

**KITSAP PUBLIC HEALTH BOARD
MEETING MINUTES
Regular Meeting
June 5, 2018**

The meeting was called to order by Board Chair, Mayor Becky Erickson at 1:45 p.m.

REVIEW AND APPROVE AGENDA

There were no changes to the agenda.

BOARD MEETING MINUTES

Commissioner Charlotte Garrido moved and Commissioner Rob Gelder seconded the motion to approve the minutes for the May 1, 2018, regular meeting. The motion was approved unanimously.

CONSENT AGENDA

The June consent agenda included the following contracts:

- 1343 Amendment 3 (1817), *Health Care Authority, Medicaid Match*
- 1710 Amendment 1 (1827), *Olympic Community of Health, Epidemiology Services*
- 1722 Amendment 1 (1828), *Jefferson County Public Health, Nurse Family Partnership*
- 1749 Amendment 2 (1803), *Washington State Department of Health, Consolidated Contract*
- 1761, *Jefferson County Public Health, Nurse Family Partnership Supervisor*
- 1793, *Office of Superintendent of Public Instruction, Summer Food Inspections*
- 1812, *Department of Ecology, LSWFA*
- 1820, *Jefferson County Public Health, Mental Health / Substance Abuse*
- 1826, *Kitsap County, Nurse Family Partnership*

Mayor Rob Putaansuu moved and Commissioner Gelder seconded the motion to approve the consent agenda, including the Contracts Update and Warrant and Electronic Funds Transfer Registers. The motion was approved unanimously.

PUBLIC COMMENT

Mayor Erickson noted the public hearing for drinking water regulations will begin later in the session.

There was no public comment.

HEALTH OFFICER/ADMINISTRATOR'S REPORT

Dr. Susan Turner, Health Officer, and Mr. Keith Grellner, Administrator, abstained from giving their reports to allow adequate time for the public hearing.

PUBLIC HEARING: ORDINANCE 2018-01, DRINKING WATER SUPPLY REGULATIONS

Mr. John Kiess, Environmental Health Director, reminded the Board that a presentation was made by the Health District at the May 1, 2018 Health Board meeting about proposed changes to the existing Kitsap Public Health Board Ordinance 1999-6, Rules and Regulations for Private and Public Water Supplies. Mr. Kiess explained that the Health Board has had a local drinking water ordinance of some form in effect since 1991, but the current 1999 ordinance is antiquated and in need of an update. He said the Health District sent notifications out to Group B water systems, held two public listening sessions, and compiled public responses which are included in the Board packet. Mr. Kiess said that during today's meeting, a public hearing is scheduled for the Health Board to take public comment before considering action on the proposed rule update for Ordinance 2018-01, Drinking Water Supply Regulations.

Mayor Erickson opened the Public Hearing regarding ordinance 2018-01, Drinking Water Supply Regulations, at 1:51 p.m.

Sally Barnes Bates:

Ms. Bates said her Group B water system was installed in 1994. She said she is okay with the regulations, but she is opposed to the fee because she is on a fixed income and only has three families on her water system.

Michael Vineyard:

Mr. Vineyard said he is the water manager for his local homeowners' association. He said his concern is regulation, control and bureaucracy. He said that once implemented, costs and fees will likely rise and he believes most of the regulations are not necessary. He made the following suggestions: Health District limit the scope of the program; annual operating permit be good for five years instead of one; Health District create checklists and guidelines for water system owners to easily access, owners should be able to self-report using smart phones and GPS to limit Health District staff time; Health District compile data in a spreadsheet and use a database to track self-reporting and send reminders when systems are due for inspections or annual water samples. He said, only at this point should the Health District provide oversight and assistance to systems that are out of compliance.

