

ALAMEDA COUNTY
LEAD POISONING PREVENTION PROGRAM

A Joint Powers Authority serving the Cities of Alameda, Berkeley, Emeryville, and Oakland
2000 Embarcadero, Suite #300 • Oakland, CA 94606 • (510) 567-8282
WWW.ACHHD.ORG

DATE: March 21, 2019

TO: Directors and Alternates
Alameda County Lead Poisoning Prevention Program

FROM: Larry Brooks, Secretary
Joint Powers Authority

SUBJECT: **Meeting of the Board of Directors**

The next regular meeting of the Alameda County Lead Poisoning Prevention Program Joint Powers Authority Board of Directors is scheduled for **Tuesday, March 26, 2019. The meeting will begin a 9:15 a.m., or immediately following the Administration and Finance Committee Meeting at the Alameda County Administrator's Office, 1221 Oak Street, 2nd Floor, Room 255, Oakland, CA.**

Attached is the agenda packet for the meeting. If you have any questions, please contact Lidice De La Fuente at (510) 567-8291.

Thank you.

Attachments

Hon. Lynette Gibson McElhaney, City of Oakland • Hon. Susan Wengraf, City of Berkeley
Hon. Mary Hatsume Vella, City of Alameda • Hon. John J. Bauters, City of Emeryville
Hon. Wilma Chan, County of Alameda • Gwen Hardy, Community Representative

ALAMEDA COUNTY LEAD POISONING PREVENTION PROGRAM
JOINT POWERS AUTHORITY

A G E N D A

General Board Meeting

March 26, 2019

9:15 A.M. or immediately following the Administration and Finance Committee Meeting

Alameda County Administrator's Office
1221 Oak Street, 2nd Floor, Room 255
Oakland, California

NOTICE: All meetings of the Alameda County Lead Poisoning Prevention Program Joint Powers Authority Board of Directors are open to the public. Those wishing to address the Board of Directors on items not on the agenda may do so during the open forum section of the meeting.

- 1) **Open Forum** (Discussion)
Directors, alternates, staff, or members of the public may address the Board of Directors regarding items not on the agenda. The Board will listen to matters presented but may not take action on these items.
- 2) **Director Report** (Information)
- 3) **Lead Paint Litigation** (Information)
 - A) County Update/ Timeline
 - B) Draft letter to Alameda County Board of Supervisors
 - C) Status of allocated funding
- 4) **Letter to Alameda County Board of Supervisors** (Action) Pg. 1
- 5) **Program Operations Committee**
 - a) Minutes (February 28, 2019) (Action) Pg. 3
- 6) **Administration and Finance Committee**
 - a) Minutes (February 28, 2019) (Action) Pg. 4
- 7) **General Board Meeting**
 - a) Minutes (February 28, 2019) (Action) Pg. 5
- 8) **Announcements by Board Directors** (Information)

Material related to an item on this Agenda, including those submitted to the Board of Directors after distribution of the agenda packet, and are available for public inspection at the Alameda County Healthy Homes Department office during normal business hours.

Agendas are available on the Department's website at www.achhd.org

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March 26, 2019

Richard Valle, President, Supervisor Second District
Alameda County Board of Supervisors
1221 Oak Street, Suite 536
Oakland, CA 94612

Dear President Valle,

The Childhood Lead Poisoning Prevention Program Joint Powers Authority (JPA) Board of Directors is aware of challenges the Alameda County Healthy Homes Department (ACHHD) will face in fulfilling the court order regarding the recent litigation with several large paint companies.

ACHHD was established in 1991 by way of an annual assessment of \$10 on pre-1978 housing in the cities of Alameda, Berkeley, Emeryville and Oakland. The assessment, also known as the County Service Area (CSA) service charge, currently generates \$2 million per year in revenue to fund department operations and has not had a rate increase since its inception. During that time, the Consumer Price Index has increased by 74.7%.

Similarly, over the years, the department has experienced a decrease in various grant providers' overhead reimbursements while experiencing an increase in operational costs. To cope with this inflationary trend, the department has downsized multiple times from a staff of over 50 to a current staff of 17.

Under the court order, the County of Alameda and City of Oakland, working in partnership, will receive an estimated \$45 million dollars to address lead paint hazards in pre-1951 properties. However, the two jurisdictions will have only four years to make use of the funds. An investment of startup funding from the County will play a crucial role in ACHHD's ability to provide the remediation work that is needed.

