



ADAMS COUNTY BOARD OF HEALTH

**RESOLUTION ADOPTING INTERNAL POLICY REGARDING ADAMS COUNTY HEALTH DEPARTMENT
ENGAGEMENT IN POLICY AT FEDERAL, STATE AND LOCAL LEVELS OF GOVERNMENT**

Resolution No. 2023-003

WHEREAS, Pursuant to C.R.S. §25-1-502 and 6 C.C.R. 1014-7, Core Public Health Services are defined as the foundational capabilities and foundational public health services, which include policy development and support; and

WHEREAS, Pursuant to 6 C.C.R. 1014-7: Colorado’s governmental public health system has the duty to serve as the face of public health, lead internal and external stakeholders in consensus development, engage in policy development, and implement policies to meet the community’s changing health needs; and

WHEREARE, Pursuant to 6 C.C.R. 1014-7, such public health policies must be aimed at eliminating health disparities, reducing death and disability, preventing chronic diseases and injuries, promoting behavioral health, addressing the root causes of poor health outcomes, advancing health equity, and improving environmental quality and health outcomes for all people; and

WHEREAS, Pursuant to C.R.S. §25-1-506, local public health agencies, including Adams County Health Department, have the duty to advise their Board of Health on public policy issues necessary to protect public health and the environment; and

WHEREAS, Pursuant to C.R.S. §25-1-508, Boards of Health, including the Adams County Board of Health, have the duty to develop and promote the public policies needed to secure the conditions necessary for a healthy community, and

WHEREAS, Many of the greatest public health successes, including the [U.S. Centers for Disease Control and Prevention’s “Ten Great Public Health Achievements”](#) – motor vehicle safety, tobacco control, and maternal and infant health, to name a few; would not have been possible without policy change; and

WHEREAS, Such public health achievements lead to the average life expectancy for people living in the U.S. increasing by more than 30 years between 1900 and 2000; and

WHEREAS, While policy work has led to enormous public health improvements, institutional racism and inequitable systems continually cause health disparities due to race, ethnicity, income, and geographical location and continue to hamper our residents’ ability to lead happy and healthy lives; and

WHEREAS, Informing, engaging, and implementing public health policy will ultimately improve community health and advance health equity for residents of Adams County.

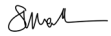
NOW, THEREFORE BE IT RESOLVED, that to support and guide the Adams County Health Department in the public health duties and work described above, the Adams County Board of Health hereby adopts Internal Policy Regarding Adams County Health Department Engagement in Policy at Federal, State and Local Levels of Government, attached hereto as Exhibit A.

Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

Gilliam _____ Yea
Keiling _____ Yea
Lindemann _____ Absent
Mahnke _____ Yea
Winkler _____ Yea

Board of Health Members

ADOPTED, this 16th day of November, 2023.



Dr. Sheela Mahnke, President
Adams County Board of Health

ADAMS COUNTY BOARD OF HEALTH

Resolution No. 2023-003

EXHIBIT A

**INTERNAL POLICY REGARDING ADAMS COUNTY HEALTH DEPARTMENT ENGAGEMENT IN POLICY AT
FEDERAL, STATE AND LOCAL LEVELS OF GOVERNMENT**

Remainder of this page left blank intentionally.



Policy Regarding Adams County Health Department Engagement in Policy at Federal, State and Local levels of Government

November 2023

Signature: _____

Date: _____

Background:

The Public Health Act of Colorado¹ directs Adams County Health Department (ACHD) to inform, educate and empower individuals about health issues, to develop policies, plans and programs to support community health efforts and to contribute research into insightful and innovative solutions to health problems. The Executive Director is charged as part of his/her/their job description to serve as the Chief Health Strategist and actively lead communications about policy that impacts the health of communities with the Board of Health, elected officials and their staff, and all stakeholders. The Executive Director is also expected as part of his/her/their job description to serve as the agency spokesperson for key community health policies, issues, and incidents and to respond to public health emergencies and initiate corrective actions and responses pursuant to Federal, State and Local laws, statutes and regulations.

