



UTAH COUNTY BOARD OF HEALTH

151 SOUTH UNIVERSITY AVENUE
PROVO, UTAH 84601

MINUTES

March 23, 2009

Members Present:

Name	
Erin Maughan	✓
Clyde Nielsen	✓
Doris Baker	excused
Dennis Hess	✓
Saundra M. Huff	✓
Chris Sorensen	excused

Name	
Viola Ramos	✓
Jerry C. Washburn, Mayor	excused
Gary Anderson, Commissioner	excused
Joseph K. Miner	✓
Ralph L. Clegg	✓

Others present: Utah County Health Department - Ralph Clegg, Dr. Amadio, Lynn Flinders, Ron Tobler, Eric Edwards, Dave Johnson, Paul Wake - Utah County Attorney, Ott Dameron - Lindon City, Brian Anderson - Water Design, Brent Tippets - VCBO, Dan Seded - Lindon City, Jess Wertz, Cathy Smits - Provo City, Derric Rykert - AF City, Jay Dee Nielsen - Pleasant Grove City, Kim Cooper - Lehi City, Dan Harrison - Lehi City, Brent Larson - AF City, Dallas Wall - Coward Water, Joseph Based - AF City

- Welcome - Dr. Hess, Vice Chair, welcomed all present to the meeting.
- Approval of Minutes - January 26, 2009

MOTION: Saundra Huff made the motion to approve the minutes, which was seconded by Erin Maughan and passed by unanimous vote.

- Public Hearing for a Revised Proposed Amendment to the Health Department Pool Regulations

Dr. Hess opened the public hearing on this proposed pool regulation.

Dr. Miner explained that the State Health Department is in the process of adopting the essential parts of the Federal Virginia Graham Baker Act for a revised State Pool Rule. Our proposed regulation amendment discussed today adopts the State pool rule by reference, so

basically anything that is adopted in the State Pool Rule is our regulation. Rather than repeat what the State is already going to adopt, we recommend the part of our regulation that addresses the Virginia Graham Baker Act be deleted. Anyone interested in discussing the Virginia Graham Baker Act may do so at the State Pool Rule Public Hearing in the near future.

Dr. Miner explained that there are some other provisions in the county's regulation which address the "interactive pool water features" which won't be addressed in the State Pool Rule. Also the State Pool Rule doesn't discuss fees, but State law authorizes local health departments to charge reasonable fees. This proposed regulation clarifies that fees will be charged.

Terry Beebe said that the Virginia Graham Baker Act and the requirements came as a surprise to lot of people. We have been taking steps to protect against possible body entrapment. The act added items that we hadn't taken into consideration. This act is already in effect on a federal level, so anyone not in compliance with the Virginia Graham Baker Act is already in violation of federal law. The proposed wording in the county's draft regulation covering this act is identical to what the State is putting in their State Pool Rule. Therefore, all of part three of our regulation regarding the Virginia Graham Baker Act should be deleted from our draft copy.

4. Public Comments

- a) Derric Rykert with American Fork City asked where to go for more information. He was advised to attend the State's Public Hearing to give comment. Copies of the draft were handed out.
- b) The question was asked why the change under section 4.0 (interactive water features) was not going to be included in the State Pool Rule. Jason Garrett explained that there are plans to include this in a more future revision of the rule, but it won't be ready until 2-3 years down the road. The County is doing their own because more and more interactive water features are showing up, and we need some regulations pool operators can use now.
- c) JayDee Nelson with Pleasant Grove Recreation contacted the State today and discovered more concerns that they weren't aware of, but should be. He will direct his concerns to them. Dr. Miner explained that the biggest concern is the timetable pool owners will be given to bring things into compliance. Mr. Nelson said that information is coming down faster than the cities can process it, especially in light of budgets. The largest bottleneck is contractors dealing with frequent changes, or not being able to get the products required for compliance. He said that pool owners appreciate the Health Department's efforts to keep the pools clean and safe.
- d) Viola Ramos asked what kinds of extensions the State would allow for their rule. Mr. Garrett explained that once the State adopts the rules, the State won't have the power to give extensions. Every pool in the county will have to comply.
- e) The question was asked if interactive water features would be grandfathered. Mr. Beebe said they would be handled on a case by case basis and that there would probably not be slope issues. Paul Wake said variance issues would be taken into account.