Mark Heiman:

Mr. Heiman said he does not understand why owners of compliant water systems are being punished for the systems that are not compliant. He said his water system is tested every year, is listed with the state as a nonprofit organization, and is compliant with federal government regulations. He said local government now wants to charge \$75 per year on top of all the other state and federal regulations. Mr. Heiman asked the Board how many of them are on a well. He said he doesn't understand why people who don't use wells are regulating them. He suggested the Board focus on owners with non-compliant water systems rather than punishing owners who are compliant. He is opposed

to the \$75 per year fee. He said he agreed with Michael Vineyard that \$75 for a five-year permit is less of a financial burden and much more acceptable.

Elizabeth Schulz:

Ms. Schulz said she represents a water system in Poulsbo. She said she prepared a longer statement and will submit it for the record. She said she agreed with Michael Vineyard's statement. She said the operating permit should be valid for a minimum of three years. She also said she agreed with Mark Heiman, that the water system managers that work hard each year to complete and pass required testing and maintenance are being punished. She said that those who are out of compliance should be the ones required to pay in whatever system.

Sam Hawk:

Mr. Hawk said he agreed with all previous speakers. He said he doesn't see a need for \$75 per year fee for things the system managers are already doing. He said his system is in compliance. Lastly, he said he had not heard any good reason for the \$75 per year fee.

James Pappas:

Mr. Pappas said he recently purchased property in Poulsbo with a Group B well located on the property. He said he is the water manager and noted that the water system has seven connections available, but not all are currently used. Mr. Pappas asked if the \$75 fee is being requested to balance the budget and estimated a total of \$75,000 of income from all the Group B water systems. He asked if this fee will be charged year after year or if the fee will be increased regularly? He said the fee is *de minimus* when broken down per family on a system, however he is curious what triggered this request and whether it will be increased year after year.

Brad Hofman:

Mr. Hofman said he is a resident of Port orchard. He referenced Attachment E – which noted the estimated time that will be taken to implement the ordinance is \$145 per hour. He said he doesn't believe it costs the Health District that much money to do the work and asked what the money is really going to be used for. He said he knows the Health District lost funding state funding and then recently got some funding back. He said if they are getting funding from the state, they don't need to charge a permit fee. He said Group B water systems don't need Health District services because they do their own regulating and documentation is kept at the state level and copies are also kept at the Health District.

Michael Overfield:

Mr. Overfield said he understands that the Health District is currently receiving \$20,000 per year from the state, but that's not enough so the Health District is asking the public for more money. He said his main concern is that the Health District is asking for a permit for something that Group B water system managers have already been doing on their own for years. He said he currently pays over \$1,000 per year for his SMA fee in addition to required sampling to be complaint. He said this affects wells outside of Group

B, and if someone goes to sell their house, they could find out they are out of compliance and be charged thousands of dollars. He said he agrees that everyone wants quality water, however he said the Health District should not be requiring a permit. He said the existing regulations allows for the Health District to put a non-compliant system under SMA regulations. He said water systems that are on SMA are regulated by the State. He said the SMA takes water samples and submits reports to the state. He said water systems that are already on SMA don't need to pay another fee or be permitted.

Tara Peterson:

Ms. Peterson said she would like to see a breakdown of the \$75 permit fee. She asked what parameters will be changed by the Health District for testing water. She asked if the standards will be changed and if water systems will still be able to get testing done by the same companies. She noted that it was stated in the meeting minutes from May that the Health District is not looking to dictate how much water Group B systems use, but she is concerned about the Health District changing how the water tastes, among other things. She asked the Board if they have looked into why people are not testing their water? She asked if it is because they forget or can't afford to maintain it? She asked what the Board plans to do to help people who are drinking water that's not in compliance. She said if the concern is truly the health of the water, she would gladly pay \$75, but for now she prefers to keep testing the way it currently is.

