



# UTAH COUNTY BOARD OF HEALTH

151 SOUTH UNIVERSITY AVENUE  
 PROVO, UTAH 84601

## MINUTES September 27, 2021

Members Present:			
Jeff Acerson, Chair	X	Ryan Schooley	X
Ann Anderson, Vice-chair	phone	Shane Farnsworth	X
Gaye Ray	X	Carl Hanson	X
Mark Donaldson	excused	Amelia Powers Gardner	phone
Jordan Singleton	excused		

**Others present:**

Eric Edwards, MPA, MCHES    UCHD Executive Director  
 Julie Dey                            UCHD Secretary  
 Number of people in attendance 14

1. Welcome by Jeff Acerson
2. Approval of the minutes from July 26, 2021  
**MOTION:** Ryan Schooley made the motion to approve the minutes from July 26, 2021, as written which was seconded by Carl Hanson and passed by unanimous vote.
3. Review and adopt the Health Department’s 2022 Fee Schedule  
 Eric Edwards, UCHD Executive Director, reviewed the 2022 fee schedule. Jason Garrett, UCHD Environmental Health Director, provided additional information to the board.  
**MOTION:** Gaye Ray made the motion to approve the 2022 Fee Schedule which was seconded by Shane Farnsworth and passed by unanimous vote.
4. Review of the Minimum Performance Standards and compliance certification  
 Eric Edwards reviewed minimum performance standards, and reviewed the 2020 Health Department budget with the board.

**MOTION:** Gaye Ray made the motion to approve the Minimum Performance Standards and Compliance Certification for 2020 which was seconded by Ryan Schooley and passed unanimously.

**MOTION:** Carl Hanson made the motion to ratify Utah County Health Department's 2020 budget which was seconded by Gaye Ray and passed unanimously.

5. 2020 Annual Report

Eric reviewed the 2020 Annual Report with the board.

6. Utah County Fit Premises by Steven Downs, Deputy City Manager, Orem City

Steven Downs reported, "We have identified a need in Orem's community as the Utah Fit Premises Act – Chapter 22 of Utah Code. The code regulates the conditions that rental properties are to be kept in for tenants. The code allows local ordinances and the local health board to enforce what is written in the code, which is a minimum standard for rental properties to be kept. It speaks to the absolute essentials of running heat, running hot water, sanitary conditions, mold type conditions. Given the housing crunch we are in, we are finding, as we work with many of these tenants there are problems. "

"Where and who has jurisdiction to take care of this? As we read the code, it becomes clear that this would be a partnership and something we need to collaborate on to determine exactly how and what we enforce. We are looking for an opportunity to do something about the conditions that are unacceptable for tenants."

"We believe, we can at least do something, and that we can put something in place to address the worst-case scenarios. What we (Orem City) want is an opportunity to collaboratively work together to figure out what we can do now."

"As we heard (during the Item # 3 on the agenda of Environmental Health), staffing is a challenge. We recognize that the next 'right' step isn't a full fledged program that just tackles this completely, but could the next 'right' step be something for the most egregious of landlords, that we (Orem City & Health Department) have the opportunity to offer some protections to renters who are in a very vulnerable spot."

"We would like to get together with the Health Department and Provo City to talk about what the next 'right' step is. Maybe we work toward something that is bigger, or maybe we don't. We believe the County Health Department is the one that drives the ordinance that could be enforced."

Ben Van Noy, Utah County Attorney, commented on the legal authority. "The Health Department (Board of Health) does have the authority to create an ordinance so long as it concerns public health. That is where a collaboration with individual cities would be necessary. If there is something that is strictly more housing related such as standing water or wastewater that is leaking or a place that has rats or vermin, that would be more of a health issue (lights that are

broken or pipes are breaking, that would be more of a city thing). We would need to collaborate to have housing and health together. This is Title 57 Chapter 22 brings this together. There are nuisance codes in the county code, where if there is a public health issue that can be reported, and we treat it as a public health nuisance, there is a current avenue to address individual public health concerns (maybe not specific to renters and landlords) so that could be an area where we could step in and explore those options with logistics of resources, contracts, fees and other things.”

