

## **NORTHERN KENTUCKY INDEPENDENT DISTRICT BOARD OF HEALTH MEETING**

Lower Level Conference Room  
610 Medical Village Drive, Edgewood KY 41017  
Wednesday, June 11, 2008, 6:30 p.m.

### **MINUTES**

#### **MEMBERS PRESENT**

Kirk Kavanaugh, Chairman  
Richard E. Schuck, OD, Immediate Past Chairman  
Carla Austin, RN  
Gregory Bach, DVM  
Thomas Bunnell, MD  
Brett Coldiron, MD  
Jeff Earlywine  
Mary Enzweiler, RPh  
Mary Lou Gastright (designee for Mayor Callery)  
Stephen W. Hiltz, MD  
Jennifer Ihrig, RPh  
Charles Kenner, DMD  
Scott Kimmich, Deputy Judge Executive (designee for Judge Drees)  
Tony Kramer, RN  
Darrell L. Link, Judge Executive  
Steve Pendery, Judge Executive  
Wm. Ken Rich, DMD  
Daniel Sheridan, DMD  
Wm. Ford Threlkeld, II, MD

#### **MEMBERS ABSENT**

Dean Adams, MD  
James Brewer  
Debbie Davis, RN  
Linda Gray, RN

George Hall, MD  
Annette Lavender, RN  
Michael Molony, DMD  
Wilbert Ziegler, Vice Chairman

### **STAFF/GUESTS PRESENT**

Steven R. Katkowsky, MD, District Director of Health  
Jody Christerson, Senior Health Educator  
Steve Divine, Director Environmental Health & Safety  
Kathy Gavin, Director of Community Health Promotion  
Emily Gresham Wherle, Public Information Manager  
Karen Y. McGarr, Executive Secretary  
George A. Moore, II, Director of Administration and Accounting  
Jason Oldiges, Information Manager  
Holly Sauer, Senior Clerk  
Pat Dressman (designee for Judge Pendery)  
Hazel Bentley  
Carol Daniel  
Brian Ellerman  
Andrea Hodapp (court reporter for Gerry Patten)  
Rob Hudson, Attorney  
Gerry Patten, Attorney (Gerry's attorneys (2) in attendance with him)  
Mary Ann Stewart, Attorney  
(See sign in sheet for 2 additional signatures that are not legible)

### **WELCOME**

Chairman Mr. Kirk Kavanaugh welcomed everyone to the meeting. He introduced special counsel Mr. Robert Hudson noting that he would explain the reason for Mr. Hudson's attendance under his Chairman's Report.

### **CALL TO ORDER**

Chairman Mr. Kirk Kavanaugh noted a quorum was present and called the meeting to order at 6:30 p.m.

### **APPROVAL OF PROPOSED AGENDA FOR JUNE 11, 2008**

Chairman Mr. Kirk Kavanaugh presented the proposed agenda with the following amendments:  
1) VI. Reports, Personnel Board, June 11, 2008, d. add *i. FY '09 Compensation Plan* and *ii. Closed Session to discuss a Personnel Matter*; and, 2) VII. Committee Reports, e. By-Laws, add *Gerry Patten, Attorney (action required)*. Discussion followed. **Motion:** Mr. Scott Kimmich moved to accept the June 11, 2008, proposed agenda as amended. Dr. Ken Rich seconded.

Motion carried unanimously to accept the June 11, 2008 District Board proposed agenda with the following amendments: 1) VI. Reports, Personnel Board, June 11, 2008, d. add *i. FY '09 Compensation Plan* and *ii. Closed Session to discuss a Personnel Matter*; and 2) VII. Committee Reports, e. By-Laws, add *Gerry Patten, Attorney (action required)*.

### **APPROVAL OF MARCH 12, 2008, PROPOSED MINUTES**

Chairman Mr. Kirk Kavanaugh presented the March 12, 2008, proposed minutes for approval. **Motion:** Dr. Charles Kenner moved to approve the March 12, 2008, proposed minutes as presented. Dr. Wm. Ford Threlkeld, II, seconded. Motion carried unanimously to approve the March 12, 2008, minutes as presented.

### **OLD BUSINESS**

Chairman Mr. Kirk Kavanaugh stated that there was no old business to address.

