

**RESOLUTION NO.:** 2012-\_\_  
**SUBJECT:** 2013 Legislative Policy  
**EFFECTIVE DATE:** December 17, 2012

**RESOLUTION OF THE**  
**EL PASO COUNTY BOARD OF HEALTH**

**WHEREAS**, pursuant to Section 25-1-508, C.R.S., the El Paso County Board of Health has authority to determine general policies relating to public health in El Paso County; and,

**WHEREAS**, the El Paso County Board of Health has determined that it is appropriate for it to establish general policies relating to certain issues that may arise from time to time before the Colorado State Legislature and various administrative tribunals that may impact public health in El Paso County.

**NOW, THEREFORE, BE IT RESOLVED BY THE EL PASO COUNTY BOARD OF HEALTH** as follows:

1. That the 2013 Legislative Policy, attached hereto as Attachment "A", and incorporated herein by reference, is hereby adopted by the El Paso County Board of Health.

**MOVED, SECONDED AND ADOPTED BY THE EL PASO COUNTY BOARD OF HEALTH AT ITS REGULAR MEETING HELD DECEMBER 17, 2012.**

**EL PASO COUNTY BOARD OF HEALTH**

**ATTEST:**

BY: \_\_\_\_\_

President

BY: \_\_\_\_\_

Secretary

## ATTACHMENT "A"

### EL PASO COUNTY BOARD OF HEALTH

#### 2013 LEGISLATIVE POLICY

##### I. LEGISLATIVE PROCESS

The El Paso County Board of Health (Board), and El Paso County Public Health (Public Health) will adhere to this general legislative process for developing legislative positions, and participating before legislative and regulatory tribunals, both at the State and federal levels.

1. The Board will develop a Legislative Policy each year to guide Board members, and Public Health staff, in taking positions on various legislative and regulatory matters of interest. Although the Legislative Policy is intended to be developed on an annual basis, the positions developed in the latest Legislative Policy shall be used by Board members, and Public Health staff, in participating in legislative and regulatory activities.
2. The Legislative Policy is developed in advance of the Colorado General Assembly to facilitate the State legislative process. While the Legislative Policy does not indicate positions on specific legislation, it identifies general issues of interest to the Board and Public Health. The Board's policy statements on all issues are necessarily very broad and are by no means all-inclusive.
3. Generally, the annual Legislative Policy will be developed by the Board in the fall of each year. However, any Board member, or the Executive Director may propose changes to the Legislative Policy at any time.
4. In the fall of each year, the Executive Director shall ask Public Health staff to review the latest Legislative Policy, and propose changes. In addition, the Executive Director may seek input from other sources such as the lobbyist for the Public Health Directors of Colorado. After review by appropriate staff, the Executive Director shall propose changes as she deems appropriate to the Board. The Board shall discuss the proposed changes at a regular or special meeting, and adopt such changes as it deems appropriate.
5. After adoption of a Legislative Policy by the Board, any Board member, or Public Health staff as authorized by the Executive Director, may participate in a legislative or regulatory process at the State or federal level by taking a position in conformance with the position stated in the Legislative Policy. No Board member or Public Health staff acting as a representative of the Board or Public Health shall take any position in a legislative or regulatory process that is not in conformance with the Legislative Policy. If a particular issue has not been addressed in the Legislative Policy, the Board or Executive Director may adopt an appropriate position.
6. Board members and Public Health staff who participate in a legislative or regulatory process shall comply with lobbying reporting requirements.
7. Public Health staff will periodically review certain bills introduced in the Colorado General Assembly. Appropriate staff may be requested to analyze bills of interest, and propose a

position for adoption by the Board or Public Health. Staff may not adopt policy positions, or engage in lobbying, without approval of the Executive Director.

