COMMISSIONERS' MINUTES – DAVIS COUNTY

WORK SESSION MEETING MINUTES
Tuesday, July 30, 2024

The Board of Davis County Commissioners met for a Work Session at 8:45 AM on Tuesday, July 30, 2024, in room 306 of the Davis County Administration Building, 61 South Main Street, Farmington, Utah. Required legal notice of this meeting was given.

All documents from this meeting are on file in the Davis County Clerk's Office. The agenda for this meeting is incorporated into the minutes as item headers.

DISCLAIMER
The meeting was an open dialogue. Critical points in the discussion have only been briefly summarized. The reader may refer to the audio recording and the publicly distributed materials for further clarification of the content. Timestamps have been noted in the minutes to aid in locating points of discussion in the audio record. The audio recording for this meeting is available based upon the County's current retention schedule.

ROLL CALL

Chair Bob J Stevenson
Vice Chair Randy B. Elliott
Commissioner Lorene Miner Kamalu
Chief Deputy Clerk Rebecca Abbott
County Auditor Curtis Koch
Chief Deputy Civil Attorney Neal Geddes
Human Resources and Risk Director Chris Bone
Health Director Brian Hatch
Division Director Environmental Health Jay Clark
Division Deputy Director Environmental Health Randy Olson
Commission Office Manager Shauna Brady
Deputy Clerk Becky Wright

OPENING
The meeting convened at 8:45 AM.

AGENDA ITEMS

1. #624/2024**. A Work Session to discussion the Davis County Health Department I/M Ordinance Variance and Fleet** — *presented by Brian Hatch, Director*

[Minute 00:57] Health Director Brian Hatch introduced the discussion by reminding those present that the Vehicle Emissions Inspection/Maintenance (I/M) Program is a County ordinance under the purview of the Commission. The ordinance is given to the Health Department to implement. He asked Commissioners to provide direction and next steps for the Health Department to follow after the I/M variance discussion.

[Minute 01:47] Jay Clark, Division Director for Environmental Health Services, used a slide presentation [see Attachment A] to provide background information regarding the requested I/M Variance. He started by highlighting important developments in vehicle emissions testing, including Davis County becoming the first program in the nation to start on-board diagnostics (OBD) testing. In 2023, Davis County updated its I/M program and changed to Opus as its vendor for emissions analyzers and the vehicle information database.

Jay said the new emissions analyzers, for OBD-only inspections on 1996 and newer gas vehicles, are much smaller than the older two-speed idle (TSI) analyzers. Because most testing in Davis County can now be done using the more compact equipment, Utah Mobile Emissions has asked the County to consider allowing emissions tests in a mobile format with appointments at a patron's home or business.

[Minute 05:22] Jay listed challenges to allowing mobile emissions testing, based on current County ordinance requirements:

- All inspections must be conducted in view of a designated lane camera.
- Pictures must be taken of emissions components and tampering.
- An internet connection is needed because all inspections must be uploaded to the State immediately to enable motorists to register their vehicle.
- The Department needs to be able to conduct station, inspector, and covert audits.
- The Department needs to be able to verify all inspections are completed within Davis County.

- One free re-inspection is required if a vehicle fails an emissions inspection.
- Permits are only valid for the person and location to which it is issued.

A series of slides provided to the Health Department by Utah Mobile Emissions owner Daniel Diehl illustrated his plans to meet all of the challenges. In addition to using the tablet-size analyzer for testing, Diehl would set an OPUS camera on a tripod to create a designated lane view. Cameras would be used to document visual inspections, including using a borescope camera to take photos under vehicles. A hotspot makes it possible to print reports on site. A tracker combined with geofencing will show where equipment has been used, and the geofence can be set at county lines. County inspectors can conduct covert audits and surprise inspections by scheduling appointments online.

[Minute 13:26] Jay said Diehl has been able to demonstrate he can meet all County requirements, except that a mobile service can't comply with the requirement that "permits are only valid for the person and location to which it is issued." It is for this reason that that County received an official request for variance for mobile emissions testing services.