Garret Seick:

Mr. Seick said he is on a small Group B water system. He said the neighbors gave up their interest to the system and he purchased the water rights. He said that despite being a very old system, it is compliant and he has had a chemist come out and he does sample testing. He said when the pump burned out because a neighbor filled an entire pool, he had to pay \$6,000 to get the well fixed. He noted that according to state guidelines, water system owners should be able to make enough money from the users to run and maintain the system and keep a small amount as administrator fee. He said that after the pump had burned out, he had to nearly double rates from \$25 to \$46.41 per year per family. He said he can't charge more than \$46.41 without his system moving to regulated status and potentially getting redesigned to Group A system, metered, etc. He said this is beyond his financial means and time. He suspects the real estate market has played a role in this ordinance change. Mr. Seick said he advises that the Board tables the vote and creates a citizens advisory board with members of the public who are currently on Group B systems.

Carollyn Zimmers:

Ms. Zimmers said she is on a water system in Poulsbo. She said she supports this ordinance, including the fee. She noted that the fee works out to \$67,500 per year or the equivalent of one and a half persons salary. She said this is important to her because recently, due to legal issues, she found out that even though the well is located on her property, the well is owned by a neighbor. She said because there is no homeowners' association, she has no water rights. She said she came to the Health District a few years ago with concerns about rats, rust and broken roof in pump house. She said the Health

District didn't have any staff to send out. However, since then, the owner self-reported that he fixed all the issues and locked the doors. She said she doesn't know if the issues were actually fixed because nobody on the water system can get into the pumphouse. She said the owner collects up to \$400 a year per family which adds up to \$130,000 since the well was built, and yet the owner hasn't done any work to fix or maintain the well. She said she approves of regulations that protect public health, and that there needs to be a fee that supports the program and helps people.

Shawn O'Dell:

Mr. O'Dell said he works for a public water utility. He said that the folks present at this meeting are a small representation of the over 900 Group B water systems in Kitsap County. He said he has looked at water systems for the last 23 years through his work. He said that over the years, he has seen a lot of water systems in shambles and is surprised there are not more health issues related to these water systems. He explained that when you go to restaurant, you see the curb appeal not the kitchen, but the health department regulates the whole facility and ensures it is in compliance. He said that water system regulation is the same idea. He said there are many systems out of compliance that are not like those of the people in the room today. He asked if the public knows what happens when water system managers move away or give up on systems. He said that most of the time the systems just sit there until SMAs or water purveyors get called in, however he said usually water purveyors won't touch the systems because of the cost. He also said the company he used to work for dropped the SMA program because water system users were not cooperative and didn't want to pay to get their systems into compliance. They felt that if the water ran out of the faucet, that was enough, even if the water wasn't clean. He explained that running water is just the start when it comes to drinking water. Lastly, he said it is important for these water system to stay in compliance, because they will affect people's health.

Betsy Cooper:

Ms. Cooper, representing the League of Women Voters – Kitsap, said the League supports this ordinance. She provided the Board with a written statement of her testimony. Ms. Cooper explained that the League offered comment at this meeting because it has national and state stances on issues that protect health through water supplies. Ms. Cooper said that the local league has recently created a water resources committee that researches utilities and infrastructure in Kitsap County. She explained that through this research, it became clear to the committee that there was a gap in the Health District's ability to ensure small well systems were consistently operated in a safe and appropriate manner. She said the League learned that the Health District has been working on updating this ordinance for years, with the intention to provide resources and reasonable level of oversight, inspection and technical assistance for Group B wells. She said the League believes it is vital for the Health District to have the funding and framework to make state requirements valid for all users of Group B systems. She said that currently the Health District does not have the funding to support appropriate oversight of Group B wells. She said the proposed ordinance revisions are an important step forward. She said the proposed revisions mirror the septic regulations that currently

exist, that the public is used to. She said that yearly permits seem to be necessary for oversight of inspection and technical assistance. She said the League believes that regular sampling will provide information, so that in the future, if it is not necessary for annual testing or inspections, the Board would be able to change the ordinance to reflect that. Finally, Ms. Cooper said the League supports this ordinance.

