="list-style-type: none"> • Dr. Jackson called the meeting to order at 5:50 p.m.
Roll Call	<ul style="list-style-type: none"> • Ms. Foley called the roll. Attendance was as recorded above. Commissioner Allen-Bryant and Dr. Mason were excused. A quorum was declared.
Request for Approval: May 8, 2023 Minutes	<ul style="list-style-type: none"> • The May 8, 2023 Board of Health (BOH) meeting minutes were considered. Councilmember Reynolds made a motion to approve the minutes. Dr. Dossett seconded the motion. The motion passed unanimously. • Dr. Jackson recommended the board consider a motion to appoint Jack Cornett, the Lexington-Fayette County Health Department (LFCHD) interim Chief Administrative Officer (CAO), as interim Board of Health Secretary. Mr. Friesen made a motion to appoint Mr. Cornett interim secretary of the Board of Health. Dr. Riley seconded the motion. The motion passed unanimously.
FY2024 Budget Presentation	<ul style="list-style-type: none"> • Cara Kay presented the proposed FY2024 budget. The summary of the budget was included in the meeting packet. • Before presenting the budget, Ms. Kay reported April financials, which included a year-to-date surplus of \$4.29M compared to a budgeted surplus of \$2.70M. Year-to-date revenues were 98% of plan, based on timing, while operating expenses were 90% of plan, due to capital projects from this budget that will be pushed to the next budget. Pandemic response-to-date, we were at a deficit of \$787K. We continue to recoup some of those expenses. Current cash account balances of \$38.60M were up from \$34.72M this time last year. As of May 31, LFCHD has invested around \$10M in treasuries and \$2M in certificates of deposit. We have met with investment advisors to consider further investments going forward. Maturity dates range from one month to five years. • The recommended FY24 budget includes a projected deficit of around \$1.5M. Unrestricted funds will be used to cover the deficit. Highlights

	<p>include a \$318K reduction in retirement subsidy; a \$519K increase in COVID-19 response funding; a \$100K increase in budgeted tax revenues (based on this year’s run rate) and \$1.2M in interest income, based on investment projections. The budget includes a reduction in HANDS funding. We believe we will receive some of that funding back from the Kentucky Department for Public Health (KDPH). A 5% COLA increase for staff is included in the budget. An estimated \$500K for an Electronic Health Record (EHR) is included. We are still in the information-gathering stage of preparing for an EHR. The capital budget is \$4.3M to complete the remediation project and general building improvements. \$1.9M of the capital budget will be covered by grant and allocation funding. \$1.4M is from pandemic funding for infrastructure improvements. We do not know if we can rely on receiving the \$2.5M in pandemic allocations. We are conducting another salary survey, which is not reflected in the FY24 budget. We hope to have numbers based on the survey later this summer. Fayette County Public Schools (FCPS) is requesting an amendment to add more school health nurses. Mr. Friesen said the Board of Health Finance Committee passed a motion to approve the FY24 budget as presented. Mr. Friesen made a motion to approve the FY24 budget. Mr. Jabbour seconded the motion. The motion passed unanimously.</p> <ul style="list-style-type: none"> • Ms. Kay said the offsite records moving process is ongoing. We received grant funding from the state to hire two part-time positions for one-year to assist with the process. Ms. Kay thanked Linda Maturo who did a lot of work in submitting for the grant.
<p>Interim Chief Administrative Officer (CAO) Report</p>	<ul style="list-style-type: none"> • Jack Cornett, interim LFCHD CAO, presented the report. Mr. Cornett said that, through his tenure of nearly ten years working at the health department and serving on the Board of Health, he has noted our highly-skilled and devoted staff. As an example, he said his executive assistant, Laura Foley, was appointed to the American Public Health Association (APHA) Governing Council as the voting member representing Kentucky. Of her own volition, she joined the Kentucky Public Health Association (KPHA) in 2019. Since that time, Ms. Foley has presented two sessions at statewide conferences and was appointed co-chair of the KPHA Advocacy Committee. Her good work in KPHA led to the appointment to the national association. He thanked Ms. Foley for her public health devotion and spirit. • The COVID-19 emergency declaration ended May 11. The state is setting guidance for a return to more in-person services in health departments. Some exemptions will continue. We should be in full compliance with the guidance by August. WIC and HANDS will be the programs most impacted. • We continue to see decreases in COVID-19 activity levels. The board report includes measurements on cases of HIV, influenza, mpox, and TB. Case numbers are stable and decreasing. Environmental Health (EH) notified the epidemiology team in May of a possible foodborne illness outbreak at a Lexington hotel, involving three groups attending conferences there. 162 persons from more than 20 states attended. 39 reports of illness were confirmed and 24 unconfirmed cases. We worked with KDPH and local health departments to address and collect specimens. Of the six

specimens sent to the state lab, five came back positive for norovirus. KDPH has determined the outbreak has ended. LFCHD staff returned to the hotel to provide educational material related to foodborne illness prevention and symptoms. The KDPH HIV branch notified us of HIV cases linked to a cluster in Kentucky, Ohio, and Tennessee. We have been working to identify those who may be a case or in contact with a case. We met with community partners to advise them of ways to help us prevent new cases.