Gaye Ray asked Ben to review Title 57 Chapter 22 and present to the board some options and explain what is already there and what can be done with what is already in place. Gaye said she would be interested in what exists already and how that can be addressed already and what our options to move forward are.

Ryan Schooley commented, “This is probably an issue with other cities and asked if we need collaboration with other cities (besides Orem and Provo). Does the city’s authority end at public health?”

Ben answered, “There is not one-size fits all, but to do 13 different ordinances with other cities is more impracticable. Some of the issues are less than a public health concerns and are city issues, but if it regards health and public health concerns, then ‘yes,’ the county health department has jurisdiction. A city cannot enact a public health law, that is the job of the county health department. That being said, a county or city ordinance “may enforce local ordinances.” It is a funding thing. If cities can help fund, then the health department can help enforce local ordinances that are drafted concerning public health.”

Jeff Acerson said, “With cities it is more of a public safety issue and the county is more of a health issue. What I would like to see, is that it would be better to be proactive and articulate the minimum standards of what a rental property should be and then draft a letter encouraging renters to be aware of the minimum standards and the program would be complaint driven.”

Ben said, “If the city were to enact an ordinance that requires leases to include the minimum standards in the lease agreements, that is something that can be done on the city side that landlords need to provide the minimum standards.”

Jason Garrett, UCHD Environmental Health Division Director, said, “This is going to be a very difficult thing to even dip your toe in the water. We receive an onslaught of complaints all the time. We know the issues are out there. It is a resource and ‘political will’ thing that we are up against to do this. Currently if it is outside a home causing a nuisance, we have some steps we (health department) can take, or if you have lost water connections or if it is a drug related house, those are things the health department has in place. The health department cannot go into a residence on their own accord. Unless we are invited in or there is another legal method, we cannot go in the doors. If we were to do something, we would have to be committed to have the resources because we cannot dabble in this.”

Tyler Plewe, UCHD Deputy Director, summed things up by saying, “I think as far as the Board of Health goes, most likely everyone is in agreement that this is a health issue, and something needs to be done. I think also we need to not operate in a vacuum with the restraints that we have as resources, we have to include our county commissioners on this because this is a resource issue. We can’t turn a blind eye to both. We don’t want the blinders over the health issue, and we don’t want to put the blinders over the resource issue. These two things work together. Are we going to tie some type of a fine to this or is the resource going to be tax based because it is a community issue? There has to be some type of buy-in or something from the commission and I don’t know if we take that and meet in a couple of months and we take a proposal to the commission, but there has to be support from the commission in order for the health department to do something. It will take funds that the health department doesn’t have right now.”

Steve Downs concluded by, “We just need to start the conversation and then see where things go from there.”

## 7. COVID-19 Update

Curtis Jones, UCHD Epidemiology Bureau Director reported the COVID-19 numbers. The main difference between 2020 and 2021 is that there have been approximately 1,000 positive cases in elementary school children which has been a significant increase.

Overall case counts since we started keeping track back in March of 2020 are 117,305 cases and 491 total deaths in Utah County.

Dr. David Flinders, UCHD Medical Director, reported, “The COVID Delta variant is more highly contagious, and it seems to cause more severe disease. The other variable that is important is that we have better treatment now than we did a year ago. It is a combination of worse virus, more severe disease but at the same time, a little better treatment. This Delta virus is 8-10 times more contagious than the original virus. In the hospital, 95% of cases are those who have not been vaccinated. The deaths are nearly 100% unvaccinated patients. The big problem is the public, in general, tend to underestimate their risk of severe COVID disease and way over estimate the risk of the vaccine.”

**Public Comment** by Becky Buck. “Enforcing quarantine would encourage people to get vaccinated. Quarantines are not being enforced, so parents have absolutely no reason to go and test their kids. Last year, the motivation was, ‘you get a positive COVID test, and you are out of quarantine for 90 days.’ They did not want to have to keep repeating quarantining their kids each time there was an exposure, so they would go get the test even though they didn’t like to, they did it. This year, there is no personal motivation for parents to do that, so they are ignoring the notices and sending their kids anyway and not having them tested. I think if we enforced quarantine, not only would we see better testing happening and more quarantine happening which reduces kids exposing other kids. There would probably be an increase in vaccination as well because that is another out of having to quarantine.”