Public health agencies such as ACHD are also empowered under the Public Health Act of Colorado to advise the Board of Health on public policy issues necessary to protect public health and the environment. The Public Health Act of Colorado requires Boards of Health to develop and promote the public policies necessary to secure the conditions necessary for a healthy community. The members of the Board of Health are designated under the Public Health Act of Colorado to operate as the independent governing body for Adams County Health Department and oversee the Executive Director of Adams County Health Department who reports to the Board of Health.

It is, therefore, necessary to establish Adams County Health Department Policy and Procedures to advise public health policy engagement in order to support strategic and timely engagement to promote the health of Adams County residents through sustainable public health interventions to protect and promote public health, and assure the provision of essential public health services.

Purpose:

1. Provide ACHD with guidance on criteria and strategies to engage in public policy at the federal, state and local levels of government.
2. Provide ACHD's internal approval process to determine whether to engage in public policy.



Policy:

The role of Adams County Health Department is to inform, educate and empower individuals about health issues, to develop policies, plans and programs to support community health efforts and to contribute research into insightful and innovative solutions to impact the health of populations. Adams County Health Department will use public policy as a tool to impact population health via sustainable systems.

Adams County Health Department will review all public health policy using the following criteria to determine whether, overall, the public health benefits outweigh any negative consequences and the role of ACHD in the process.

- 1) **Capacity of Public Health** – The policy will increase the capacity of ACHD to provide high quality public health services for our community. Questions considered include:
 - a. Does this increase the capacity of public health practitioners to do their work while maintaining high quality?
 - b. Does this increase funding to meet additional public health needs?
- 2) **Evidence-Based Support** – Aligns with ACHD commitment to an evidence-based approach. Questions considered include:
 - a. Is there evidence to support a positive impact upon health?
 - b. If evidence is not yet conclusive, does literature indicate promise for this strategy and potential for evaluation?
 - c. Is this a policy that demonstrates potential for positive, sustainable public health outcomes?
 - d. Does ACHD have a role to evaluate following passage?
- 3) **Population- Based Impact** – The policy will impact population health. Questions considered include:
 - a. Does this address health through a systems-based approach?
 - b. Will this policy impact a population(s) within Adams County?
- 4) **Equity-Based Impact** – The policy will positively impact populations experiencing health inequity. Questions considered include:
 - a. Does this address the unique needs of diverse populations which have historically and currently been marginalized in communities?
 - b. Does this have any unintended consequences that will perpetuate inequity?
 - c. Has this been designed in partnership with community in order to assure alignment with health equity?
- 5) **Feasibility** – This policy has viability to be implemented to achieve the intended outcomes. Questions considered include:
 - a. Are resources available to implement this policy (financial and staff)?
 - b. Is the timing of this policy in favor of it being implemented?
 - c. Are reputable partners aligned with policy?
 - d. What is the administrative feasibility of the policy, or how will implementation be conducted/monitored and how will public health be engaged to ensure intent?
 - e. Will ACHD engagement be a differentiating factor that will make a difference?



- 6) **Impacts upon ACHD and Adams County** – This policy will positively impact Adams County as a whole. Questions considered include:
 - a. Is this addressing specific needs identified in Adams County?
 - b. Are there any consequences on other aspects of Adams County services for residents?
 - c. How does this impact the day-to-day operations of ACHD or other Adams County Government departments?
- 7) **Legal Ability to Engage in Policy** - Engagement in this policy is not prohibited due to federal and state laws and regulations associated with funding source, contract provisions, or private grant conditions. Questions to consider include:
 - a. Is ACHD allowed to engage in this policy? Do regulations or funding sources prohibit ACHD from engaging in this policy?
 - b. Does ACHD have the capacity to engage in this policy based upon staff and funding available?



Procedures & Guidance:

Following are definitions to guide ACHD engagement in public health policy/lobbying:

Following are the forms of engagement in public policy and the required approvals. ACHD Public Health Policy and Public Affairs Sr. Advisor will coordinate tracking of public health policy at local and state levels with partner organizations and will look to partner organizations to track federal policy. ACHD staff will first review the public health policy in relation to criteria. ACHD will provide monthly Public Health Policy updates to the Board of Health. ACHD Executive Director is responsible for determining how to engage other Adams County Departments.