- Harm reduction participation numbers decreased in May, though the trend is toward pre-COVID-19 participation levels. We distributed 167 naloxone kits during the program and an additional 76 kits during three in-person community naloxone training classes. We have placed a number of overdose emergency kits around the LFCHD building at 650 Newtown Pike. Each kit contains four doses of naloxone and a CPR face shield. They were placed near AEDs and first aid kits.
- School health is winding down, following around 6,700 visits for nurse services in May. School health nurses are currently processing paperwork and preparing for summer school. We provided schools preparedness materials through a federal workforce development grant, including emergency overdose kits, first aid bags, and flashlights with messaging promoting vaccinations. We are working on an amendment to add seven more nurses to Fayette County Public Schools.
- EH remains busy inspecting venues around town, including *Railbird* and other outdoor activities. They do a very good job, though, with the volume of inspections, some bumps in the road do occur. We received a complaint from a local foodservice establishment regarding the inspection process, inspector behavior, and regulations. We have reviewed the complaint and do see areas where we need improvements. Some quick fixes are being made now. We cannot change regulations. We have begun a QA review of the inspection process. We truly appreciate feedback from the business community and want establishments to not hesitate to let us know when there are issues.
- The Community Health Assessment (CHA) and Community Health Improvement Plan (CHIP) got off to a slow start last year, but are on track now. At meeting on May 5, four priorities were identified and discussed, including economic stability, community safety, behavioral health, and chronic illness. The group decided to make behavioral health a priority. This priority was reaffirmed by the steering committee, which met later in the month. We have identified a new tool to use for communicating with our community called *PhotoVoice*, a program which uses photos submitted by the community that illustrate health concerns and promote partnerships. We will present more information on CHA/CHIP in a future Board of Health meeting.
- Mr. Cornett said an LFCHD all-staff meeting was held his first day as interim CAO. The next day, results of the staff engagement survey were received, which aided in determining priorities. HR is working on a salary plan for the department. We estimate the salary program will be completed by the end of July. In July, we will present staff with officers' feedback on

	<p>the engagement survey and discuss plans to address concerns. We currently have a high turnover rate. We think the new salary program will make it easier to recruit. When prepared, the salary program will be shared with the Board of Health.</p>
<p>Committee Reports</p>	<ul style="list-style-type: none"> • Executive: Dr. Jackson indicated these items were covered in the interim chief administrative officer’s report. • Finance: Ms. Kay presented the report earlier in the meeting, as recorded above. • Marketing and Branding: Dr. Gomez has been working with LFCHD staff to renew partnerships that help us provide messaging for the community, including through translation of materials into multiple languages. K. Hall said we are doing heavy promotion of the Pride Festival to be held June 24. Several LFCHD staff, including some health educators, are volunteering to work the festival, which will be held indoors this year. On June 21, the first official day of summer, Rebekah Shoopman will be at a table in the first-floor lobby to offer visitors sunscreen and information on how to stay safe in the sun on hot days. Light refreshments will be available. Parks and Recreation provided eight (8) day passes to the aquatic center to give away. Information on safe cookouts and fireworks will also be shared. • Nominating and Bylaws: Dr. Feld presented the report. The committee met and presented a slate of board members to serve as officers on the board and to serve on committees. Dr. Jackson will remain as chair of the executive committee. Other executive committee members will be Commissioner Allen-Bryant, Mr. Friesen, and Dr. Mason. Dr. Feld’s committee is reviewing bylaws and looking at ways to help all board committees be more active. They will be meeting with Mr. Cornett and Ms. Foley to discuss logistics and connecting staff to provide information that aids the board in its governance of LFCHD. Mr. Friesen will chair the finance committee. Other finance committee members will be Commissioner Allen-Bryant, Dr. Hood, Dr. Jackson, and Dr. Mason. Dr. Gomez agreed to continue as chair of the marketing and branding, which works with LFCHD Communications Officer Kevin Hall. Dr. Feld will continue as chair of the nominating and bylaws committee. Members will include Drs. Jackson and Mason. Dr. Dossett will continue as chair of the program outcomes and evaluation committee. Dr. Riley will serve as a member. Other board members may be interested in serving on the committee. Dr. Mason will chair the policy and protocol committee. Dr. Dossett and Mr. Jabbour will serve as members. An ad hoc committee devoted to work on an EHR for LFCHD will be stood up. The subcommittee will be chaired by Mr. Jabbour. Dr. Hood will serve as a member. Dr. Jackson will continue as board chair, and Dr. Mason as vice chair. Dr. Feld made a motion to accept the slate of board officers and committee appointments. Mr. Jabbour seconded the motion. The motion passed unanimously. • Policy and Protocol: No Report. • Program Outcomes and Evaluation: No Report.