It was noted that the Bear River Health Department tried mobile emissions testing for a year. It worked so they changed the requirements to allow it. Weber, Salt Lake, and Utah counties don't have tablet OBD testing equipment and therefore are not ready for mobile emissions testing. It was also noted that the Environmental Protection Agency (EPA) and Department of Environmental Quality (DEQ) have no rules that would be broken by allowing mobile emissions testing.

Commissioners were informed that Mobile emissions vendors cannot provide On The SPOT renewals at this time; that program is managed by the the State.

Concerning business licensing for mobile emissions testing, Director Hatch suggested that food truck licensing may be a good model. A question was asked about whether brick and mortar venders are concerned about mobile services taking customers; Jay said rather than pushing back, stations in Cache County have asked how they can expand to include mobile services.

[Minute 19:40] Health Department representatives recommended approving the variation to the "exact location" requirement and allowing a mobile emissions testing pilot program lasting up to three years. Three years will allow the County to see if the older two-speed idle testing requirement is going away, and allow time to evaluate additional vendors, before changing the ordinance. The draft variance was written to allow the pilot program to be shut down with a 30-day notice if it becomes a problem.

Questions were asked about costs of emission testing. In Davis County, pricing is set by the free market and runs between $30 and $60. The State does set an Air Pollution Control (APC) fee, and there is an emission fee set by ordinance and statute, that total $6.25 for the County to run the program. One concern raised about the mobile model is that it changes the playing field because mobile services don't have the same overhead as brick and mortar businesses; however, they meet the requirements and it's believed that the market is moving to the mobile model.

Director Hatch said he doesn't like variances, unless there's a real reason for them, because it's better to change the ordinance so everyone has the same rules. In this case, where so much change is occurring in the emissions program, a pilot is warranted to see if mobile works and to have time for planning based on data.
Human Resources and Risk Director Bone pointed out that people should be careful about setting up a long-term career based on a pilot program rather than waiting until the ordinance is changed. He also asked if other businesses would be allowed variances. Attorney Neal Geddes said if a brick and mortar business wants to participate in the pilot, there would be a separate variance for them.

[Minute 28:07] Moving forward, the Health Department's plan is to approach the Davis County Board of Health, to get their support for the ordinance variance, in mid-August. Commissioners will then be asked to approve and sign the draft agreement. Then the pilot program will begin and be evaluated.

Commissioners indicated the Health Department should proceed as planned.

[Minute 30:30] Discussion turned to the Health Department's vehicle needs. Director Hatch reminded Commissioners that, about a year ago, the Health Department budget included money for the purchase of vehicles. The purchase was put on hold while the County transitioned to a fleet. The Health Department fully vested in the fleet, and it is saving money because it allowed for eliminating employee vehicle stipends and decreased mileage reimbursements. However, more money is starting to be spent on mileage again because fleet vehicles are not readily available.

The department is in need of vehicles. It was noted there are up-front costs with a new fleet. The Health Department no longer has access to State and Local Fiscal Recovery Funds (SLFRF) money for purchasing vehicles under the fleet plan, so the fund balance needs to be worked out.

Another issue is that the Health Department's model is moving toward hybrid/electric vehicles, and neither are in the fleet being considered. The Prius vehicles purchased 12 years ago are paid for and saving money. The Health Department has 40 vehicles, and its fleet needs are a little different than the rest of the County's; half of its fleet are specialty vehicles, such as buses, that don't meet the fleet model.

Director Hatch said he is ready to move forward and would like direction on how to budget for the coming year.

Commissioner Stevenson said the policy is being rewritten. Auditor Koch said he is doing his best to carve out time to assist in making this happen.

MEETING ADJOURNED
The meeting was adjourned at 9:23 AM.