Nancy Spool:

Ms. Spool lives in Port Orchard. Ms. Spool thanked the Board and the Health District for the work they do to protect the public. She also said that she doesn't like government having a lot of oversight. Ms. Spool said she recently had to build a new well and fill the old well with sand. She also said that she believes that government should be for the whole and not the few. Ms. Spool admitted her system is not in compliance and agrees she should pay a fine for this. She also said another person with well issues should be able to come in, pay a fee, and receive help from the Health District. She said that there shouldn't be a fee to manage a well that individuals paid to put in, pay to manage, and maintain it themselves. She added that, in all the years she has lived here, she has never heard of a health issue due to wells. She said she feels that the government is often making new rules "in case", but with no real reason for changing things other than collecting money. She said her family is getting taxed from all directions these days. She said that Washington is one of the highest states for tax revenue. Lastly, she said that she and the others not in compliance should pay for the program, but not everyone.

Glenn Jurgens:

Mr. Jurgens said he has managed his water connection for over 40 years. He said that when he bought his house, he was informed that he was the system manager. He said he spent 10 years getting the system into compliance. He said the Health District was on his speed dial and he always knew they would provide him with resources and guidance. He said his system is now in compliance and when a problem occurs, he wants the option to contact the Health District for assistance. He said he doesn't have problem with the \$75 fee. He asked what will happen to someone who doesn't pay the \$75 and if they will get the same level of service as those who do pay the fee. He feels that the ordinance is lacking information about what will occur when a person fails to pay the fee. He considers \$75 cheap insurance because his water system gets a lot of summer visitors and he is concerned that someone may get sick from their water.

Mat Ryan:

Mr. Ryan said he represents Brownsville Water District Number 1. Mr. Ryan said his main concern is about setbacks listed on table 4 of page 18. He said he is a waterfront property owner and asks that the Health District reassess setbacks.

Wendy McClure:

Ms. McClure said she manages a nine-connection system in Poulsbo. She said she moved there in 1976 and is sure the Health District was receiving tax funding then. She said she cannot express enough gratitude for number of times she needed to call Health District whenever she needed help. She said she thinks people saw this as a free service before

because it was supported by taxes, but that now it doesn't seem free, because there is no funding. She said that, if something goes wrong, with anyone's system, everyone ends up paying one way or another.

There was no further public comment for the hearing.

At 2:33 p.m., Mayor Erickson closed the public comment portion of the hearing, and asked Mr. Kiess to answer questions for the public and the Board.

Mr. Kiess said he wanted to address some misconceptions. He noted that page two of the memo explains substantive changes to the ordinance. He said the first change is that the ordinance eliminates the inspection requirement. He explained that this was previously done by Health District at no charge to the customer because the state used to pay for this work. He said the Health District has no interest in doing inspections without funding and doesn't want the public to be expected to pay for inspections every five years.

Mr. Kiess addressed the recurring question: what is the fee for? He said he heard some great ideas from the public comments such as developing a tracking system, checklists, and send out postcards. However, Mr. Kiess explained that it takes staff time to write postcards, create and maintain databases, and respond to complaints. He said, one of the things the Health District would like for people to understand is that there is a basic level of administrative function that the Health District has to perform to do these tasks and comply with state and local rules. He said this takes a core program, which all water systems should pay into. He said that the \$75 fee is established based on Board approved 2019 fee schedule of \$145 an hour. This is for an estimated 0.6 hours per water system per year. He also said there is an economic analysis on the District's webpage and supporting documents.

Mr. Kiess said there is some funding from the state currently. He said the Health District previously had funding until 2009, when the state eliminated the funding. He explained that the funding comes and goes and is unreliable in term and amount. He said the Health District hopes this funding can fill some of the District's gaps now until Health District can develop a sustainable system.

Mr. Kiess said there will be no changes to requirements of how and when water is supposed to be tested. He said that anyone can collect samples and deliver to a certified laboratory for testing.

Mr. Kiess said, in response to Mr. Ryan's questions about setbacks, each existing well's conditions of approval are their own. He said the setbacks are for new proposed wells and shouldn't affect his water system.

Commissioner Ed Wolfe said he would like everyone in the audience to know that no matter what they think of this ordinance, the Health District has a competent and dedicated staff.