- f) Dan Seded from Lindon City said they were building a new facility. He questioned skimmers, which aren't addressed in the draft. Mr. Garrett explained that in the initial legislation for the Virginia Graham Baker Act, it was indicated that skimmers would be exempt. However, on December 15, Consumer Product Safety who's in charge of administering the law, said skimmers were not exempt. Also pools with equalizer lines are not exempt. The State rule will address this issue. Utah County Environmental Health has not addressed it, but the State rule will.
- g) Mr. Beebe said that our staff inspectors will be checking to see that the State rule is being followed. He also explained that letters were sent to every pool owner in December. He was not in favor of pushing the date back to 2010 because people will procrastinate even longer. Delays are a disservice to the public.
- h) Roger Thomas with Provo City Parks & Recreation expressed concern over the time frame.
- i) Dan Harrison, City Recreation Director said they hired a company last spring to try to get compliant with the Virginia Graham Baker Act, but they are no longer in business, leaving them still non-compliant. He said that if the work can't get done, it won't matter when the deadline is. He asked a deadline extension to allow owners time to get the work done.
- j) Roger Thomas, Director of Provo City Parks & Recreation expressed concern over potential closures for the summer. He felt that the June 1 deadline was not realistic. In order for the pools to end their seasons and to get contractors lined up, he was in favor of extending the deadline to Memorial Day of 2010 for outdoor pools and December 2010 for indoor pools. Dr. Miner said that the staff would forward to the State the recommendation to wait until after Labor Day.
- k) Dallas Wall, an Engineer who inspects drains, said there are plenty of engineers who can perform the work if they get trained. When the law was passed in December, his company sent out letters to every pool in Utah County. No one scheduled appointments until March. Pushing the date back puts the public and pool owners at risk.
- l) Dr. John Amadio said the State doesn't have the resources to enforce for the entire state, so they depend on local health departments. The difficulty with the continuous delay is that if someone decides that you are not in compliance, they can complain to the Feds and they can come down on you under their federal regulations based on the complaint, so you have a liability. If someone does get stuck on your drain, you can be sued for knowing and not doing anything. The key is for pool owners to make a good faith effort to lessen their liability. If you're not in compliance now, you are breaking the law already.
- m) Mr. Beebe said that in Utah County 1/3 of the pools are indoor, and 2/3 are outdoor.

MOTION: Seeing no further comments, Mr. Nielsen made a motion to close the Public Hearing, which was seconded by Sandra Huff and passed by unanimous vote.

Dr. Miner explained that this regulation would adopt the existing and new State rule by reference. He explained our revised regulation will not need to go to a new Public Hearing because there are no substantive changes. The Board thanked the public for their comments.

MOTION: Dr. Hess asked for a motion and Clyde Nielsen made the motion to adopt the draft of the revised proposed amendment, with "furthers the purposes of the Federal Government's Virginia Graham Baker Pool and Safety Spa Act by establishing anti-entrapment

requirements that can be enforced by the Utah County Health Department” deleted from 1-0 “the purpose.” Section 4 will be re-numbered as 3, and Section 5 will be re-numbered as 4. The motion was seconded by Ms. Huff and passed by majority vote.

5. Consider adopting a revised fee schedule for tanning businesses

The board adopted fees in the past, and some revised fees last September. The staff discovered that some of the tanning businesses have many tanning beds. We had a fee for every bed, which ended up being a very large fee compared to what the costs would be for inspections. The proposal from Terry Beebe is to revise the fee down for facilities that have many tanning beds. Mr. Beebe explained that the Board adopted a \$90 fee for one bed, and another \$25 fee per each additional bed. We also found that some salons have up to 30 beds. Terry checked with Salt Lake Valley to see what they were charging, which is \$100 base fee for one bed and \$5 per each additional bed, which is what we would like to recommend.

MOTION: Ms. Huff made the motion to revise the fee to charge tanning businesses \$100 base fee which includes one bed, and \$5 for each additional bed, which was seconded by Erin Maughan and passed by unanimous vote.

6. Consider adopting a seasonal fee for temporary food stands

Dr. Miner explained that some businesses have temporary food stands at every celebration and every fair. They have to come in and review with us every time and pay a \$25 fee. Ron Tobler, Manager of Food Programs, proposed that as long as the stand, menu, etc. don't change from one site to the next, that we are proposing to charge \$25 for the office fee and \$10 per event for per season. If the vendor changes or adds to the menu, they would have to come to the Health Department for a review and pay the \$25 office fee. The Health Department would do an inspection every other event, which would reduce workload. This would only affect those doing the same menu again over and over again at many events. Compliance has been very good, but there are still some problems with appropriate glove use. Dr. Miner said that the Health Department had already done a seasonal fee for temporary food stands that are in the same location - like every weekend at the ballpark for the little league ball game. The difference here is that stands are taken to different events rather than at one site all the time.