ATTACHMENTS
All publicly distributed materials associated with this meeting are noted as the following attachments:

A. Davis County Vehicle Emissions Inspection-Maintenance Program

Minutes Prepared by:

Becky R. Wright
Deputy Clerk

Brian McKenzie
Davis County Clerk

Minutes Approved on:

08/13/2024

Bob J Stevenson
Commission Chair

Davis County Vehicle Emissions Inspection/Maintenance (I/M) Program

DAVIS COUNTY COMMISSION – WORK SESSION

JULY 30, 2024

Davis COUNTY HEALTH DEPARTMENT

Vehicle Emissions Background

1980's – States required to develop state implementation plans (SIP) to attain National Ambient Air Quality Standards.

1983 – State Governments began implementing vehicle emissions inspection and maintenance (I/M) programs as part of the SIP.

- In Utah, this was passed onto the local governments to implement.

1984 – Davis and Salt Lake Counties began testing vehicles.

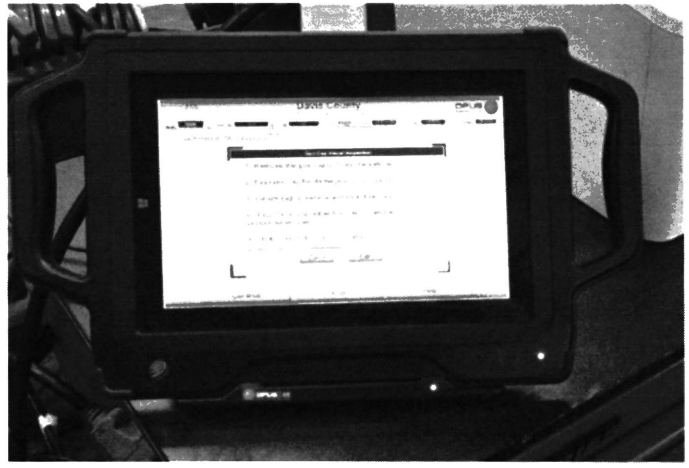
1997 – Davis County became the first program in the country to implement OBD (on-board diagnostics) testing on all 1996 and newer vehicles.

2023 – County ordinance was updated and Opus became new vendor for emissions analyzers and the vehicle information database for Davis County.

New Emissions Analyzers



Analyzer to conduct TSI and OBD inspections.



Analyzer for OBD-only inspections.

Utah Mobile Emissions

- The Davis County Health Department was approached by Utah Mobile Emissions about the possibility of conducting emissions inspections using a mobile business model, where the inspection would be scheduled at the requestor's home or another place of business, rather than requiring the customer to come to the I/M Station.

Challenges

- All inspections must be conducted in view of a designated lane camera.
- Pictures must be taken of emissions components and tampering.
- All inspections must be immediately uploaded by the State to enable motorist ability to register vehicle.
- The Department needs to be able to conduct station, inspector, and covert audits.
- The Department needs to be able to verify all inspections are completed within Davis County.
- One free re-inspection is required if a vehicle fails an emissions inspection.
- Permits are only valid for the person and location to which it is issued.



Utah Mobile Emissions

Owned and Operated by Daniel Diehl

Mock Mobile Emissions Test

Setting Up the Equipment

1. Bay Camera

   - Place in front or on side of the vehicle



Setting Up the Equipment

2. Check View of Bay Camera

- Ensure that entire vehicle can be viewed



Official OBDII Test

3. Proceed with OBDII Test

- Following instructions on tablet



Official OBDII Test

3. Proceed with OBDII Test

- Verify Vehicle Information



Official OBDII Test

3. Proceed with OBDII Test

- Taking pictures of License Plate, VIN and VECI Label



Official OBDII Test

4. Visual Inspection

- Using VECI label and approved emissions guides
- Verify all emission components for vehicle are present



Official OBDII Test

4. Visual Inspection

- For smaller vehicles we use a borescope to take pictures of components under the vehicle



