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02/10/2011 02:07 PM

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Subject RE: Ames City Council

Mayor Campbell, Mr. Schainker, and Chief Petersen--

The Department of Inspections and Appeals respectfully requests the opportunity to present information to the City Council about the State of Iowa Food Inspection program and how the City of Ames might be integrated into the State program. Understanding the tight timeline, we would appreciate the opportunity at the Council's earliest convenience. Below is a brief description of the proposed discussion.

The Director of the Department of Inspections and Appeals may contract with a local public health agency to conduct food inspections. Since 1979, the State has contracted with the City of Ames to conduct the inspections within the City. The City has provided a high quality program throughout this time. Earlier this month, the Council began discussions on whether to continue the program on a City level. The Department's food inspection program has changed significantly as many local health departments have relinquished the responsibility. The City of Ames is a geographic island in central Iowa that is not served by the State's program. Story County, except Ames, Polk, Dallas, Jasper, Warren Boone, Marshall, Webster, Hamilton, and Hardin and a total of 38 counties are currently served by the State inspection program. Over one-third of the Iowa's establishments are served by the State inspection program. Furthermore, two of the state's inspectors reside within Ames and a third lives elsewhere within Story County. Eight inspectors are located within one hour of Ames. The State has the resources to provide excellent services to the City without requiring its citizens to incur any additional tax burden. With the retirement of the City Sanitarian, the State respectfully proposes that the State resume the food inspection responsibilities in the City of Ames.

Thank you in advance for your consideration.

Steven Mandernach
Bureau Chief for Food and Consumer Safety
Iowa Department of Inspections and Appeals

Staff Report

HEALTH AND SANITATION INSPECTIONS

February 22, 2011

Over the years the City staff has voiced frustration with the fact that the City has assisted the State government, the Department of Inspections and Appeals (DIA), by contracting with them to assume food service inspections within the City limits while at the same time being limited by the State from increasing our fees to cover our inspection costs for this service. As a result, this program is subsidized with more than \$80,000 in local property tax revenue. While we strongly believe that our local inspections program provides a superior service level than can be provided by State inspectors, we remain concerned with the local tax subsidy for this service.

With the pending retirement of our City Sanitarian, the subsidy level for this service will be reduced to approximately \$63,000 in FY 2011-12. During its recent budget deliberations, the City Council appropriated sufficient funds to continue the City's participation in this program, but requested that food service providers be surveyed to determine their preference for local or State inspections before a final decision is made to replace the City Sanitarian.

Interestingly, on February 10, 2011 the City received the attached email from Steven Mandernach from the Iowa Department of Inspections and Appeals requesting that the State resume the food inspection responsibilities in the City of Ames. He maintains that since two of his inspectors currently live in Ames and eight others live within one hour of Ames, the State can provide excellent service to the City.

LEGAL REQUIREMENTS

The purpose of Iowa Code Chapter 137F (the Iowa Food Code) is to "safeguard the public health and provide to consumers, food that is safe, unadulterated and honestly prepared." The Iowa Food Code is based on scientifically developed factors focusing on public health and the prevention of food-borne illness. The Food and Consumer Safety Bureau of the Iowa Department of Inspections and Appeals (DIA) is authorized to administer and enforce a statewide food safety program. Over the last several years, the DIA has developed a joint state and local inspection program and entered into contracts with cities and counties to perform food inspections for approximately 80 percent of the state. That is now at a current level of 66 percent.

CITY SANITARIAN POSITION

The City Sanitarian position was established in the 1950's to address local public health concerns. For many years it was a part-time position working for the City. Since January 1, 1979, the City of Ames has chosen to employ its own full-time professional Sanitarian rather than utilize state inspectors for food inspections. Though more costly, this method has proven very beneficial and advantageous to Ames. As the City has grown over the few last decades, many new eating, drinking, and hotel/motel establishments have opened. The City Sanitarian is able to remain current and completely up-to-date with the inspections of more than 300 licensed facilities, including semi-annual inspections of food service locations, and annual inspections of

motels, hotels, and vending operations. In 2009, the City expanded its role to include food service establishments that are convenience stores and groceries.