Additionally, the funding due in the court judgment can only be used for lead paint remediation and not for case management of lead poisoned children by nurses or community health outreach workers. Also, the court order does not allow money from the judgment to be expended on other important child lead poisoning prevention strategies or interventions, including:

- Additional lead poison screenings for youth in affected areas
- Testing of all residential rental properties in target neighborhoods
- Monitoring of remediation at lead-poisoned properties

ACHHD does not currently have the staff resources to initiate these necessary strategies, nor to successfully implement the court order. However, we also understand that the Community Development Agency (CDA)

Hon. Lynette Gibson McElhaney, City of Oakland • Hon. Susan Wengraf, City of Berkeley
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Director is recommending in the 2019-20 MOE budget that the Board of Supervisors restore four vacant positions in the department that will perform child lead poisoning prevention tasks that include some preparation for the implementation of the court order. By way of this letter we support the CDA Director's request and recommend that the Board of Supervisors provide all necessary funding to ACHHD to ensure that the County is prepared to do the important lead remediation our community needs.

Sincerely,

John J. Bauters, Chairman
Joint Powers Authority Board of Directors

CC: Keith Carson, Vice President, Supervisor, Fifth District
Scott Haggerty, Supervisor, First District
Wilma Chan, Supervisor, Third District
Nate Miley, Supervisor, Fourth District
Chris Bazar, Director, Community Development Agency

Hon. Lynette Gibson McElhaney, City of Oakland • Hon. Susan Wengraf, City of Berkeley
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**PROGRAM OPERATIONS COMMITTEE
MEETING MINUTES**

February 28, 2019

Attendance:

Voting Directors: Mary Hatsume Vella, Alameda; Susan Wengraf, Berkeley; John J. Bauters, Emeryville

Non-Voting Directors: Gwen Hardy, Community Representative

Alternates: William Gilchrist, Oakland; Dave Brown, County of Alameda

Staff: Larry Brooks, Lidice De La Fuente; April Williamson

Others: Alex Marqusee

Absent:

Director John J. Bauters opened the Program Operations Committee meeting at 9:32 A.M.

1) **Open Forum**

2) **Director's Report**

Secretary to the Board, Larry Brooks, asked for introductions and welcomed Oakland Alternate William Gilchrist, Director of Planning and Building Department and Alex Marqusee, Legislative and Policy Director, Office of Lynette Gibson McElhaney.

Mr. Brooks informed Directors that staff is in discussions with the Department of Toxic Substances Control (DTSC) and the California Department of Public Health (CDPH) to host a second Soil Shop event. DTSC and CDPH are requesting an existing event already scheduled with a good draw of community participation. Director Mary Hatsume Vella recommended the Park Street Fair in Alameda.

Mr. Brooks referenced an article published on January 29, 2019 by High Times, "*Lab Testing Reveals There's Lead in Most Vape Cartridges*", indicating that according to industry experts, lead vape cartridges is a major concern that's being ignored. Hard copies of the article was made available at the meeting.

3) **Outreach and Education Monthly Report**

Assistant Secretary of the Board, Lidice De La Fuente, indicated that the Department is doing well with community outreach attributing its success to Department staff.

4) **Mid-Year Goals and Objectives FY 18/19**

Lidice De La Fuente reported on the Mid-Year Goals and Objectives FY 18/19 noting that through December 31, 2018 the Department reached over 2,900 through multiple community outreach events. The Department conducted two U.S. Renovate, Repair, and Paint trainings reaching 71 individuals in 2018. Lastly, three lead safety trainings were conducted one each in Alameda, Berkeley and Monterey, CA.

5) **Announcements by Board Directors**

There were no announcements by Board Directors.

Meeting adjourned 9:40 A.M.

**ADMINISTRATION AND FINANCE COMMITTEE
MEETING MINUTES**

February 28, 2019

Attendance:

Voting Directors: Mary Hatsume Vella, Alameda; Susan Wengraf, Berkeley; John J. Bauters, Emeryville

Non-Voting Directors: Gwen Hardy, Community Representative

Alternates: William Gilchrist, Oakland; Dave Brown, County of Alameda

Staff: Larry Brooks, Lidice De La Fuente; April Williamson

Others: Alex Marqusee

Absent:

Director John J. Bauters called into order the Administration and Finance Committee Meeting at 9:41 A.M.

1) **Open Forum**

2) **Mid-Year Budget Report FY 18/19**

April Williamson, Finance Manager provided a status report on the Department's budget FY 18/19 highlighting revenue and expenses through December 31, 2018. The Department is experiencing difficulty with the ability to draw approximately \$200,000 in Medi-Cal matching funds as part of the State Department of Public Health Medi-Cal reimbursement due to a decline in new Medi-Cal clients. The Department staff is exploring ways to spend the funds on eligible expenses. Director Vella asked for staff to reach out to nonprofit legal services providers including Centro Legal de la Raza for a potential referral source for Medi-Cal clients. Director John J. Bauters asked staff to investigate whether other county Agencies such as Health Care Services Agency were experiencing the same issue.

Director Susan Wengraf asked if there were any plans for subletting additional office space to assist with the high cost of rent. Ms. Williamson stated that the Department has cubicles available for subletting to other County departments. Alternate, Dave Brown indicated that Department's lease cost does not seem high compared to other County departments.