Official OBDII Test

4. Visual Inspection

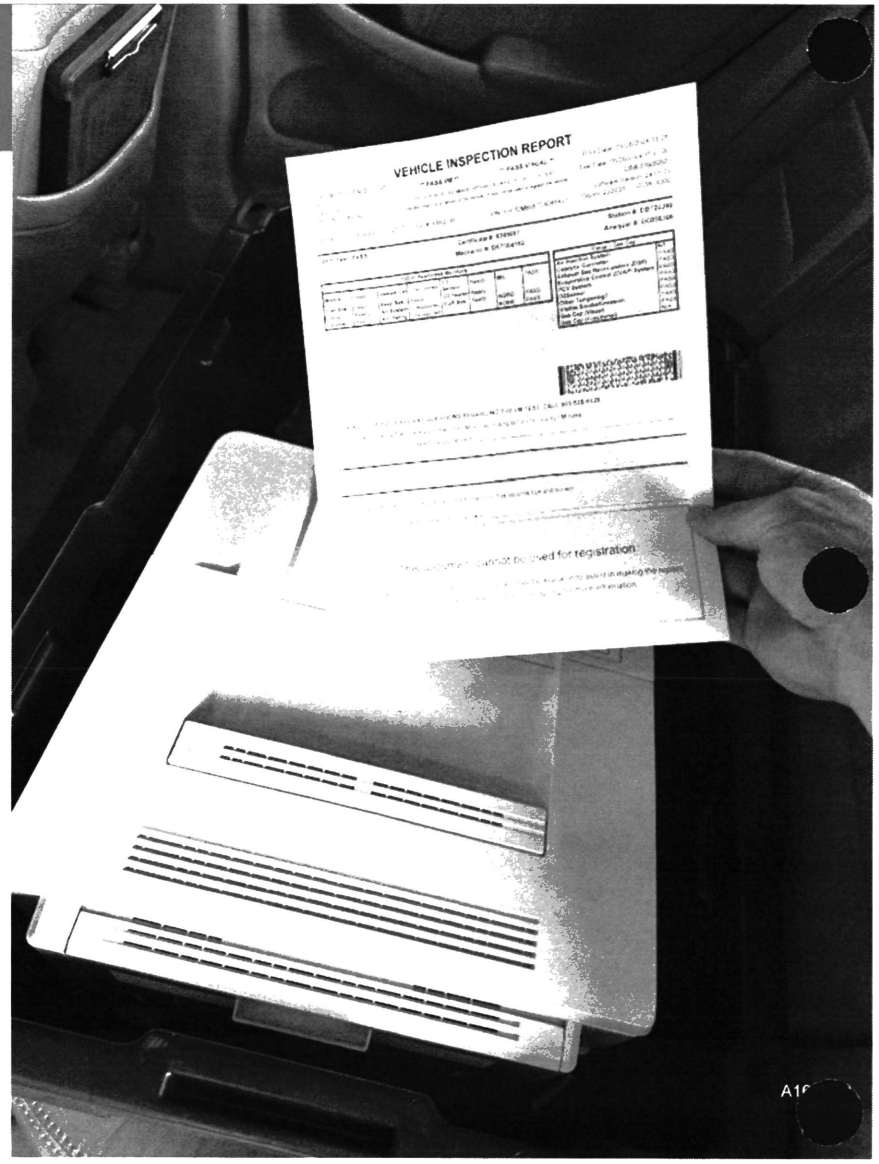
- Capturing up close HD photos of O2 Sensors and Catalytic Converter