In addition to the food establishment inspections, the Sanitarian position leads the City's mosquito control program. The City code also calls for the inspections of all garbage trucks conducting pickup within the City limits. This reduces the chance for leakage of contents and the spread of hazardous materials, including biological contamination. The Sanitarian performs these inspections. Neither of these duties would be performed by state restaurant inspectors.

SERVICE LEVELS

For 29 years, our local Sanitarian, Kevin Anderson, has maintained the level of inspections frequency required by our state contract in accordance with 2005 Food Code, Sec 8-104.10(A):

“Except as specified in ¶¶ (B) and (C) of this section, the REGULATORY AUTHORITY shall inspect a FOOD ESTABLISHMENT at least once every 6 months.”

Our contract with the State allows us to terminate this inspection obligation after a 60 day notification. In fact, several contract holders in the state have done just that. The largest was in 2005 when Polk County returned their contract to the state. The County of Cerro Gordo had conducted inspections for fourteen counties in northern Iowa. In 2010, Cerro Gordo County returned their contract for the 14 counties, but retained the contract for Cerro Gordo County itself.

Recent communications from the DIA indicate they will move to 1 inspection every 18 months. According to an email from the Iowa Environmental Health Association dated January 31, 2011, “DIA’s inspection frequency is once every 18 months on average due to lack of funding.” It appears from the data reflected in Appendix A that inspections by the DIA are performed less frequently than by our local City Sanitarian.

BENEFITS OF CITY INSPECTORS

Beyond the frequency of inspections, there are benefits to retaining local control of the food inspections program. These include the following:

- **Quality of Customer Service**

By having a local City Sanitarian, every attempt is made to ensure that all establishments and their owners/managers receive the highest level of service. Though Ames receives very few food related complaints, all complaints are responded to at the earliest time possible. Likewise, our local City Sanitarian is able to respond quickly to inquiries from local citizens about food vending, opening new restaurants, and food safety. By issuing all licenses locally, it allows for a maximum of a one week turnaround after applications are received.

- **Minimized Business Interruption**

In the event that a local business experiences a significant fire, flood, or other catastrophe, the City Sanitarian is able to respond immediately. This helps ensure that food sanitation and customer safety are never compromised, while working to help the establishments return to running order as quickly as possible.

- **Enhanced Working Relationships**

By working closely together with other inspectors in the inspections Division, as well as with other departments, the City Sanitarian helps customers experience a level of “one stop shopping.”

- **Enhanced Follow-Up Inspections**

It appears that the State allows for a mail-in verification that violations were corrected. By always providing on-site physical follow-up inspections, the City’s Sanitarian ensures that adequate corrective actions were taken and helps eliminate potential for error.

- **Response To Temporary Events**

In Ames we have many special events of smaller size, such as the Bandshell Concerts, Tune in to Main Street, and Ames on the Half Shell. These events are all held weekly in the summer months and consistently draw crowds over 100 people. In addition, there are other special events where only one or two caterers feed anywhere from a small to a large number of participants. With our local inspections program, we inspect these vendors. Under the State’s program, many of these cases would not warrant a food safety inspection.

ALTERNATIVES

-Notify the DIA that the City does not wish to relinquish its contract and desires to continue with a locally controlled food establishment inspections program. Continue to subsidize the existing food establishment inspections program as is included in the approved City budget..

-Approve the request from DIA to terminate the contract between the State and the City effective June 30, 2011. This action will save an estimated \$63,066 in general fund subsidy, but will result in a lower local service level.

-Delay making a final decision on the future of this program until the food service providers in Ames have an opportunity to provide the City Council with their opinions regarding local versus State inspection.

CITY MANAGER’S RECOMMENDATION

The issues before the City Council regarding this program seem clear – cost versus service level. It is recommended that no final action be taken by the City Council until the food service providers have had an opportunity to comment on this issue. At Council’s request, that input is being solicited with the assistance of the Chamber of Commerce.