



JEFFERSON COUNTY BOARD OF HEALTH

Wednesday, March 10, 2021 - 5:00 p.m.

Guy M. Tate Building

Conference Room A/B

Present: Sylvie Stacy, MD, Hernando Carter, MD, Susan Walley, MD, Iris Fancher, MD, and Commissioner Jimmie Stephens

Absent: Kenny Murray, MD

Others Present: Mark Wilson, MD, David Hicks, DO, Senitra Blackburn, Kim Cason, Rodney Holmes, Bryn Manzella, David Maxey, Esq., Wade Merritt, Esq., Denisa Pridmore, and Terrie Hartley

Call to Order

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

Minutes of the February 10, 2021 meeting were approved as distributed.

February 2021 Financial Statements

Dr. Carter noted that the February 2021 Financial Statements were included in the Board package. Rodney Holmes, CPA, Director of Finance, answered questions from the Board.

Contracts

On the motion of Commissioner Stephens, and seconded by Dr. Walley, the following contracts were approved:

A new contract with Neilsen Capouya (payee) to develop reports from legacy (Greenway) electronic medical record system for a rate of \$50 per hour; not to exceed \$47,600 from February 1, 2021 through June 30, 2021.

A new contract with Trinity Contractors (payee) to provide plumbing services to JCDH at a rate of \$70 per hour; not to exceed \$6,500 from January 28, 2021 through January 28, 2022.

An amendment to extend the term of a contract with Comfort Systems USA Mid South, Inc. (payee) to provide plumbing services to JCDH for a rate not to exceed \$10,000 from November 1, 2019 through February 28, 2021.

A new contract with iOn Integrated Solutions, LLC dba 1 Point USA (payee) for installation and servicing of low voltage cabling for COVID testing areas at Eastern and Western

Health Centers for a rate not to exceed \$10,500 from February 11, 2021 through February 11, 2022.

An amendment to a contract with The ESB Group, Inc. (payee) for the relocation of a required rack and to furnish a cable box to the newly relocated audio visual rack room at the Guy M. Tate building for a rate of \$4,504.09 from February 3, 2021 through September 2, 2021.

A new contract with KJM Consulting, Inc. (payee) to provide COVID-19 vaccination site logistics, equipment and labor support services for JCDH's COVID-19 vaccination site on February 15, 2021 for an amount not to exceed \$7,000 from February 4, 2021 through December 31, 2021.

Renewal of a contract with Brentwood Services, Incorporated (payee) to provide specified third party administrator services for on the job injury claims for an amount not to exceed \$10,000 annually from January 1, 2021 through December 31, 2024.

A new contract with Health Resources in Action, Inc. (payee) to provide training and technical assistance for establishing a Jefferson County-based healthcare violence intervention program to assist in reducing the impact of violence locally for an amount not to exceed \$40,800 from February 15, 2021 through August 5, 2021. Dr. Wilson said this contract is the very first phase of convening community stakeholders, educating them, and looking at feasibility and sustainability to see if we are ready to actually start a program. JCDH and UAB Trauma Service will be the linchpin in the program, and very importantly will include grassroots community members. Bryn Manzella invited Board members to participate in a training in early to mid-April through Everytown, a national organization working to end gun violence.

A new contract with Crisis Center, Inc. (payee) for two full-time peer support specialists to support the Overdose to Action (OD2A) Rapid Response Team and substance use assessments for Rapid Response Team at \$120 per assessment and an amount not to exceed \$101,250 from January 1, 2021 through August 31, 2021.

A new contract with Bruno Event Team, LLC (payee) to provide full responsibility for the Jefferson County Unified Command COVID-19 hotline for a rate not to exceed \$600,105 from February 9, 2021 through July 31, 2021.

A new contract with Bruno Event Team, LLC (payee) to provide all-inclusive COVID-19 vaccine scheduling platform powered by TimeTap, full-service implementation support to ensure ease of use for the public scheduling an appointment, user completing an appointment, and administrators creating/maintaining the schedules for a rate not to exceed \$182,500 from February 19, 2021 through August 31, 2021.

Renewal of a contract with The Board of Trustees of the University of Alabama for the University of Alabama at Birmingham (payee) to establish an agreement with the Division of Infectious Disease at UAB for staff and associates to provide clinical support to JCDH Sexually Transmitted Disease Program for a rate not to exceed \$62,000 from October 1, 2020 through September 30, 2021.

Renewal of a contract with GoldenPoint Solutions, LLC (payee) to provide COVID-19 medical laboratory services for persons located in Jefferson County during the COVID-19

pandemic at a rate of \$101 per COVID-19 test performed from January 1, 2021 through July 5, 2023.