Official OBDII Test

5. Finish Inspection

- **Finalized report is printed off and given to the customer**

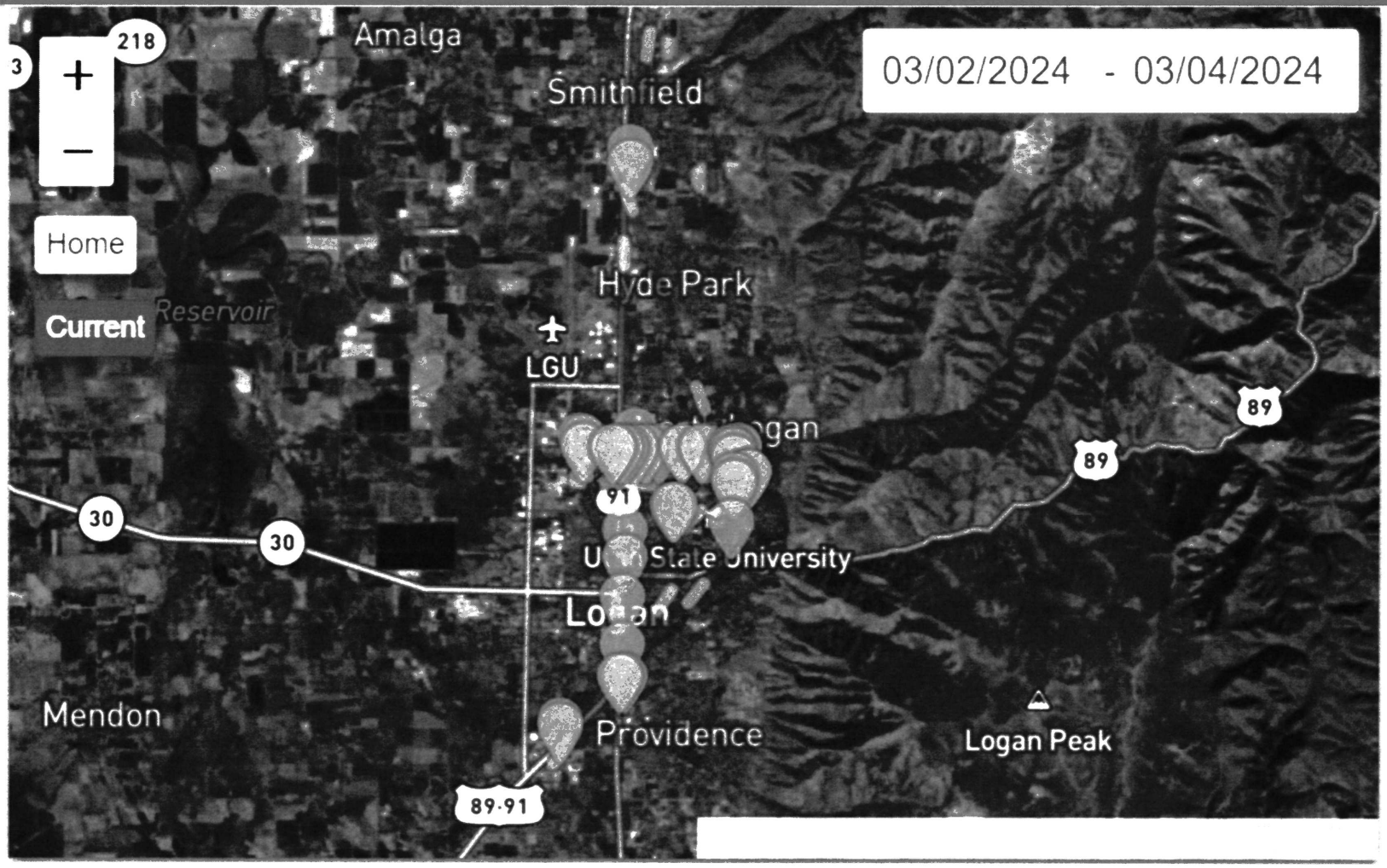


Geofencing

