



CITY COUNCIL

MEMBERS:

LEANNE HUFF
COREY THOMAS
SHARLA BYNUM
PORTIA MILA
SHANE SIWIK
NATALIE PINKNEY
RAY DEWOLFE

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South Salt Lake City Council Work Meeting

Public notice is hereby given that the South Salt Lake City Council will hold a Work Meeting on **Wednesday, June 17, 2020**. This meeting will be an electronic meeting commencing at **6:15 p.m.**, or as soon thereafter as possible. There will be no Council Members at the anchor location of South Salt Lake City Hall.

Conducting: Sharla Bynum, Council Chair

MATTERS FOR DISCUSSION:

1. An Ordinance of the South Salt Lake City Council Repealing and Replacing Chapter 8.28

Action May be Taken on one or more Items on this Agenda

Posted June 15, 2020

Those needing auxiliary communicative aids or other services for this meeting should contact Craig Burton at 801-483-6027, giving at least 24 hours' notice.

Please click the link below to join the webinar:

<https://zoom.us/j/98790513012?pwd=VkFsbkIySkprcktsW90RThTdkxFQT09>

Password: 522830

Or iPhone one-tap :

US: +12532158782,,98790513012# or +13462487799,,98790513012#

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(Toll Free)

Webinar ID: 987 9051 3012

International numbers available: <https://zoom.us/j/98790513012>

CITY OF SOUTH SALT LAKE
CITY COUNCIL WORK MEETING

COUNCIL MEETING

Wednesday June 17, 2020
6:15 p.m.

CITY OFFICES

220 East Morris Avenue #200
South Salt Lake, Utah 84115

PRESIDING
CONDUCTING

Council Chair Sharla Bynum
Council Chair Sharla Bynum

COUNCIL MEMBERS PRESENT:

Sharla Bynum, Ray deWolfe, LeAnne Huff, Portia Mila, Natalie Pinkney
Shane Siwik and Corey Thomas

STAFF PRESENT:

Mayor Cherie Wood
Charee Peck, Chief of Staff
Hannah Vickery, City Attorney
Terry Addison, Fire Chief
Jack Carruth, Police Chief
Kyle Kershaw, Finance Director
Dennis Pay, City Engineer
Mont Roosendaal, Public Assets Director
Aaron Wiet, Recreation Director
Alexandra White, Community Development Director
Randy Sant, Economic Development Consultant
Lindsey Edwards, Homeless Outreach & Strategies Director
Lisa Forrester, Court Administrator
Sean Lewis, Deputy Community Development Director
Dave Alexander, Streets Division Manager
Scott Turnblom, IT Manager
BJ Allen, GIS Specialist/IT
Danielle Croyle, Public Information Officer
Crystal Makin, Staff Accountant
Calvin Henninger, Staff Writer
Craig Burton, City Recorder
Ariel Andrus, Deputy City Recorder

Matters for Discussion

- 1. An Ordinance of the South Salt Lake City Council Repealing and Replacing Chapter 8.28.**
Fire Chief, Terry Addison, explained that the reason for having this in an ordinance form for a communicable disease is because of the need for public safety to be aware if there is a disease, or some type of virus, or an outbreak, that poses an imminent risk to the safety of the public. Over the course of the current pandemic they have had three or four instances where public safety responders have responded to a COVID-19 quarantine and isolation facility, a long-term

healthcare facility, or another care facility, where the nursing staff/physicians did not share the information with dispatch that the individuals they were responding to had a potential, or they were positive for, a communicable disease, or the COVID-19 virus. If responders don't have that information it puts them at risk. If it's a highly communicable disease and one person gets it and spreads it to two and it doubles each time, pretty soon your public safety departments would be ineffective. If public responders don't have that information they can very quickly deplete their resources and they will be closing down fire stations and putting the rest of the community at harm because they don't have the services, equipment, or manpower available to respond to emergencies.

The city doesn't need to keep the information. All they are asking for is nursing centers, nursing staff, etc. to inform dispatch that the person has a susceptible virus or a communicable disease. They don't have to tell them what it is, just that they have it. That tells the responders that they need to use the appropriate personal protective equipment. That way they are protecting the responders, who in turn help slow, or stop the spread, of anything out of the walls of that care center. If they have an outbreak they just want to make sure they are aware of it when they are responding so they protect everybody and make contact with the appropriate personal protective equipment.

Council Member Siwik said he doesn't think anyone knew about this law until a week ago so he doesn't think they've been using it. He doesn't know if any other city has such an ordinance. To him it smacks of HIPPA violations. He doesn't think any doctor or nurse will comply with this. They will just state that it violates HIPPA.

Chief Addison explained that HIPPA doesn't play into a pandemic because it is a public concern on a pandemic scale. The reason they want to keep it on the books is because they've had nurses say, "I'm not telling you anything."

Council Member Siwik expressed concern about some of the language in the ordinance. He feels it is too broad and needs to be narrowed down to just the healthcare industry. Otherwise they are painting a broad brush that applies to anyone in the community.

City Attorney, Hannah Vickery, said if the Council wants to give further direction on the ordinance the Attorney's Office can modify the language to implement the Council's policy direction. Ms. Vickery explained that the current draft was an attempt to incorporate the Council's concerns raised at the last meeting but if there were additional concerns raised today, the language could be modified to meet the Council's intent.

Ms. Vickery explained that the current draft made a number of changes based on the discussion from the last meeting. The duty to report to the Salt Lake County Board of Health was removed, understanding the Council wanted to leave that requirement up to Salt Lake County. Staff thought the dialogue of the Council indicated support for the concerns raised by the Fire Chief so they left in the requirement to report communicable diseases that "pose an imminent public health or safety risk." A modification was also made based on the Council discussion and feedback from the Mayor, to require reporting to non-emergency dispatch instead of the Mayor's Office.