Commissioner Wolfe asked Mr. Kiess to address a comment about what kind of service those who have not paid the permit fee will receive. He asked if there is a system for this? Mr. Kiess

explained that, under the updated ordinance, water systems that don't pay fee will get notices in mail. He explained that these systems can then pay the fee to get back in compliance as long as they meet all the other regulations. He said that water systems that don't sample or don't have record of approval, will be required to pay extra fees. For example, he said if a water system makes modifications without approval, or is out of compliance, the system would have to bring in a water system engineer to approve the design and they would be expected to pay the fees of the engineer and the review fees at the Health District. He said that the Health District will provide a base level of service such as answering phones, to all water systems regardless of fees paid. But, he said the Health District will not provide additional support without charging a fee.

Mr. Grellner added that section 12 is dedicated to enforcement. He said that the Health District would rather not use this level of enforcement for this type of program, but said the Health District does have tools such as the ability to issue citations and stop work orders. He said if there was a continuous problem, the Health District would use its authority to enforce. He added that the Health District's approach at the beginning of this process is cooperative agreements and to get people to comply with the code for the right reasons.

There were no further questions from the Board. Mayor Erickson asked the Board if they would like to close the public hearing or keep it open.

Commissioner Garrido moved and Mayor Kol Medina seconded the motion to continue the public hearing to July 3, 2018. Commissioner Gelder said he was not sure there would be different testimony unless there was a re-write of the ordinance and he entertained a continuance for decision only. Commissioner Wolfe asked if comment would still be accepted via email.

Commissioner Gelder amended the motion to continue the public hearing to July 3rd for deliberation and decision only, leaving written record for comments open until 5:00 p.m. on June 12, 2018. Commissioner Wolfe seconded the amendment. Mayor Erickson said that would allow Health District staff to answer any additional questions, so the Board can make informed decisions. Commissioner Gelder said he would entertain specific amendments to the current draft version of the ordinance. Mayor Greg Wheeler asked if the expectation was that staff will respond and provide clarification for the next week. Mayor Erickson confirmed that Health District staff will accept and respond to written testimony over the next week, however no verbal public testimony will be taken on July 3, apart from public comment.

Commissioner Garrido said the statutory obligations are stated in the ordinance, but not communicated well in the memo and explanations. She said this may need to be clarified to the public. She said she would like to see a document that states 'this action comes from this statute.'

Mayor Erickson asked for a vote on the amendment. Mayors Medina, Putaansuu and Wheeler and Commissioners Gelder and Wolfe voted yea. Commissioner Garrido voted nay. There were no abstentions. The amendment to the motion was approved by majority.

Mayor Erickson asked for a vote of original motion to extend the public hearing to July 3, 2018 as amended. Mayor Medina said he knows the ordinance has been worked on a lot over the last

few years and he said if he voted today, he would likely vote in favor of the ordinance. He said he believes this is understood as well to the public as it needs to be. However, Mayor Medina said he supports holding off until next month to give the public more time to understand the proposal and to do more public outreach. Mayors Medina, Putaansuu and Wheeler and Commissioners Gelder and Wolfe voted yea. Commissioner Garrido voted nay. There were no abstentions. The motion was approved by majority.

The Public hearing will be continued for decision only until the next regular board meeting on July 3rd, 2018.

Mayor Erickson closed the Public Hearing at 2:52 p.m.

There was no further comment.

PUBLIC HEARING: RESOLUTION 2018-04, APPROVING AMENDED ENVIRONMENTAL HEALTH SERVICE FEES

Mr. Grellner suggested that Resolution 2018-04 be tabled until a decision has been made on the proposed drinking water supply regulations since the only proposed change to the fee schedule is the addition of a Group B permit fee. Chair Erickson and the Board agreed.

COMMUNICABLE DISEASE PREVENTION: SYRINGE EXCHANGE PROGRAM

Mr. Grellner suggested the Board table the presentation on the syringe exchange program until the September Board meeting, when there will be enough time to dedicate to the topic. The Board agreed.