### **REPORTS**

#### **Chairman**

#### ***General Counsel Selection Committee***

Chairman Mr. Kirk Kavanaugh stated that Mr. Robert Hudson was hired as special counsel to handle issues arising with the General Counsel Selection Committee's endorsement of Adams, Stepner, Woltermann, & Dusing, PLLC. Chairman Mr. Kirk Kavanaugh began reading a letter he prepared relating to this issue when Mr. Gerry Patten stated that there was no need to go into that since he was resigning effective June 30, 2008. Chairman Mr. Kirk Kavanaugh began to expand upon what has transpired to date regarding Mr. Gerry Patten and the General Counsel Selection Committee's recommendation when Mr. Scott Kimmich interjected with a motion. **Motion:** Mr. Scott Kimmich moved that due to the threat of potential litigation that the Board convene an executive closed session pursuant to KRS 618.10 (1) (c) Exceptions to open meetings based on discussions of proposed or pending litigation against or on behalf of the public agency. Dr. Stephen Hiltz seconded. Motion carried unanimously. **Motion:** Dr. Thomas Bunnell moved that the Board come out of closed session and reconvene its regular session. Dr. Brett Coldiron seconded. Motion carried unanimously. Chairman Kirk Kavanaugh noted that no action was taken during the closed session. **Note:** Mr. Gerry Patten, his attorneys, and his court reporter left during the closed session and were no longer in attendance at the meeting. **Motion:** Mr. Scott Kimmich moved to hire Mr. Robert Hudson as special counsel for the limited purposes of any matters arising from the hiring of new general legal counsel effective July 1, 2008. Judge Darrell Link seconded. Motion carried unanimously.

Chairman Mr. Kirk Kavanaugh proceeded to give an overview of the general counsel selection process noting that the General Counsel Selection Committee voted unanimously to award the legal services contract to Adams, Stepner, Wolterman, & Dusing, PLLC, with

Ms. Mary Ann Stewart serving as general legal counsel. He added that when the recommendation was presented to the Executive Committee it passed with 5 in favor, 1 opposed, and 1 abstention, noting that as Chairman he did not vote. Ms. Stewart introduced herself and answered questions from the Board. Discussion followed. **Motion:** Mr. Scott Kimmich moved that the Northern Kentucky Independent District Board of Health engage the services of Adams, Stepner, Woltermann, & Dusing, PLLC, as general legal counsel with Ms. Mary Ann Stewart as the lead counsel effective July 1, 2008, when the contract with Mr. Gerry Patten expires on June 30, 2008. Judge Steve Pendery seconded. Discussion and comments followed. Judge Darrell Link stated for the record that he concurred with Dr. Stephen Hiltz that as an employer, we should look for a more professional and benevolent way to dismiss employees and contractors. He added that he was not sure that Ms. Stewart knew what she was getting into but this Board needs a lot of hand holding. The motion was called and carried with 14 in favor and 4 opposed.

## **District Director of Health**

### **General Update:**

Dr. Steven R. Katkowsky presented information on the packet materials and other items as follows:

- The creation of the Northern Kentucky Public Health Institute.
- The "health care lacking in Northern Kentucky" article and his contact with Dr. John Reynolds on this issue.
- The draft letter supporting St. Elizabeth Medical Center and St. Luke Hospital merger. He highlighted that all the local boards approved the draft letter but that the letter is no longer needed.
- Our FY 2009 budget allocation information received from State. He noted our reductions are manageable and will not require program or staff reductions.

Discussion occurred during and following Dr. Katkowsky's report.

## **Financial**

Mr. George A. Moore, II, presented the June 11, 2008, Financial Report. He stated that a projected year end column was added to the report, noting this was requested by Mr. Wilbert Ziegler. He added that he anticipates the Department will break even for the close of FY 2008. Discussion followed. **Motion:** Dr. Stephen Hiltz moved to accept the June 11, 2008, Financial Report as presented. Dr. Richard E. Schuck seconded. Motion carried unanimously.

## **PERSONNEL BOARD REPORT**

### **Steven R. Katkowsky, M.D., District Director of Health**

Dr. Steven R. Katkowsky presented the Personnel Board report. The report was approved by consensus.

**FY 2009 Compensation Plan:** Dr. Steven R. Katkowsky presented the Personnel Board's FY 2009 compensation package recommendation, the results of the salary survey completed at the District Board's request, and his recommendation for the FY 2009 compensation package of an across the board 3 percent increase to augment the entire structure, plus a 3 percent COLA for all employees. Discussion followed regarding the salary survey results, fringe benefits, nursing salaries, contract and regular employees, pay rates, merit system, performance based increases, and impact on the FY 2009 budget. **Motion:** Mr. Scott Kimmich moved that a 3.25 percent COLA be given to all staff effective July 1, 2008, and that a true cost analysis of salaries be performed looking at salaries, benefits, etc. to be completed for a mid-year evaluation by the Personnel and District Boards. Dr. Stephen Hiltz seconded. Motion carried. **Closed Session: Motion:** Dr. Richard E. Schuck moved to convene a closed session of the Executive Committee pursuant to KRS 61.810 (1) (f) exceptions to open meetings based on personnel actions. **Motion:** Dr. Stephen Hiltz moved to come out of closed session and reconvene the regular session of the Executive Committee. Mr. Scott Kimmich seconded. Motion carried unanimously. Chairman Mr. Kirk Kavanaugh noted that no action was taken during the closed session. **Motion:** Mr. Scott Kimmich moved that the Department proceed with the employee layoff plan as required by the State of Kentucky. Dr. Stephen Hiltz seconded. Motion carried unanimously.