Type of Policy Engagement Activity	Approval Levels			Comments/References
	Local Level	State Level	Federal Level	
Serve as model through organizational policy (Education)	No Approval Required	No Approval Required	No Approval Required	Public health can implement and evaluate organizational policies to serve as a model for future.
Sponsorships of events focused on policy education (Education)	Follow standard approval for sponsorships	Follow standard sponsorship policy approval processes	Follow standard sponsorship policy approval processes	Differentiate between education and lobbying.
Strategic Funding to support community-based organizations' engagement in public education on policy (Education)	Follow standard approval for funding and contracts.	Follow standard approval for funding and contracts.	Follow standard approval for funding and contracts.	Contract development and monitoring to assure intent of funding is met and not exceeded.
Participate In/Develop Coalitions (Education)	No Approval Required	No Approval Required	No Approval Required	Strategy to understand policy landscape and inform additional actions.
Engage Media in Public Health Issues (Education and Lobbying)	Executive Director approval. Communications Engaged.	Executive Director approval. Communications Engaged.	Executive Director approval. Communications Engaged.	Important to differentiate between education and lobbying.
Engage Decision-Makers in Dialogue about Evidence-based public health policy (Education and Lobbying)	Appropriate Division Director Approval	Executive Director approval.	Executive Director approval.	Important to differentiate between education and lobbying.
Provide public health analysis to inform impact of public health policy (Education and Lobbying)	No Approval Required	Executive Director approval.	Executive Director approval.	Important to differentiate between education and lobbying.
Provide expert testimony (Education and Lobbying)	Appropriate Division Director Approval	Executive Director approval.	Executive Director approval.	Important to differentiate between education and lobbying.
Inform Development of Rules and Regulations (Education and Lobbying)	Appropriate Division Director Approval	Executive Director Approval Required	Executive Director Approval Required	This is considered lobbying at the state level.
Develop policy	Executive Director approval. BOH approval	Executive Director approval. BOH approval	Executive Director approval. BOH approval	
Engage in Ballot Measure Election Activity	Not permitted during time paid by ACHD	Not permitted during time paid by ACHD	Not permitted during time paid by ACHD	Colorado Fair Campaign Practices Act ¹ prohibits
Engage in Candidate Election Activity	Not permitted during time paid by ACHD	Not permitted during time paid by ACHD	Not permitted during time paid by ACHD	Colorado Fair Campaign Practices Act prohibits



Quick Reference Guide:

Lobbying - Lobbying means communicating, or urging the public to communicate, with members of Congress, the state legislature or employees of the legislative council, local city councils or their staff, for the purpose of proposing, supporting, or opposing legislation. Legislation includes acts, bills, resolutions, ballot initiatives (starting when circulated for signature), referenda, constitutional amendments or similar items.ⁱⁱ

At the state level, in addition to state legislators, lobbying includes communications with the governor, lieutenant governor, or legislative councilⁱⁱⁱ regarding the drafting, introduction, sponsorship, consideration, debate, amendment, passage, defeat, approval, or veto of any bill, resolution, amendment, nomination, appointment, or report, whether or not in writing, pending or proposed for consideration by the legislature, and whether or not the legislature is in session.^{iv} Communicating with a member of a state rule-making board or commission or a rule-making official of a state agency regarding a standard or rate, or the drafting, consideration, amendment, adoption, or defeat of any rule, standard, or rate of any state agency having rule-making authority^v, also constitutes state lobbying.

What does not constitute lobbying?

Non-partisan study, analysis or research, discussion of broad social issues, and educational activities related to public policy, such as conducting educational meetings, preparing and distributing educational materials, or considering public policy issues in an educational manner are not considered lobbying.^{vi} Communications required by a statute, rule, regulation or order also are not considered lobbying.^{vii}

“Lobbying,” under Colorado’s Sunshine law, also “excludes persons who are not otherwise registered as lobbyists and who limit their activities to appearances to give testimony or provide information to committees of the general assembly or at public hearings of state agencies or who give testimony or provide information at the request of public officials or employees and who clearly identify themselves and the interest for whom they are testifying or providing information.”^{viii}

At the federal level, legislation does not include actions by executive, judicial, or administrative bodies^{ix}, so submitting formal comments on regulations proposed in the *Federal Register* isn’t lobbying.