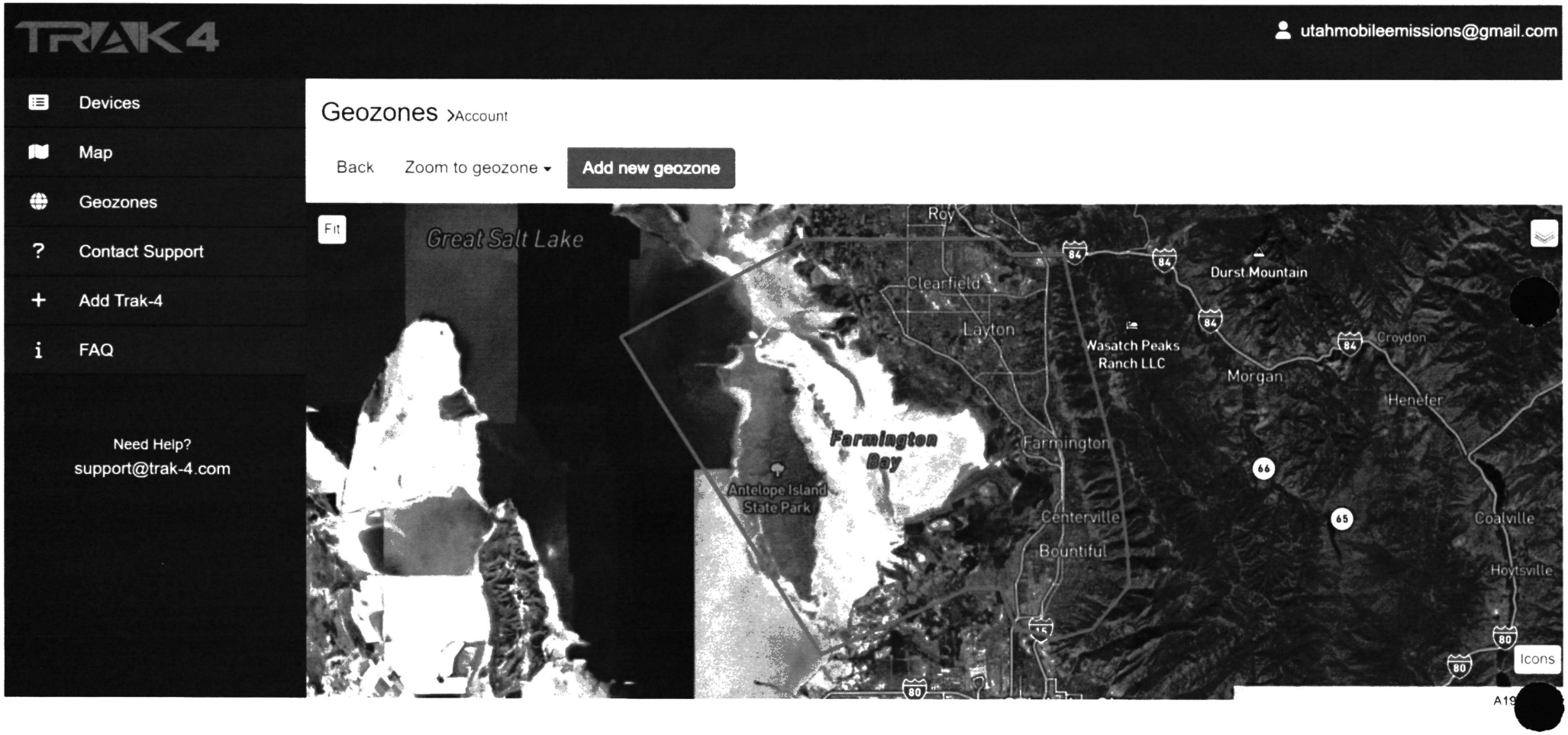
- Asset tracker attached to equipment
- GPS location tag every minute
- Email/Text alerts if equipment leaves the County