There was no further comment.

ADJOURN

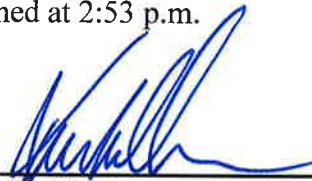
Mayor Wheeler said he may not be able to attend at July but looks forward to talking about syringe exchange at the September meeting.

Mayor Erickson thanked the public for attending today and providing their comments.

There was no further business; the meeting adjourned at 2:53 p.m.



Becky Erickson
Kitsap Public Health Board



Keith Grellner
Administrator

Board Members Present: *Mayor Becky Erickson; Commissioner Charlotte Garrido; Commissioner Rob Gelder, Mayor Kol Medina, Mayor Rob Putaansuu, Mayor Greg Wheeler; Commissioner Ed Wolfe.*

Board Members Absent: *None.*

Community Members Present: *Debora Abelar, Glentree Water System; Norman Bates, Self; Sally Bates, Self; Irene Bergsagel, Longfellow Park Homeowners Association; Alison Brown, Self; Sheila Clarke, League of Women Voters – Kitsap; Betsy Cooper, League of Women Voters – Kitsap; Dennis Crisman, Rhododendron Acreage Tracts Community Club; Susan Daniel, League of Women Voters – Kitsap. David Ellingson, Self; Robin Espasandin, Self; Rose Gandy, Clayton Place Water System; James Hauf, Well #9; Sam Hawk, Hawk-Barlow; Mark Heiman, Willamette Water Association; Brad Hofman, Forest Haven #2; Glen Jurgens, Eneta Water; David Kirle, Westcliffe Water; Monty Levine, Peoples Harm Reduction Alliance; Michael Lovorn, Bulman Water; Wendy McClure, Kindleridge Water System; Robert McGuir, McGuir Water System; Steve McLaughlin, Self; J.W. Myers, Clayton Place Water System; Shawn O’Dell, Washington Water; Ollie Oliver, Stavis View Estates; Ruth Oliver, Stavis View Estates; Michael Overfield, Forest Haven #2; James Pappas, Westcliff Terrace; Tara Peterson, Peninsula Water System; Danny Rice, Rice Water System; Rod Rodriguez, Self; Briana Kinash, Spectra Labs; Jessica Miller, Spectra Labs; Patty Rogers, Alder Draw Water; Peg Roy, Self; Rob Roy, Self; Patricia Ryan, Self; Mat Ryan, Self; Clyde Saylor, Willamette Water Association; Roger Schulz, Kekamek Water System; Elizabeth Schulz, Kekamek Water System; Garret Seick, Self; Nancy Spool, Self; Michael Vineyard, Rhododendron Acreage Tracts Community Club; Lynn Woods, Glentree Water System; Sheila Woods, Glentree Water System; Carollyn Zimmers, Self.*

Staff Present: *Amy Anderson, Public Health Educator, Public Emergency Preparedness and Response; Angie Berger, Administrative Assistant, Administration; Jan Brower, Program Manager, Solid and Hazardous Waste; Katie Eilers, Director, Community Health Division; Eric Evans, Program Manager, Drinking Water and Onsite Sewage; George Fine, Community Health Worker, Communicable Disease; Yolanda Fong, Assistant Director, Community Health Division; Keith Grellner, Administrator; Karen Holt, Program Manager, Human Resources; John Kiess, Director, Environmental Health Division; Melissa Laird, Program Manager, Accounting and Finance; Kaela Moontree, Social Worker 1, Communicable Disease; Ashley Motch, Intern, Community Health; Beth Phipps, Public Health Nurse Supervisor, Communicable Disease; Betti Ridge, Social Worker 3, Communicable Disease; Shelley Smith-Rose, Community Liaison, Communicable Disease; Dr. Susan Turner, Health Officer, Administration; Kerrie Yanda, Environmental Health Specialist 3, Drinking Water and Onsite Sewage Systems.*