

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: November 9, 2018

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 **Thursday, November 15, 2018. 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. Desley Brooks, 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

November 15, 2018

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) **Program Operations Committee**
a) **Minutes (October 25, 2018)** (Action) Pg. 1
- 4) **Administration and Finance Committee**
a) **Minutes (October 25, 2018)** (Action) Pg. 4
- 5) **General Board Meeting**
a) **Minutes (October 25, 2018)** (Action) Pg. 5
- 6) **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

**PROGRAM OPERATIONS COMMITTEE
MEETING MINUTES**

October 25, 2018

Attendance:

Voting Directors: Desley Brooks, Oakland; Susan Wengraf, Berkeley; John J. Bauters, Emeryville

Non-Voting Directors: Gwen Hardy, Community Representative

Alternates: Marilyn Ezzy Ashcraft, Alameda; Dave Brown, County of Alameda

Staff: Larry Brooks; Lidice De La Fuente

Others: Andrew Massey, County Counsel; Tonya Schuler Cummings, Veronica Jefferson, City of Alameda Housing Authority; Oscar Macias, County of Alameda Housing Authority; Alex Bledsoe; Bernard Ashcraft

Absent:

Director John J. Bauters opened the Program Operations Committee meeting at 9:29 A.M.

1) **Open Forum**

2) **Lead Paint Litigation Update**

Secretary to the Board, Larry Brooks, introduced County Counsel Andrew Massey who provided Directors with a summary of the lead litigation court order. Mr. Massey indicated that in September 2018, the Superior Court of California set the amount of the abatement fund at \$409 million of which an estimated \$45 million is for County of Alameda and City of Oakland and four years for jurisdictions to complete the abatement activities in pre-1951 homes. Most recently, on October 22, 2018, the U.S. Supreme Court denied the paint companies review of their case in appellate court. Next step is for the Court to appoint a neutral Receiver to hold the funds; meet on December 7th, 2018 before the Santa Clara Superior Court to develop the scope of the Receivers' authority, the method by which the Receiver will disperse the funds, and other logistics.

As a result of Directors concerns in regards to the ramp up and implementation of the lead abatement fund Directors directed staff to do the following:

- A) Provide a matrix/spreadsheet of the Court's decision; Eligible uses of funds; Decision authority and allocation; Provisions under the Courts' ruling that would allow the funds be fronted by jurisdictions and allowable for reimbursement as well as the possibility of investing the funds in order to draw on in interest;
- B) Provide the Department/ County's plans and timeline for ramping up and implementation including any implementation options to choose from;
- C) Begin the discussions with key stakeholders including JPA Board members, County Supervisor Chan's Office and City of Oakland to determine agreement of the administration of funds between the County of Alameda and City of Oakland;
- D) Begin discussions with key stakeholders for the implementation plan including potential partnering agencies, subcontractors and community members.

Director Gwen Hardy also asked for a summary of the Court's decision to report back to PUEBLO.

3) **Director's Report**

Larry Brooks introduced Oscar Macias, Administrative Analyst with the Housing Authority of County of Alameda (HACA) and Tonya Schuler-Cummings, Senior Management Analyst with City of Alameda Housing Authority. Mr. Macias informed Directors of the U.S. Department of

Housing and Urban Development (HUD) revised 2017 Lead Safe Housing Rule requiring data sharing between housing authorities and local health departments involving lead poisoned children residing in public housing. Mr. Macias stated that as part of the HUD requirement HACA shares addresses on a quarterly basis with local public health departments and lead poisoning prevention programs to identify which of their housing units have children under the age of six with elevated blood lead levels. Mr. Macias stated that HACA manages approximately 3,455 pre-1978 housing units and of those 550 have a child living under the age of six years of age while Ms. Schuler-Cummings stated City of Alameda Housing Authority has 1,400 public housing units and of those 100 have children living under the age of six. Mr. Macias noted that HUD requires housing authorities to only share information on the pre-1978 housing units with children living under the age of six years of age.

