



OFFICE OF THE BOARD OF COMMISSIONERS

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NEWS RELEASE

Date: 5/4/16

Contact: Jennifer Finch, 970-336-7203

LOCAL CONTROL AT HEART OF BOARD'S REQUEST FOR HICKENLOOPER VETO

WELD COUNTY, CO – A letter formally requesting Governor John Hickenlooper's veto of House Bill 16-1401 (HB 16-1401) was sent yesterday by the Weld County Board of Commissioners. HB 16-1401 pertains to the regulation of retail food establishments, or more simply put, restaurant inspections. The bill, which limits counties' ability to control local funds as well as dictates to counties what they can and can't say to constituents, passed both the House and the Senate and is on the way to the Governor's desk.

"If the Governor signs this bill into law," said Commissioner Chair Mike Freeman, "it will have a significant negative local impact in terms of public health."

The Board's concerns with the bill focus on two primary areas. First, the bill prohibits the county from deciding how to allocate general fund revenue to support this program. Currently, the Board funds over \$670,000 to the restaurant inspection program. That is 74% of the program's total cost. HB 16-1401 would prohibit the ability to adjust the dollar amount allocated to a state program. "The bill would tie the hands of the commissioners," said Freeman. "It would mean the state at the direction of the restaurant association would dictate how Weld County taxpayer dollars are spent. That is not acceptable."

Second, the bill dictates how counties can relay restaurant inspection information to the public, specifically prohibiting the use of symbols, letters, or other simplified forms of communication for relaying restaurant inspection results. In 2014, the county revamped its restaurant inspection web site to include charts from previous inspections and letter grades, in addition to continuing to provide the actual restaurant inspection report. Changes to the site were positive as site use by the public increased by 100% and the number of local restaurants receiving an "F" letter grade was reduced by 50%.

"The constraints this bill places on our county is ridiculous," said Freeman. "If the Governor chooses to sign this bill into law, Weld County will have no choice but to end out subsidy to this state program. We will not let the state tell us how we spend taxpayer dollars or how we communicate to our constituents."

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May 3, 2016

The Honorable John Hickenlooper
Governor, State of Colorado
State Capitol Building, Room 136
200 E. Colfax
Denver, CO 80203-1792

Subject: Request to Veto House Bill HB16-1401

Dear Governor Hickenlooper,

The Weld County Board of Commissioners respectfully requests your veto of House Bill 16-1401, pertaining to the Regulation of Retail Food Establishments (RFE).

In an era of great advancement of e-government, House Bill 16-1401 amounts to a large step back in public health data transparency as well as an affront to local control of tax payer dollars. The bill hamstring the County's allocation of general fund dollars in a program that we aren't mandated to operate, and has a significant local impact in terms of tax dollars and public health. The bill also dictates how we communicate RFE inspection results with our constituents concerning the risk of dining at establishments in our County.

Our county is proud to operate a model food safety program via a delegation from the Colorado Department of Public Health and Environment (CDPHE). So proud, in fact, each year we allocate approximately \$670,000 county general fund dollars comprising 74% of programming costs, to a program that we don't have to run. Should House Bill HB16-1401 be passed into law two substantial impacts to our constituents will occur:

- 1) Weld County will be prohibited from making its own decision about how to allocate general fund revenue to support this program. This appears to be contrary to your Executive Order D 2011-005, in that the bill would prohibit supplanting funds and thereby require Weld County not reduce its existing level of general fund subsidy to the program. We understand this bill is not a regulation or directive from a state agency, however, staff from the CDPHE were knee-deep in the negotiation and passage of this bill.
- 2) Weld County, and all local health departments, will be prohibited from using a simplified risk communication system – letter grades -- to meet consumer expectations. Communication of risk is a fundamental duty of local health departments. In fact, education is a "Core Public Health Service" as defined in CDPHE Regulation 6 CCR 1014-7 which states one of the ten services is to "Inform, educate, and empower individuals about health issues".

Weld County, along with nine other counties, uses some form of a symbol or simplified representation of inspection results. HB 16-1401 prohibits the use of simpler forms of communication (symbols, letters, etc.) to communicate inspection results. Weld County began using letter grades in November 2014 and found they bridged a communication gap by making the inspection results easier to understand, both for diners and employees of RFE's.

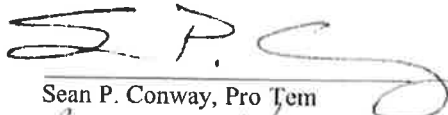
Our constituents appreciate our simplified method of communication so much that our website traffic doubled since its implementation. Further, in the year following implementation of letter grades, the number of inspections receiving a "F" was reduced by 50%. The "ban" of letter grades is an affront to the residents of Weld County freedom of speech.


Thank you for considering our request to veto HB16-1401. We believe the bill will be damaging to the health of the residents of our State for years to come. However, should you not veto this bill we will have no choice but to not contract the RFE program with the Colorado Department of Public Health and Environment for administration and implementation.


We would appreciate the opportunity to discuss this bill in more detail. Please feel free to contact our Board Chairman, Mike Freeman, at 970-336-7204, or mfreeman@weldgov.com.


Very truly yours,


BOARD OF COUNTY COMMISSIONERS


Sean P. Conway, Pro Tem


Barbara Kirkmeyer


Mike Freeman, Chair


Julie A. Cozad


Steve Moreno

cc: Don Warden
Dr. Mark Wallace, WCDPHE