8. The U.S. legislative process, and federal regulatory process, are substantially different from the State process. Public Health staff shall only take a position with regard to federal legislative and regulatory activities as authorized by the Executive Director.
9. Board members may discuss the Legislative Policy with legislators at anytime. Board members may offer the Legislative Policy as a guideline to legislators for reference when considering legislation impacting public health.
10. Legislators should be encouraged to request information concerning public health issues from Public Health staff by contacting the Executive Director, or Public Health Information Officer.
11. Public Health staff should assist legislators in understanding public health issues, and developing appropriate legislation. Prior to offering assistance, Public Health staff should seek advice and direction from the Executive Director and/or Public Health Information Officer.

## **II. PUBLIC HEALTH**

The Board recognizes the critical importance of maintaining public health and providing a healthy environment for the residents of El Paso County.

Therefore, the Board supports the following policy statements:

- Legislative measures relating to public health issues should be supported by credible evidence.

## **III. LOCAL CONTROL**

The Board recognizes the necessity of local control and management of matters of local public health concern. The Board believes that local control affords the residents of El Paso County greater access to sound public health programs and service. It also provides for greater opportunity for participation in and contribution to the decision-making process for public health programs and services, thereby enhancing the quality of life in the community and the ability of the Board and Public Health to respond to public health needs.

Therefore, the Board supports the following policy statements:

- Support legislative efforts to strengthen local control of public health programs and services.
- Oppose legislation that mandates State or federal intercession in matters of local concern, and which unnecessarily or adversely affect the Board's or Public Health's ability to design and manage public health programs and services to meet local public health needs in El Paso County.
- Specifically, support legislative efforts to increase local public health authority of retail food establishments under the Colorado Food Protection Act.
- Legislative mandates to local public health agencies should include sufficient funding to carry out the mandates.

#### **IV. OPEN GOVERNMENT**

The Board recognizes the importance of open discussion of matters affecting the residents of El Paso County, and the need for heightened awareness of public health issues and problems. The Board further recognizes the significant contribution made by members of the public to the decision-making and policy-making process, and the necessity of citizen involvement in developing sound public health programs and services.

Therefore, the Board supports the following policy statements:

Open Meetings:

- Support conducting government business and formulating public policy in public.
- Support legislation that clarifies that the intent of the Open Meetings Act applies to meetings called by the Board to discuss public business; and, not to meetings called by others which members of the Board may attend individually, but will not discuss or take official Board action.

Open Records:

- Support legislation, as appropriate, to protect the privacy of individuals, and to protect individual information from disclosure that might lead to fraudulent or unlawful use of such information.
- Support legislation that recognizes that effective management requires the ability to candidly communicate with employees regarding performance, and that public access to evaluation ratings, narratives and other information specific to the individual employee is detrimental to the ability to effectively manage employees.

#### **V. SOVEREIGN AND GOVERNMENTAL IMMUNITY**

The Board recognizes that the complexity and diversity of Public Health operations and services required to meet the needs of the residents of El Paso County may expose the Board, Public Health, and its officers and employees to liability for damage and injury. The Board further recognizes that Public Health officers and employees must be confident that they have the Board's support in the lawful and proper performance of their assigned duties and responsibilities. The Board understands that claims against the Board or Public Health constitute claims against the funds of the Public Health, and excessive claims could impair the Board's and Public Health's ability to deliver essential public health services.

Therefore, the Board supports the following policy statements:

- Support legislation that protects the interests of local boards of health and their members, and Public Health officers and employees in the lawful and proper performance of their duties and responsibilities.
- Support legislation that discourages baseless and frivolous claims and demands that can be made against local boards of health, their members, and Public Health officers and employees.

- Oppose legislation that expands or increases local board of health or local public health agency liability or, conversely, further limits governmental immunity.
- Support legislation that increases limitations of liability for volunteers providing service to support public health programs and services.

## **VI. GENERAL FINANCE**

The Board and Public Health are impacted by State and federal financial policies.

Therefore, the Board supports the following policy statements:

- Support legislation requiring the State to provide equitable *per capita* funding to local public health agencies, and to not allow revocation, withdrawal or discontinuance of such funding.
- Support legislation to adequately fund the statewide public health improvement plan and local public health plans required by Subpart 2 of Part 5 of Article 1 of Title 25, C.R.S.