Mr. Macias indicated that HACA has reached a roadblock with HUD's data sharing requirement due to concerns of violating California's privacy laws. He referenced a court ruling in the 2012 litigation case involving County of Santa Clara and Atlantic Richfield, et al., favoring the County in terms of not sharing information with other jurisdictions. He noted that establishing data sharing agreements or MOU's with health departments or lead poisoning prevention programs is not a legally binding document, therefore, it could be used against the housing authorities in case of a lawsuit.

Directors Gwen Hardy and John Bauters stated housing authorities should not do the bare minimum standard in relation to childhood lead poisoning prevention and strongly suggested to partner with jurisdictions and take extra measures to protect children from lead poisoning as well as consider the other pre-1978 public housing units not currently habited by children under the age of six. Director Hardy stated that families migrate and children often visit family members, which could potentially put them at risk for lead poisoning. Ms. Schuler-Cummings stated she would report back JPA Director concerns to the City of Alameda Housing Authority.

Director Desley Brooks asked that Alameda County Board of Supervisors report on the County's housing policies and plans for implementation as the result of HUD's revised 2017 Lead Housing Rule.

Director Marilyn Ezzy Ashcraft commended City of Alameda Housing Authority for their continued work. Director Bauters thanked housing authority representatives for their information.

Larry Brooks informed Directors of National Lead Poisoning Prevention Week and highlighted that City of Alameda provided the Department with a combined proclamation for National Lead Poisoning Prevention Week and National Code Enforcement Officer Appreciation Week. The Department received numerous inquiries from the media including a UC Berkeley Journalism Major student trying to reach Director Hardy to learn the origins of the Alameda County Lead Poisoning Prevention Program and PUEBLO's involvement; Alex Bledsoe an Oakland resident and documentary filmmaker is currently working on a film about lead poisoning in Oakland titled, Oaklead.

As part of National Lead Week activities HUD developed a Healthy Homes Youth application for Smartphones for children to obtain basic knowledge of healthy home principles.

As an educational opportunity the Department released an infographic sheet reporting on the current status of lead poisoning within the County pointing out the challenge in getting children blood lead tested; and, that due to State guidelines and lack of funding an estimated 1/3rd of children with elevated blood levels under 15 mcg/dL in Alameda County do not

receive case management services nor an environmental investigation. Children under the 15 mcg/dL threshold receive educational information. Mr. Brooks noted that funds from the paint litigation will not address childhood lead poisoning prevention efforts.

Mr. Brooks reported on a family that came to the U.S. to get lifesaving surgery for their child, however, the child ended up getting lead poisoned after the surgery.

Mr. Brooks handed out buttons in commemoration of Lead Week.

4) **Outreach and Education Monthly Report**

There were no comments or questions on the monthly report for September 2018.

5) **Announcements by Board Directors**

There were no announcements by Board Directors.

Meeting adjourned at 10:53 A.M.

**ADMINISTRATION AND FINANCE COMMITTEE
MEETING MINUTES**

October 25, 2018

Attendance:

Voting Directors: Desley Brooks, Oakland; Susan Wengraf, Berkeley; John J. Bauters, Emeryville

Non-Voting Directors: Gwen Hardy, Community Representative

Alternates: Marilyn Ezzy Ashcraft, Alameda; Dave Brown, County of Alameda

Staff: Larry Brooks; Lidice De La Fuente

Others: Alex Bledsoe; Bernard Ashcraft

Absent:

Director John J. Bauters called into order the Administration and Finance Committee Meeting at 10:53 A.M.

1) **Open Forum**

2) **Director's Report**

Larry Brooks reported on the training for the California Association of Code Enforcement Officers conducted as part of the U.S. Environmental Protection Agency (EPA) grant deliverables. Mr. Brooks highlighted that a total of 48 Code Enforcement Officers are now EPA Renovate, Repair, Paint (RRP) certified and are able to begin enforcement in their respective jurisdiction. The goal for the grant is to train over 120 Code Enforcement officers statewide.