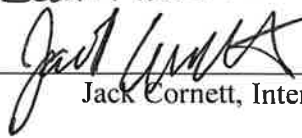
- Ad Hoc Search Committee: Dr. Jackson will chair the search committee. Members will include Dr. Gomez, Dr. Hood, Mr. Jabbour, and Dr. Riley. Commissioner Allen-Bryant and Dr. Mason may also join the committee.
- Dr. Jackson asked if board members had anything further before we moved to public comment. Councilmember Reynolds said she had a statement to share. She thanked Mr. Cornett, interim CAO, for being a good leader and for being attentive to some issues already. LFCHD helps people be well in a variety of ways, and we do it well in many aspects. One way is by conducting health inspections at restaurants and places where food is served. That job can be challenging and is often perceived negatively. She thanked the LFCHD staff who do this work, which is similar to the work the city's code enforcement staff, who also enforce regulations, perform. Some places outside the United States do not have strict food safety laws. The United States has extremely strict laws, which can be confusing and overwhelming. She has been involved in the food industry over the years and understands the challenges business owners can face when trying to implement laws and regulations. Councilmember Reynolds is in her fifth year serving on the Board of Health and she wanted to make fellow board members aware that she has received more complaints about the food permitting and inspection process in the last few months than she has received over the past four years combined. She is a supporter of local businesses and only dines at local foodservice establishments. She also serves on city council, and people inside and outside her district have voiced concerns to her and other council members. She understands the job of LFCHD inspectors is not an easy job, and she is not saying it is always done incorrectly; however, she believes it is her role to help improve the processes involved. The people who have contacted her are extremely concerned about voicing their complaints directly to the health department due to fears of retaliation or different treatment from inspectors if they were to do so. That fact is troubling to Councilmember Reynolds. Rather than going into the details of the many complaints she has received, she wanted to paint a broad stroke picture of the categories of concerns. Categories include, quote, "inspectors being mean, angry, unhinged, downright rude, unknowledgeable, unclear about laws, not following through with things they've said, and being extremely inconsistent." Councilmember Reynolds said in some cases businesses have operated the same way for months or years, only to be told later that they are not compliant, leading to sudden operational changes being required. Institutions, chain businesses, and small local business have concerns. Our local business community is especially concerned because even a small operational change can cause them to have to shut their doors, which is serious for our community and economy.
- Councilmember Reynolds made a motion that the Board of Health direct the health department to have a full review of the health inspections side of LFCHD operations, to include presentations to the board on how inspectors are trained, how food inspections and permitting take place, and the process for submission of complaints; that the LFCHD website be updated with all related information so it is easily found, and which show which laws and