Ms. Williamson stated that temporary staffing currently assigned to the department work in the Lead Hazard Control Program, Minor Home Repair and office administration and that she doesn't expect a deficit for this fiscal year. Based on other local assessments, Director Bauters, expects to see higher revenue for the CSA.

Directors asked for the continuation of discussions with Oakland Unified School District on lead poisoning prevention since communication seemed to slow down in the past few months.

Larry Brooks highlighted that U.S. Department of Housing and Urban Development (HUD) recently announced a \$304 million appropriation for lead based paint hazard remediation, an increase of \$49 million compared to the previous year. He expects the HUD grant will complement the lead litigation paint program.

3) **Announcements by Board Directors**

There were no announcements by Board Directors.

Meeting adjourned at 10:01 AM

**GENERAL BOARD
MEETING MINUTES**

February 28, 2019

Attendance:

Voting Directors: Mary Hatsume Vella, Alameda; Susan Wengraf, Berkeley; John J. Bauters, Emeryville

Non-Voting Directors: Gwen Hardy, Community Representative

Alternates: William Gilchrist, Oakland; Dave Brown, County of Alameda

Staff: Larry Brooks; Lidice De La Fuente; April Williamson

Others: Alex Marqusee

Absent:

Director John J. Bauters opened the General Board Meeting at 10:01 A.M.

1) **Open Forum**

2) **Director's Report**

Larry Brooks reported on the California Healthy Housing Coalition 2019 Annual meeting on February 25 & 26, 2019 highlighting their proposal to advance an initiative for universal blood lead testing and the proposed public charge rule. The coalition expressed support for proactive inspection program with self-certification for successfully executing the lead paint litigation court order. Mr. Brooks noted that the presentation on the Pay for Success Program was well received and is currently in the evaluation phase.

Mr. Brooks stated that in the January lead paint litigation work group meeting he recommended other jurisdictions urge CDPH to expedite the Lead Hazard certification process and the need to share information with key stakeholders emphasizing that the date of implementation begins the date funds are deposited into the receivers account. Mr. Brooks also stated that the Department does not have the funds to ramp up, therefore, impacting the start of the implementation and jeopardizing funds, which would be returned to the paint companies at the end of four years.

Directors expressed dismay over the lack of funding for ramp up and issued a motion to formalize a request to Alameda County Board of Supervisors for funding the ramp up. Director Gwen Hardy added that PUEBLO and the community supports this effort and will approach the Board of Supervisors directly if necessary.

Motion: Issue a letter to the Alameda County Board of Supervisors requesting funding for ramp up in order to begin preparing for the disbursement of court-ordered funding.

Moved: Susan Wengraf **Seconded:** John J. Bauters **Ayes:** 4- Vella; Gilchrist; Wengraf; Bauters

Director Vella asked staff to place the Lead Paint Litigation as an ongoing agenda item with subcategories A) County Update/ Timeline; B) Draft letter to Alameda County Board of Supervisors; and, C) Status of allocated funding.

3) **March 2019 JPA Meeting**

Action: Due to scheduling conflicts the Board approved changing the March JPA meeting to Tuesday, March 26th from 9:15-10:45 AM.

Moved: John J. Bauters **Seconded:** Susan Wengraf **Ayes:** 4- Vella; Wengraf; Gilchrist; Bauters

Abstain:

- 4) **Letter to CA Department of Public Health Childhood Lead Poisoning Prevention Branch**
Action: The Board approved a letter to the California Department of Public Health Childhood Lead Poisoning Prevention Branch with copy to key stakeholders requesting expansion of testing opportunities and accelerating the application review process for Lead Hazard related construction certification.
Moved: John J. Bauters **Seconded:** Susan Wengraf **Ayes:** 4- Vella; Wengraf; Gilchrist; Bauters
Abstain:
- 5) **Approval of Minutes -Program Operations Committee**
a) **Minutes (January 24, 2019)**
Action: The Board approved the meeting minutes for the January 24, 2019 Program Operations Committee meeting.
Moved: Susan Wengraf **Seconded:** Mary Hatsume Vella **Ayes:** 4- Vella; Wengraf; Gilchrist; Bauters
Abstain:
- 6) **Approval of Minutes -Administration and Finance Committee**
a) **Minutes (January 24, 2019)**
Action: The Board approved the meeting minutes for the January 24, 2019 Administration and Finance Committee meeting.
Moved: Mary Hatsume Vella **Seconded:** Susan Wengraf **Ayes:** 4- Vella; Wengraf; Gilchrist; Bauters
Abstain:
- 7) **Approval of Minutes -General Board Meeting**
a) **Minutes (January 24, 2019)**
Action: The Board approved the meeting minutes for the January 24, 2019 General Board meeting.
Moved: Susan Wengraf **Seconded:** Mary Hatsume Vella **Ayes:** 4- Vella; Wengraf; Gilchrist; Bauters
Abstain:
- 8) **Announcements by Board Directors**
There were no announcements by Board Directors.

Meeting adjourned at 10:46 A.M.