## **PROGRAM PLANS**

The FY 2009 Program Plans were presented. **Motion:** Dr. Stephen Hiltz moved to accept the FY 2009 Program Plans. Judge Steve Pendery seconded. Motion carried unanimously.

## **COMMITTEE REPORTS**

**Executive:** Kirk Kavanaugh, Chairman

Chairman Mr. Kirk Kavanaugh stated he would not present a report since items being discussed/voted upon this evening are those that were discussed/voted upon at the Executive Committee's meeting.

**Nominating:** Kirk Kavanaugh, Chairman

Chairman Mr. Kirk Kavanaugh presented the FY 2009 District Board slate of officers and Executive Committee nominations as recommended by the Nominating Committee.

### **FY 2009 District Board Officers**

**Chairman:** Wilbert Ziegler (Kenton County)

**Vice Chairman:** Wm. Ken Rich, DMD (Grant County)

**Motion:** Dr. Stephen Hiltz moved to appoint Mr. Wilbert Ziegler as the FY 2009 chairman and Dr. Wm. Ken Rich as FY 2009 vice chairman. Judge Steve Pendery seconded. Motion carried unanimously.

### FY 2009 Executive Committee Members

**Boone County:** Judge Executive Gary Moore and Dr. Charles Kenner

**Campbell County:** Judge Executive Steve Pendery and Mayor Thomas Guidugli

**Grant County:** Judge Executive Darrell L. Link and Dr. William Ford Threlkeld

**Kenton County:** Judge Executive Ralph Drees and Dr. Stephen Hiltz

**Motion:** Dr. Richard Schuck moved to approve the nominations to the FY 2009 Executive Committee as recommended by the Nominating Committee. Dr. Thomas Bunnell seconded. Motion carried unanimously.

**Diabetes Education:** Thomas Bunnell, MD, Chairman

Chairman Dr. Bunnell presented the Diabetes Education Report. A copy of the report is attached.

**I&E:** Tony Kramer, RN, Chairman

Chairman Mr. Kramer presented the activities of the Committee's June 10, 2008, meeting.

**By-Laws:** Gerry Patten

No report at this time.

**Resource:** Kirk Kavanaugh, Chairman

Chairman Mr. Kavanaugh reported the activities of the Committee's April 29, 2008, meeting.

**Clinical:** George Hall, MD, Chairman

No report at this time.

**Community Health Promotion:** Stephen W. Hiltz, M.D., Chairman

Chairman Dr. Hiltz reported the activities of the Committee's June 3, 2008, meeting.

**Environmental Health and Safety:** Wm. Ken Rich, D.M.D., Chairman

Chairman Dr. Rich reported the activities of the Committee's April 23, 2008, meeting.

### LOCAL BOARDS OF HEALTH REPORTS

**Boone County:** Charles Kenner, D.M.D., Chairman

Chairman Dr. Kenner reported on the April 2, 2008, meeting of the Boone County Local Board of Health.

**Campbell County:** Richard E. Schuck, O.D., Chairman

Chairman Dr. Schuck reported on the April 28, 2008, and May 12, 2008, meetings of the Campbell County Local Board of Health.

**Grant County:** Wm. Ford Threlkeld, II, M.D., Chairman  
Chairman Dr. Threlkeld, II, reported on the May 23, 2008, meeting of the Grant County Local Board of Health.

**Kenton County:** Stephen W. Hiltz, M.D., Chairman  
Chairman Dr. W. Hiltz reported on the April 30, 2008, meeting of the Kenton County Local Board of Health.

**OTHER**

The Annual Awards Dinner is August 13 at Receptions in Erlanger. Mr. Wilbert Ziegler is to be seated as chairman at the September 24, 2008, District Board meeting.

**NEXT DISTRICT BOARD OF HEALTH MEETING**

The next District Board of Health meeting is scheduled for September 24, 2008, at 6:30 P.M.

**ADJOURN**

**Motion:** With no further business to come before the Board, Dr. Stephen Hiltz moved to adjourn. Seconded by many, the motion to adjourn the meeting carried unanimously. The meeting adjourned at 8:45 p.m.

Respectfully submitted,

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Kirk Kavanaugh  
NKIDBH Chairman

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Steven R. Katkowsky, MD  
NKIDBH Secretary