MOTION: Ms. Huff made the motion to adopt the \$25 initial event fee and \$10 for each additional event for temporary food stands, which was seconded Mr. Nielsen by and passed by unanimous vote.

7. Expenditure and Revenue Analysis by Program 2008

Dr. Miner explained that Ralph Clegg creates the report, creating a snapshot of all the different programs at the Health Department, what the expenses are with the programs and how they are paid for, whether it be fees, contracts, fund balance, etc. The report was mailed out to the Board. The analysis gives suggestions of issues we need to look at. This year, we need to look at waste water and adjust the fees this year. The Health Department will make recommendations to the Board for changes that need to be made in September. Dr. Maughan asked about the revenue that comes from fees, and Mr. Clegg said it's a fee for service for contracts.

8. 2009 Legislature Summary

- a) Dr. Miner discussed the final bill watch which is emailed to the Board regularly. Senate Bill 21 was discussed at the last meeting which was Senator Stowell's bill to require the State Health Department to involve local health departments in writing and determining the fair distribution of funds from the grants they apply for. Dr. Miner said the bill did pass, which is a positive thing for the local health departments because they have to include local health departments in how they prepare those grants, and how they decide how they will be shared with local health departments who are doing a lot of the work for those grants.
- b) Senate Bill 82 requires the local county commissioners to set a mill levy for local health departments before they are allowed to have it come out of their general fund, much like what is done with special service districts. The bill passed the senate, but ran out of time in the house and failed.
- c) Senate Bill 114 failed. The tobacco industry lobbies heavily against this tobacco tax increase, and they have influential lobbyists who are very well-funded by the tobacco industry. The State of Utah is in the top third in the nation in alcohol taxes, but in the lower third in the nation for tobacco taxes. This can be tied entirely to lobbying.

9. National Public Health Week

Dr. Miner explained that National Public Health Week is scheduled for April 6 - 12. The Health Department will recognize two Friends of Public Health. They are the two solid waste districts and their managers, who have funded at a \$60,000 expense each year, a collection of household hazardous waste on collection day. Stephanie Raleigh from BYU said they will have an event on the campus promoting Public Health Awareness Week.

10. New employees - Dr. Miner reviewed the list of new employees with the Board.

All except one are part time temporary employees and are mainly on call. In Substance Abuse, many are aides to help enforce the restrictions on alcohol sales to under-age buyers. Stephanie is coordinating the Academic Health Department relationship with BYU and UVU with the Health Department and community agencies. Nursing has a halftime Outreach Visiting Aid, which is funded by a contract from the State of Utah. Health Promotion has a part time temporary Office Specialist in the tobacco program. WIC has a Peer Counselor and Office Specialist. Substance Abuse has some aids and Office Specialists.

11. Other Business

Erin Maughan said she was contacted by the steering committee from the Association of Local Boards of Health, asking her to serve. Dr. Miner explained that anyone on the Board is welcome to sit on the steering committee. Dr. Maughan agreed to sit on the steering committee. Anyone else interested in serving can contact Dr. Miner.

MOTION: Mr. Nielsen made the motion for Erin Maughan to serve on the Steering Committee for the Association of Local Boards of Health, which was seconded by Ms. Huff and passed by unanimous vote.

Mr. Clegg said that the Utah Public Health Association conference is coming up on May 18-20. Please contact Debbie Eyre if you are interested in attending. The Health Department will pay your registration at the annual meeting in Midway and will pay your membership in the Utah Public Health Association. This is a very informative meeting.

Mr. Nielsen expressed interest in substance abuse. We have lost, and are continuing to lose, a lot of funding from the legislature. He asked what the county had lost, and Mr. Clegg indicated that he had not heard from Richard Nance, Director of Substance Abuse, what the final outcome from the legislature was. Richard Nance will give a report at the next Board of Health meeting.

12. Next meeting - Monday, May 18, 2009 at 4 p.m.

Meeting adjourned at 5:30 p.m.

Joseph K. Miner, M.D.
Executive Director
Utah County Health Department

Mayor Jerry Washburn, Chair
Utah County Board of Health