Council Member Siwik still feels it is too broad and they should limit the language to healthcare providers. He asked if someone has COVID-19, and it's already registered with the Health Department, shouldn't it be flagged and they already know about it?

Chief Addison answered no. That is what spurred this to begin with because the Quarantine & Isolation facility that was staffed by Salt Lake County Health Department personnel, refused to give them that information. They only started giving it to them when first responders throughout the valley started raising concerns because they were experiencing similar calls in their communities without getting any information from the County. He feels the language needs to be a little bit broader than just the healthcare industry because the Men's Resource Center does not have a physician on staff, or the Salt Lake County Detention Facility. The nurse might see them and might not see them, depending on staffing. They would like that information told to dispatch so they can protect themselves.

Council Member Siwik understands. He just wants to find the right language because as it is written, it applies to everybody.

Council Member deWolfe asked if a caller from the Men's Resource Center has to say they've had COVID at the facility, or do they have to say they have an individual they are calling about who has COVID.

Ms. Vickery explained they just have to identify the existence of it. That is why she doesn't think there is any HIPPA concern.

Chief Addison advised that the person taking the call will ask questions about the situation to determine what the patient looks like and what symptoms they have.

Council Member deWolfe thinks that a lot of this could be curbed at the dispatch level if they are asking those questions or, is the person calling refusing to answer them?

Chief Addison said it could be. The questions asked by dispatch are all board certified by APTCO accreditation. They are worried about HIPPA as well and will only gather certain types of information and pass on that certain type information.

Council Member deWolfe asked what type of penalty is incurred for violating the ordinance.

Ms. Vickery said it is a Class B misdemeanor.

Council Member deWolfe asked if this is most important during a pandemic, should the ordinance read that it is in effect during an officially declared pandemic.

Chief Addison said it could be beneficial both during a pandemic and when there isn't one because there are other diseases out there which are quite contagious and have not been eradicated.

Council Member Thomas agreed with Council Member Siwik, she would like to have the language narrowed.

Council Chair Bynum took a straw poll of the Council on the ordinance.

Council Chair Bynum is okay with it and it is protecting the first responders.

Council member deWolfe does not have any serious issues with it.

Council Member Huff is okay if they are just identifying the existence of COVID.

Council Member Mila is okay with it with the changes that have been made from the last meeting.

Council Member Pinkney is okay with how it is being handled at the current moment.

Council Member Siwik thinks it needs substantial rewrites and he will vote no in its current form.

Council Member Thomas supports it but would prefer to see it a little more specific as to who is identifying it, like healthcare providers and group home living facilities vs. an individual home. She thinks it is the right direction and she does feel better about it after the revisions that have been made.

The meeting adjourned at 8:29 p.m.


Ray deWolfe, Council Vice-Chair


Craig D. Burton, City Recorder

ORDINANCE NO. 2020-_____

**AN ORDINANCE OF THE SOUTH SALT LAKE CITY COUNCIL REPEALING AND
REPLACING CHAPTER 8.28**

WHEREAS, the City Council is authorized by law to enact ordinances for the protection of the health, safety and welfare;

WHEREAS, the City Council finds that communicable diseases that poses an imminent public health or safety risk should be reported through non-emergency dispatch in order to protect first responders and the community at large;

NOW THEREFORE, BE IT ORDAINED, by the City Council of the City of South Salt Lake as follows:

SECTION I: Chapter 8.28 – Communicable Diseases, is repealed and replaced with the following:

Chapter 8.28 - COMMUNICABLE DISEASES

8.28.010 - Duty to Report Communicable Diseases.

- A. It shall be the duty of every physician or other person caring for the sick within the City to make a report through non-emergency dispatch of the existence of any case of a communicable disease in the City that poses an imminent public health or safety risk; and it shall be the duty of every person, owner, agent, manager, principal or superintendent of any public or private institution, dispensary, hotel, boarding house, or lodging house to make a report in like manner of any inmate, occupant, or boarder contacting or suffering from any communicable disease that poses an imminent public health or safety risk.**
- B. It is unlawful for any physician, nurse, or other person having knowledge of the existence of any communicable disease that poses an imminent public health or safety risk or having reason to believe that any such disease exists in the City to fail to report the same to non-emergency dispatch; provided, however, that it shall not be necessary to make such a report if the same has been reported as required, by any other person. The responsibility for determining whether or not the disease has been reported shall rest with the person required to make the report and it shall be no defense to a prosecution under this Section that the person required to make the report thought that the report had been turned in by others having the same duty or obligation herein.**

SECTION II: Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION III. Conflict with Existing Ordinances, Resolutions, or Policies. To the extent that any ordinances, resolutions, or policies of the City of South Salt Lake conflict with the provisions of this ordinance, this ordinance shall prevail.

SECTION IV. Effective Date. This ordinance shall become effective upon Mayor's signature and publication, or after fifteen days of transmission to the office of the Mayor if neither approved nor disapproved by the Mayor, and thereafter, publication.

DATED this _____ day of _____ 2020.

BY THE CITY COUNCIL:

Council Chair

ATTEST:

Craig D. Burton, City Recorder

City Council Vote as Recorded:

Bynum	_____
deWolfe	_____
Huff	_____
Mila	_____
Pinkney	_____
Siwik	_____
Thomas	_____

Transmitted to the Mayor's office on this _____ day of _____ 2020.

Craig D. Burton, City Recorder

MAYOR'S ACTION: _____

Dated this _____ day of _____, 2020.

Cherie Wood, Mayor

ATTEST:

Craig D. Burton, City Recorder