Becky Buck continued, "I wrote a letter to Director Edwards with others from an organization called 'Concerned Coalition.' We have attended some of the county commission meetings as early as August 11, 2021. We have a petition that we got over 704 signatures for the county commission. There are a lot of us that are concerned. I am concerned that our vaccination rates are just going to keep getting worse throughout the winter especially in the schools with those kids who can't be vaccinated because they are under 12 years old. Some schools in Utah have hit the numbers for 'test to stay.' Last year the thresholds were lower at 1% of the student population or 15 cases. This year they have to get 2% or 30 cases and there are a lot of parents who are not testing this year although they were last year. At the 'test to stay' events they have uncovered significant undetected spread in doing it. I have not been able to send my kids to school this year because I have a little boy who has asthma that is triggered by virus' sometimes, and I haven't felt good about having him vaccinated because he is too young. I know other people who have had to quit their jobs to stay home with their kids who are too young to be vaccinated because they don't feel safe sending them either. I know other people who have to send their kids (to school) because they rely on their income, and it is not an option for them to stay home and do on-line school with their kids. I am worried everyday of sending them into an environment where people aren't masking. Masking and social distancing are not happening in schools.

Shane Farnsworth commented from the Alpine School District, "We have seen our lowest numbers from the lowest numbers in our schools since September 3<sup>rd</sup>. We have dropped 27%. We are not seeing school spread."

#### 8. Employee Changes

Eric Edwards reviewed the employee changes with the board members. We continue to have open recruitment for nurses, health educators and for clinical assistants on an ongoing basis. This is an employee market and not an employer market. We have been fortunate to almost be reaching full staff in our divisions. Nursing is the division to employ nurses even at raised hiring rates. That is our biggest challenge right now.

#### 9. Other Business

- UALBOH Symposium has been cancelled due to COVID. It will be rescheduled for spring of next year.


#### 10. Microenterprise Home Kitchen Act discussion moved to November's meeting


**MOTION:** Ryan Schooley made the motion to adjourn which was seconded by Carl Hanson and passed by unanimous vote.

**Public Comment** by Julie Nance. Julie Nance commented on COVID 19 precautions and asking that the board put more of them in place and strengthen the one precaution we do have. As Becky Buck said, "Many parents are frustrated with the lack of precautions in schools. I know several parents who wanted to attend today's meeting but couldn't. We want universal masking.

We want test to play, test to stay. We want social distancing. We want options for hybrid learning. Those are all things that work well, and we had last year. We still desperately ask that the board works with Mr. Edwards and issue a mask requirement in schools. Masks are the least invasive and easiest precaution available, and it does a lot of good. In the absence of that or any other actions, test to stay is the only precaution we have left, so I ask that you please support that and set clear expectations to all parents. One thing I noticed both Alpine and Provo school districts have sent emails out about it. Provo mentioned that it was from the Health Department, but I noticed an interesting word difference between Alpine and Provo and I am not sure which way you wrote it. Alpine said that those who don't participate in testing **must stay home**. Provo just said, they will stay home. Provo said that communication was from the health department. I am not sure which of the wordings you used when you wrote it. I hope it was to emphasize "must." If parents can opt out and their students can still attend school, then that completely robs the power of the program to halt outbreaks. I encourage that you make sure the school districts and charter schools are giving out consistent messaging which emphasizes the law and your policy. Lt. Governor Henderson said, 'if a parent chooses not to let their child be tested, they are also choosing remote learning for their child during that test to stay quarantine period if we hit that. I ask that you please do everything you can to set clear expectations so the program can be as effective as possible.'

Eric Edwards commented, "The health department will have ongoing meetings with everyone involved to support the test to stay initiative. If we hit the threshold of 30 students or 2%, we will absolutely have already had meetings with the state and local school districts to implement that as needed to pull positive cases out of the schools and make sure they are isolating at home. I recognize the messaging is nuanced and you and other parents are facing issues right now, but we want to provide clear and consistent messaging and will continue to do so. We are working with the school districts and with our attorneys and our state attorneys to know what we can and can't do under the state statute. We will continue to meet and engage in discussions. Thanks to you and Becky and your coalition."

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