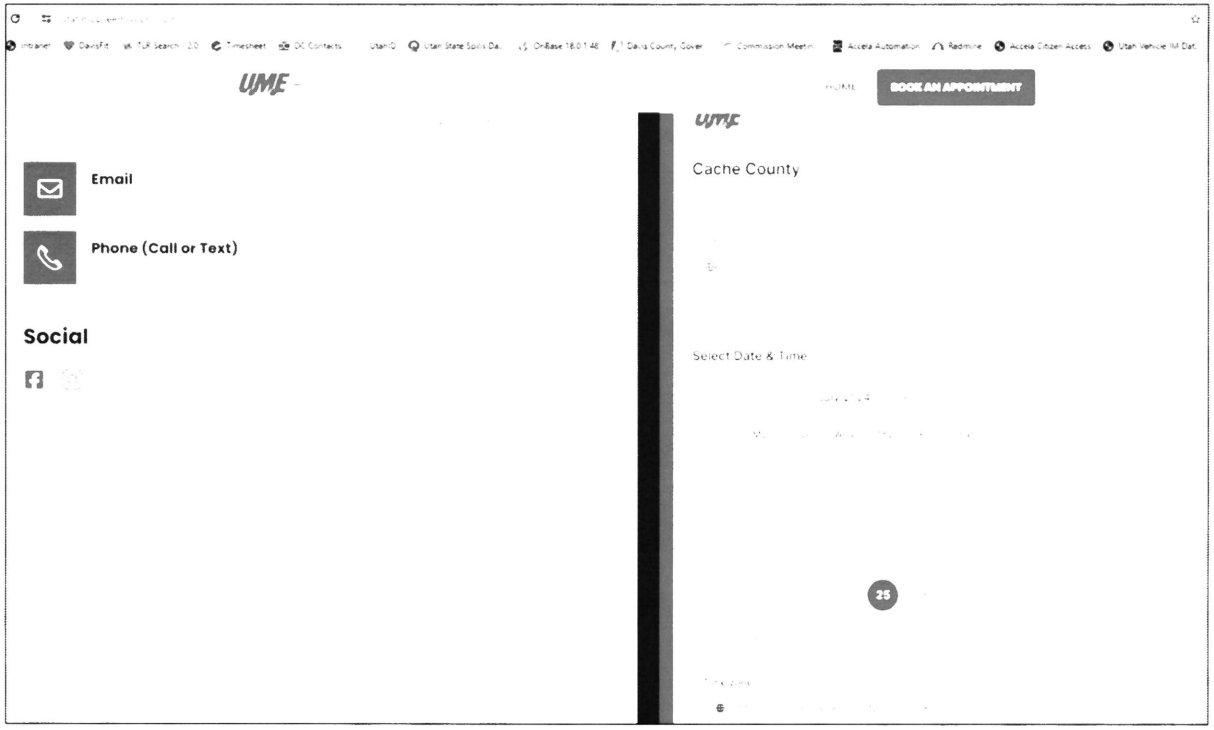
Geofencing


03/02/2024 - 03/04/2024
Amalga
Smithfield
Hyde Park
LGU
Reservoir
Home
Current
218
3
30
30
89
89
91
89·91
Mendon
Providence
Logan Peak

Geofencing


TRAK4
utahmobileemissions@gmail.com
Devices
Map
Geozones
Contact Support
Add Trak-4
FAQ
Need Help?
support@trak-4.com
Geozones >Account
Back
Zoom to geozone
Add new geozone
Fit
Great Salt Lake
Roy
Clearfield
Layton
Wasatch Peaks Ranch LLC
Durst Mountain
Croydon
Morgan
Henefer
Farmington Bay
Farmington
Antelope Island State Park
Centerville
Bountiful
Coalville
Hoytsville
Icons

Scheduling Inspection



Current Status

- All inspections must be conducted in view of a designated lane camera.
- Pictures must be taken of emissions components and tampering.
- All inspections must be immediately uploaded by the State to enable motorist ability to register vehicle.
- The Department needs to be able to conduct station, inspector, and covert audits.
- The Department needs to be able to verify that all inspections are completed within Davis County.
- One free re-inspection is required if a vehicle fails an emissions inspection.
- Permits are only valid for the station and location to which it is issued.

Partner Agencies

- Partner Local Health Departments (Salt Lake, Weber-Morgan, Utah, Bear River)
  - Expressed similar concerns (covert audits, surprise inspections, etc.)
  - Worried about change and what this opens the door to, but don't oppose as long as the integrity of the test is maintained.
  - Bear River Health Department has already completed a successful pilot program.
- EPA and DEQ
  - No rules that would prohibit this practice.
  - EPA stated this is similar to some models being practiced elsewhere.

Recommendation

Allow for adoption of a Pilot Program that includes a variance for the permit to be required to be at specific location. Provisions of the pilot program include:

- Duration of the program to be for three years;
- Allow others opportunity to meet requirements and join the pilot program;
- Allow provision to end program with 30 days notice.