Federal, state or private foundation contracts also may restrict or prohibit lobbying. Check with your supervisor to determine if federal, state or private foundation funds support your work. **Federal funds** may not be used for direct or grass roots lobbying, however, federal grantees may work directly on policy-related matters across their equivalent branches of state or local government.^x A National Institutes of Health (NIH) overview with examples of restricted and permissible activities for local government with federal funds is here:

https://grants.nih.gov/policy/lobbying_guidance.htm



References:

ⁱ Colorado Revised Statutes (C.R.S.) §1-45-101 et. seq. , see especially §1-45-117, annotated

ⁱ Colorado Revised Statutes (C.R.S.) §1-45-101 et. seq. , see especially §1-45-117, annotated

ⁱⁱ Internal Revenue Service (IRS) web page on Lobbying for Charities and Non-Profits 501 (c)(3) organizations provides a general definition of lobbying as “attempting to influence legislation” and an overview of when lobbying activity may put 501 (c)(3) organizations’ tax exempt status at risk, but note that TCHD is not a 501 (c)(3) organization. Web page accessed 2-16-18 at: <https://www.irs.gov/charities-non-profits/lobbying> - *Page Last Reviewed or Updated: 03-Jan-2018*

See also:

26 CFR § 56.4911-2 “Lobbying expenditures, direct lobbying communications, and grass roots lobbying communications.” for definitions at: <https://www.law.cornell.edu/cfr/text/26/56.4911-2>

45 CFR § 1612.4 “Grassroots lobbying.” at: <https://www.law.cornell.edu/cfr/text/45/1612.4?qt-ecfrmaster=1#qt-ecfrmaster>

ⁱⁱⁱ Colorado Revised Statutes (C.R.S.) §24-6-301 (1.7) Definition of “Covered official”

^{iv} Colorado Revised Statutes (C.R.S.) §24-6-301 (3.5) (a) (I) (A) & (B) Definition of “Lobbying” in legislature

^v Colorado Revised Statutes (C.R.S.) §24-6-301 (3.5) (a) (IV) Definition of “Lobbying” a state agency with rule-making authority

^{vi} Internal Revenue Service (IRS) web page on Lobbying for Charities and Non-Profits 501 (c)(3) organizations provides a general definition of lobbying as “attempting to influence legislation” and an overview of when lobbying activity may put 501 (c)(3) organizations’ tax exempt status at risk, but note that TCHD is not a 501 (c)(3) organization. Web page accessed 2-16-18 at: <https://www.irs.gov/charities-non-profits/lobbying> - *Page Last Reviewed or Updated: 03-Jan-2018*

See also:

26 CFR § 56.4911-2 “Lobbying expenditures, direct lobbying communications, and grass roots lobbying communications.” for definitions at: <https://www.law.cornell.edu/cfr/text/26/56.4911-2>

45 CFR § 1612.4 “Grassroots lobbying.” at: <https://www.law.cornell.edu/cfr/text/45/1612.4?qt-ecfrmaster=1#qt-ecfrmaster>

^{vii} Colorado Revised Statutes (C.R.S.) §24-6-301 (3.5) (c) “Lobbying” exclusion for legally required communications

^{viii} Colorado Revised Statutes (C.R.S.) §24-6-301 (3.5) (d) (III) (B) Legislative declaration re: Colorado Sunshine Act of 1972

^{ix} IRS web page, *Supra*.

^x National Institutes of Health (NIH) web page “Lobbying Guidance for Grantee Activities” including “Examples of Legally Allowable and Restricted Activities: *State and Local Government Grantees*.” Web page accessed 2-28-18 at: https://grants.nih.gov/policy/lobbying_guidance.htm#statelocal - *Page Last Updated: March 14, 2016*