Mr. Brooks indicated that the County agreed to provide the Department with Measure A funding for the continuation of the Fixing to Stay and Independent Living Association Projects.

3) **Announcements by Board Directors**

There were no announcements by Board Directors.

Meeting adjourned at 10:55 AM

ALAMEDA COUNTY LEAD POISONING PREVENTION PROGRAM
GENERAL BOARD
MEETING MINUTES

October 25, 2018

Attendance:

Voting Directors: Desley Brooks, Oakland; Susan Wengraf, Berkeley; John J. Bauters, Emeryville

Non-Voting Directors: Gwen Hardy, Community Representative

Alternates: Marilyn Ezzy Ashcraft, Alameda; Dave Brown, County of Alameda

Staff: Larry Brooks; Lidice De La Fuente

Others: Alex Bledsoe; Bernard Ashcraft

Absent:

Director John J. Bauters opened the General Board Meeting at 10:55 A.M.

1) **Open Forum**

2) **Director's Report**

Larry Brooks reported on Baltimore, Maryland's new program, Point of Care Testing, attributed to the 19% reduction of lead poisoning cases. The Point of Care Testing Program involves getting children blood lead tested and providing test results during the same office visit.

Mr. Brooks stated that the Department is working with the Get the Lead Out Coalition for a follow up meeting with the Oakland Unified School District (OUSD) to discuss the outcome of OUSD's benchmarks in relation to lead poisoning prevention efforts as a result of the lead in water issues from the previous school year. Director Brooks asked staff to follow up with OUSD on any proactive efforts for the current school year.

Mr. Brooks informed Directors that on October 4, 2018, he met with County Code Enforcement and local Building Inspectors to discuss the design of a rental inspection program for the Unincorporated County, which would include inspecting for lead and mold. The design is expected to be presented to County Supervisor Nate Miley in November 2018.

Mr. Brooks stated that the Department is in discussions with County Supervisor Valle for the development of a pilot project testing herbs and spices funded through the District Attorney's Office. Mr. Brooks referenced a case involving a pregnant woman whose lead poisoning was traced back to one of the spices she consumed.

Mr. Brooks stated that he was asked by the California Healthy Housing Coalition to chair their code enforcement committee.

Lastly, Mr. Brooks informed the Directors that the Department's Senior Environmental Health Specialist, Lisa Plourde is out of the office for an extended period of time due to an accident. During her absence the environmental investigations are being conducted by a staff person at the State Department of Public Health. Director Bauters asked to express the Directors support for a speedy recovery.

3) **November 2018 JPA Meeting**

Action: The Board confirmed the JPA meeting for November 15th, 2018.

Moved: Susan Wengraf **Seconded:** Desley Brooks **Ayes:** 4- Ashcraft; Wengraf; Brooks; Bauters

Absent:

- 4) **Approval of Minutes -Program Operations Committee**
a) **Minutes (September 27, 2018)**
Action: The Board approved the meeting minutes for the September 27, 2018 Program Operations Committee meeting.
Moved: Susan Wengraf **Seconded:** Desley Brooks **Ayes:** 4- Ashcraft; Wengraf; Brooks; Bauters
Absent:
- 5) **Approval of Minutes -Administration and Finance Committee**
a) **Minutes (September 27, 2018)**
Action: The Board approved the meeting minutes for the September 27, 2018 Administration and Finance Committee meeting.
Moved: Susan Wengraf **Seconded:** Desley Brooks **Ayes:** 4- Ashcraft; Wengraf; Brooks; Bauters
Absent:
- 6) **Approval of Minutes -General Board Meeting**
a) **Minutes (September 27, 2018)**
Action: The Board approved the meeting minutes for the September 27, 2018 General Board meeting.
Moved: Susan Wengraf **Seconded:** John J. Bauters **Ayes:** 4- Ashcraft; Wengraf; Brooks; Bauters
Absent:
- 7) **Announcements by Board Directors**
There were no announcements by Board Directors.

Meeting adjourned at 11:09 A.M.