A new contract with the Jefferson County Commission (payor) to donate funds to support the Household Hazardous Waste Day on April 24, 2021 sponsored by JCDH, Storm Water Management Authority, Inc., City of Bessemer Storm Water Program and the Jefferson County Storm Water Program for a rate not to exceed \$26,500 from January 20, 2021 through April 24, 2021.

A new contract with the City of Birmingham (payor) to donate funds to support the Household Hazardous Waste Day on April 24, 2021 sponsored by JCDH and Storm Water Management Authority, Inc. for a rate not to exceed \$1,000 from February 15, 2021 through April 30, 2021.

Renewal of a contract with the Alabama Department of Public Health (payor) to provide funding for Disease Intervention Specialist in the Sexually Transmitted Disease Program to conduct case investigations for a rate not to exceed \$90,000 from January 1, 2021 through December 31, 2021.

An amendment to a contract with Rock Creek Pharmacy, Inc. to use its COVID-19 vaccine supply to vaccinate JCDH employees and bill each JCDH employee's health insurance directly for payment, with no cost to JCDH, from February 1, 2021 through December 28, 2023.

Transfer of Civil Penalty Fund to Community Foundation of Greater Birmingham

Dr. Wilson stated a settlement agreement was reached one year ago against Drummond/ABC Coke for violations of the Clean Air Act at the byproducts recovery process at ABC Coke's facility in Tarrant, Alabama. The settlement included a monetary penalty to be divided equally between JCDH and the Environmental Protection Agency. Back in February 2020, Dr. Wilson had expressed his intent to ask the Board of Health for approval to use JCDH's portion of the proceeds for the public health benefit of the surrounding community. Then the environmental group Greater-Birmingham Alliance to Stop Pollution (GASP) asked to enter into the lawsuit. A final settlement agreement was recently reached to include some of GASP's demands, which include a requirement that JCDH transfer its portion of the monetary penalty into the Public Health Advised Fund (PHAF) managed by the Community Foundation of Greater Birmingham (CFGB). JCDH is asking for Board of Health approval to transfer these funds to the CFGB. CFGB will then start the process for community organizations to apply for grants that would benefit the community. The PHAF committee will review the grant proposals and advise the Health Officer who in turn would make recommendations to the CFGB. The agreement also requires JCDH to form a community advisory committee that will offer input and advice to the Health Officer regarding CFGB's grants from the settlement funds. CFGB's Board would have final approval.

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

WHEREAS, the Jefferson County Board of Health ("JCBH"), on August 10, 2005, at a regularly called meeting, approved the attached Resolution (Attachment 1) to establish the Public Health Community Projects Fund ("PHCP Fund") and provide that earnings from the PHCP Fund be transferred to the Community Foundation of Greater Birmingham ("CFGB") to manage and administer grants under CFGB Fund Policies; and,

WHEREAS, JCBH, on September 14, 2005, at a regularly called meeting, approved the attached Resolution (Attachment 2) to amend its 2005 Budget by Five Million Dollars as the portion of unrestricted General Fund net assets designated as the PHCP Fund from which earnings would generate to transfer to CFGB; and,

WHEREAS, CFGB and JCBH entered into the attached Advised Fund Agreement (Attachment 3), dated August 14, 2006, which establishes the terms by which CFGB will manage the Jefferson County Public Health Fund of The Community Foundation (“Advised Fund”) and administer grants from the Advised Fund to preserve, protect, and enhance the general health and environment in Jefferson County, Alabama; and,

WHEREAS, on February 13, 2007, the Attorney General of the State of Alabama at the time, the Honorable Troy King, issued Attorney General Opinion No. 2007-047 (Attachment 4), which concludes:

The Jefferson County Board of Health may enter an agreement with the Community Foundation of Greater Birmingham under which, and subject to the required annual budget review and approval process, the Board will provide funds to the Community Foundation of Greater Birmingham for use in public health work projects in Jefferson County if the Board determines that the agreement will further the Board’s purposes [; and]

WHEREAS, JCBH is under agreement with CFGB to manage and administer the Advised Fund; and,

WHEREAS, the existing agreement between JCBH and CFGB, contract no. HO-59 (Attachment 5), was executed on December 18, 2018, and calls for the Health Officer to serve as the sole Advisor; and

WHEREAS, on February 8, 2019, the United States and JCBH filed a Complaint against Drummond Company, Inc., d/b/a ABC Coke (“Drummond”), Case No. 2:19-cv-00240-AKK, in the United States District Court for the Northern District of Alabama (the “federal action”); and

WHEREAS, the Complaint asserts violations of the federal Clean Air Act, 42 U.S.C. §§ 7401 *et seq.*, and its implementing regulations, and JCBH’s companion regulations, related to Drummond’s coke by-product recovery plant; and

WHEREAS, the United States and JCBH and Drummond agreed to settle all of the United States’ and JCBH’s claims against Drummond by way of a Consent Decree; and