	<p>regulations will be enforced; and to set up a formal way for individuals to forward concerns and complaints directly to the Board of Health if an inspection is not satisfactory. Mr. Jabbour seconded the motion. Dr. Jackson asked anyone wished to discuss the motion. Mr. Cornett said we recognize we need some work in this area and that LFCHD has started some of the work to address these concerns. He said education is important since some regulations are unwieldy. LFCHD is fully in the spirit of working together to address issues. Dr. Riley asked if additional specific information was available related to these issues. Mr. Friesen said there may also be costs associated with changes to the website and that an internal review will need to be completed. Councilmember Reynolds said her expectation is that the Board of Health will receive presentations on the items mentioned. If something is not feasible, we can adjust as we move forward. Mr. Jabbour said the human factor should be considered. He spoke recently with a business owner who had some complaints about an earlier complaint, but was happy with a more recent inspection. He does understand the frustrations and feels a transparent audit would be beneficial to Lexington. Dr. Gomez said she supported the motion, but asked if it is regular practice for the board to investigate. Councilmember Reynolds said the Board of Health, as the governing body of the health department, has the ability to oversee LFCHD operations. Mr. Jabbour noted board members can schedule an opportunity to observe a foodservice inspection. Mr. Cornett said rather than the board getting into this level of specificity, they could allow LFCHD operations to bring back a proposal to resolve the issues. Councilmember Reynolds said her motion includes the things that she wants the board to see and address. Dr. Jackson called the vote. The motion passed.</p> <ul style="list-style-type: none"> • Dr. Hood said when restaurants began opening up as the pandemic wound down, he experienced illness after having food delivered to his office. He suspected the foodservice establishment had a refrigerator that was out of the required temperature range. An LFCHD inspector visited the establishment and found the refrigerator was, indeed, out of range. Because of the responsiveness of LFCHD inspectors, the issue was addressed, and further illness was avoided. Dr. Hood made a motion that the Board of Health Executive Committee consider modifying the monthly Board of Health meeting agenda to include updates and food inspections and related information so the board stays well-informed. Councilmember Reynolds seconded the motion. Dr. Jackson noted much of this information can be shared through the commissioner’s report. Mr. Friesen noted information is in the report and he did not see the necessity of adding an agenda item. Dr. Hood said information is being shared, but his motion can help ensure the information is more visible and it would assist the board in their stewardship of the health department. Dr. Jackson called the vote. The motion passed.
Public Comment	<ul style="list-style-type: none"> • Dr. Jackson opened the floor for public comments. Alma Kajtazovic introduced herself and her sister Selma Sulejmanagic as owners of a small gelato shop, in business in Lexington since 2015. She thanked those who listened to her concerns and who read her letters and she thanked Jack

Cornett and Councilmember Reynolds for their responses. Her perspective is that they want to make sure everyone is eating healthy products and they want to comply with all applicable laws, which they thought they were doing. The FDA food code was changed in 2019. These changes were not communicated to her business, which invested of \$10 thousand dollars in new equipment and appliances during the pandemic. This equipment now cannot be used, resulting in a monthly loss to their business between \$2-3 thousand dollars. An issue like this can close down a small business, and foodservice is a tough business. She and her sister are in their gelato shop all the time and have had a great experience with past inspections and a good relationship. She understands this was a mistake, but wanted to convey how costly this mistake has been, which could potentially close down their business. Selma Sulejmanagic added that, with the two of them operating, they always make sure they are following rules and have gotten inspection scores of 100%. Things changed in how the health department wanted to enforce rules they had not enforced before, they didn't receive the communication in between which would have allowed them time to prepare. How can we communicate better, to help keep Lexington healthy? None of us want customers to get sick for any reason and they take every precaution. When they ask questions of inspectors, they had said they didn't have to do certain things because they were a "mom and pop" business, but, the next year, inspectors changed and said they did have to do so. When they receive points off the inspection score in this situation, they do not feel it is fair. They feel we should have rules and they have always respected the regulatory role of the health department, but they think there could be better ways to communicate and handle the entire inspection process. They are committed to the serious job of keeping customers healthy. As a small business, they try very hard to prevent any issues, especially since the sisters operate their business and do not even have employees. While they are a "mom and pop" establishment, they have the cleanest of floors, the best kitchen equipment, and sanitizers. There are other members of the small business community present in the meeting, who are also seeking an easier way to communicate if there are issues. They understand rules are rules, but are asking for communication when things are changing and for changes to be emailed and posted online as ways of communicating and that more notice of changes be given so they have time to adjust. In this circumstance, their business was given 30 days to make changes, which is difficult to do in the middle of the six-month period their business operates. This major operational change in May not only affected equipment use, but also required them to pull back on production. Seven years of regular practice had to be thrown out to make complex changes. Dr. Jackson thanked them for their comments and they thanked all for listening.

- Dr. Jackson announced that two Board of Health members are rotating off at the end of June: Mr. Cornett and Dr. Zimmerman. The board celebrated and recognized them with a presentation of plaques to each of them. The plaques read *In grateful recognition of years of service on the Lexington-Fayette County Board of Health and in appreciation for valuable*

	<i>contributions to the board and to health and wellness in Fayette County, Kentucky.</i> Board members and those present expressed appreciation to Mr. Cornett and Dr. Zimmerman.
Adjournment	<ul style="list-style-type: none"> • Dr. Jackson requested a motion to adjourn. Mr. Friesen made a motion to adjourn. Dr. Hood seconded the motion. The motion passed unanimously. The meeting adjourned at 7:05 p.m.


 Rodney A. Jackson, DMD, Chairperson
Leah Mason on behalf of Chair

 Jack Cornett, Interim Secretary