WHEREAS, the Consent Decree requires Drummond to pay a civil penalty to JCBH in the amount of \$387,500.00 (“civil penalty”); and

WHEREAS, Gasp, an Alabama non-profit corporation, raised objections to the entry of the Consent Decree and intervened in the federal action to contest the entry of the Consent Decree; and

WHEREAS, Gasp determined that its objections to the Consent Decree could be resolved by agreement, rather than further litigation; and

WHEREAS, JCBH and Gasp agreed that the settlement of Gasp's objections to the Consent Decree was in the public interest and the most appropriate way of resolving all matters of dispute regarding the Consent Decree and the federal action; and

WHEREAS, JCBH and Gasp entered into a Settlement Agreement dated January 13, 2021 ("Settlement Agreement", Attachment 6); and

WHEREAS, the Settlement Agreement calls for JCBH "to transfer its portion of the civil penalty (\$387,500) to [CFGB] to be used for the purpose of benefiting the public health of the residents near the ABC Coke plant"; and

WHEREAS, the Settlement Agreement further states that "[w]ith regard to the eventual disbursement of the ABC Coke fund [i.e., the civil penalty] by CFGB, the Health Department and CFGB will follow their existing contract with the Community Foundation, No. HO-59 (with the Grant Addendum and Memorandum of Agreement attached), executed on December 18, 2018, which calls for the Health Officer to serve as the sole Advisor"; and

WHEREAS, the Court approved and entered the Consent Decree on January 25, 2021; and

WHEREAS, JCBH has received the civil penalty from Drummond; and

WHEREAS, JCBH desires to comply with the Settlement Agreement; and

WHEREAS, the Health Officer has recommended a one-time transfer to CFGB in the sum of Three Hundred Eighty-Seven Thousand Five Hundred Dollars (\$387,500.00) for use under the terms of the Advised Fund, and in accordance with the Settlement Agreement, for the purpose of benefiting the public health of the residents near the ABC Coke plant.

NOW THEREFORE, BE IT RESOLVED, that the Jefferson County Board of Health approves amending the Fiscal Year 2021 budget to include an appropriate item setting aside Three Hundred Eighty-Seven Thousand Five Hundred Dollars (\$387,500.00) for the Public Health Advised Fund, and authorizes and requests the Health Officer, Mark E. Wilson, M.D., to comply with the Settlement Agreement and promptly take all necessary actions to transfer to the Community Foundation of Greater Birmingham the sum of Three Hundred Eighty-Seven Thousand Five Hundred Dollars (\$387,500.00) for the Jefferson County Public Health Fund of The Community Foundation during the 2021 Fiscal Year.

Report of the Health Officer

JCDH COVID-19 Vaccination Efforts

Dr. Wilson said the Alabama Department of Public Health (ADPH) has started allocating COVID-19 vaccine to more entities which means the supply is spread thinner, especially the Moderna vaccine which is what JCDH is administering. We are working to catch up vaccinating those seventy-five and older, first responders, and healthcare workers who have not yet been vaccinated. We have begun vaccinating residents of senior living and assisted living facilities, where many have trouble with transportation; half of this effort is going toward facilities for low-income residents. Community partners have joined the effort to vaccinate people experiencing homelessness.

JCDH is continuing to work with community partners to help with the selection of sites. We are keeping ADPH informed of areas that need more vaccine access, to aid them in vaccine allocation decisions. JCDH is using some grant money to assist others with some logistical support so they can provide more vaccinations. All four federally qualified health centers (FQHC's) located in lower income communities within Jefferson County are now receiving vaccine. Authorities with the Birmingham-Shuttlesworth International Airport are interested in becoming a mass vaccination site to be located at the airport, but it is unknown whether ADPH will continue to allocate enough vaccine to the site to make it worth the investment and the infrastructure. We are trying to work out a mechanism for people that might need transportation to vaccine sites, possibly using the Jefferson County Vaccination Call Center.


Presentations to the Board

Dr. Wilson noted in the past the Board of Health meetings would feature presentations either centered around specific work that JCDH is doing or community initiatives among our partners. The presentations were put on hold due to the coronavirus pandemic but Dr. Wilson would like to resume those at the April Board meeting.


Alabama Legislative Session

Dr. Wilson stated House Bill 168, introduced by Representative Danny Garrett of Trussville, which would prohibit a county health officer, during the state of emergency, from issuing an order or directive that related to the control of a pandemic or outbreak of a disease until the State Health Officer provides written approval of the order or directive, passed with an additional amendment. The amendment states if a county health officer calls or convenes local elected officials, it must also include the legislative delegation.

The next Board of Health meeting is scheduled for Wednesday, April 14, 2021 at 5:00 p.m. in Conference Room A/B. There being no further business, the meeting adjourned at 5:59 p.m.


Iris Fancher, MD Secretary

Approved:


Hernando Carter, MD, Chair

ATTACHMENTS: