Present:
Troy Wood, Chair
Brian Cook, Vice Chair
Ann Benson
Scott Zigich
Mayor Randy Lewis, Immediate Past Chair
Lorene Kamalu, Commissioner
Dr. Gary Alexander
Dr. Ryan Stewart

Excused:
Dr. Colleen Taylor

Department Staff:
Brian Hatch, Director of Health
Liz Carlisle, Accountant
Kaylee Crossley, Assistant to the Director
Dave Spence, Deputy Director, Health
Rachelle Blackham, Division Director, EHS
Neal Geddes, ATTY

The meeting of the Davis County Board of Health (Board) was held on Tuesday, August 11, 2020 at the Davis County Health Department, Multipurpose Room, 22 South State Street, Clearfield, Utah. The meeting was called to order at 7:37 a.m. by Mr. Troy Wood.

Welcome
Mr. Wood welcomed the Board and staff to the meeting.

Minutes (Action)
The minutes of May 12, 2020 were presented and reviewed.
Mayor Randy Lewis motioned to accept the minutes of May 12, 2020. Dr. Gary Alexander seconded. The vote was unanimous.

Request for Public Hearing (Action)
Ms. Rachelle Blackham presented the Board with proposed changes to the Tanning Regulation. This is a routine review and was last amended in 2015. Last year, the health department did seven site reviews, including pre-opening inspections. There are generally around 20 permitted tanning facilities in the county. The changes include:

- Removing redundant or unnecessary sections that are already included in the state rule
  - Warning sign placement and requirements
  - Written health risk warning and signed consent for minors
  - Chemical labeling
  - How to obtain a permit
- Adding fees
  - Plan review/site review
  - Follow-up inspection
  - Late fee
- General Department formatting

Mr. Hatch stated that these changes are being made in an effort to adopt and stay consistent with the new Tanning Regulation from the state.

Mr. Brian Cook motioned to send the Tanning Regulation to public hearing with the requested changes. Dr. Ryan Stewart seconded. The vote was unanimous. Mr. Scott Zigich volunteered to serve as the hearing officer.

Variance for Dogs on Restaurant Patios (Action)
Mr. Dave Spence presented on a variance application that was received from MacCool's in Layton, requesting to allow dogs on the patio at their restaurant. MacCool's submitted a plan which followed the same requirements that Salt Lake uses. State rule R392-100 gives local health departments the ability to grant a variance as long as a health hazard or nuisance will not result from the variance. In our food

regulation and in the state rule, we have adopted the 2013 FDA food code which does not allow animals in restaurants, unless certain requirements are met. Three jurisdictions, Salt Lake County (29 facilities), Summit County (21 facilities), and Weber-Morgan (2 facilities) already have a program like this in place.

MacCool's plan includes:

- Providing a separate entrance
- Posting signs to notify people
- Not allowing food prep on the patio
- Cleaning with pet friendly chemicals
- Timely removal and sanitization of pet waste
- Not allowing staff to touch animals
- Not allowing dogs on any of the tables or chairs
- Requiring dogs to be leashed
- Requiring current license and rabies tags

MacCool's additionally submitted a HACCP (Hazard Analysis and Critical Control Points) plan. Mr. Spence asked if the Board was willing to allow a variance on this. He stated that a few years ago, the health department had a restaurant approach them about a similar issue, but their patio was not part of the restaurant, so they did not need a variance. Other departments across the state have moved to a permitting process. We will likely see more requests for variances. If the Board chooses to do a variance, we also need to decide what type or variance and if it will be time limited.

Ms. Ann Benson asked how many restaurants already have a variance in our county. Mr. Spence replied that currently, we do not have any variances for animals on patios. Ms. Benson asked about a restaurant in Farmington Station. Mr. Hatch explained that it may depend on where their seating is located, so it may not be part of the restaurant. Mr. Spence reiterated that the FDA food code is very strict about this issue.

Mr. Troy Wood asked if there were any counties that have a regulation allowing any operator to have dogs on the patio if they follow certain guidelines, or if it is only by exception. Mr. Spence stated that Salt Lake, Summit, and Weber-Morgan have made it into a permitting process, so the restaurant receives a separate permit allowing them to do it.

Dr. Stewart asked if the FDA food code was at odds with this process and if there is a law saying that this is not allowed. Mr. Spence replied that the state rule allows for a variance if there is not a health risk. Dr. Stewart asked if the health department had determined if there was a health risk. Mr. Spence stated that health department staff have evaluated this request and feel that MacCool's has a good plan and that with some follow up to make sure that those guidelines are being followed, there should not be a risk.

Mayor Lewis stated that exceptions become the rule and asked if this is something that we want to be the rule in the future. He brought up a concern with this being a nuisance.

Mr. Zigich asked if there was any difference in enforcement with leaving it as a variance or permitting it. Mr. Spence replied that if we require it, it will be a separate permit. Mr. Hatch stated that right now, a variance would be granted to be an exception to the current rule. A variance could open the door and lead to others. It does become the rule, but we can set the standards and they have to adhere to it or they do not get the permit. The option is to do a variance or amend the rule.

Mr. Spence stated that if we decide to do a new permit, we would need to develop guidelines, do an evaluation, and have them hand in their plan. This would entail extra inspections and fees would be included with these programs and would be in addition to our current requirements. We do not have a lot of restaurants like this in Davis County, but more may be added in the future.

Ms. Benson stated that she is inclined to say no. She also asked about animal waste and who would be in charge of picking it up and who would police it. Mr. Spence stated that it would be specific to the

restaurant facility. Mr. Hatch stated that it would become a normal waste complaint. The restaurant would control the patio and it would likely be the owner's responsibility. It could depend on city ordinances too.

Mr. Cook agreed with Mayor Lewis that if you create a variance, it will eventually become a rule. He stated that if we will have to grant a variance for others too that we should just define it and make it a rule. For now, we could treat it as a variance since only one restaurant is interested.

Mr. Hatch stated that public health policy is always changing and the Board has a role to move it in a direction to protect the health of the public. A variance is a way for us to learn and experiment. If this is something that the Board would like to do, then it would be good to make it a permanent change with clear standards. This may be the only variance we get, but it is likely that we will receive more. There will always be pressure to change and adjust.

Mr. Cook stated that other counties are doing it and it will be hard to avoid it. We should grant this variance and then if more come in, we can define it as a rule. Mr. Spence stated that other jurisdictions have gone to a separate permit because it takes additional staff time and there is more work that goes into them, including separate inspections and evaluations.

Dr. Stewart stated that the role of the health department is to make sure that it is going to be safe, not a nuisance, and not a hazard to health. He wanted to know if we are comfortable with that and also if we are comfortable with the inspections and fees that will come with it to make sure that people are following the rules. If we are, then we should approve it, and let establishments and the public determine if it is something that they want to do or engage with. If the health department is comfortable with that, then we should approve. Dr. Alexander agreed with Dr. Stewart.

Mr. Wood stated that there is a majority of support for this and asked if there needed to be a vote now or if they needed to wait until the next Board meeting to formally give approval for variances. Mr. Spence said that if they would like to move forward, the health department could provide something at the next meeting.

Mr. Hatch stated that the Board should address the variance and determine if it is something that they are willing to approve and if so, determine what the variance will look like, and if it will be time-limited, location-limited, owner-limited. Eventually the state will need to address it as a rule.

Mr. Cook stated that if we keep it as a variance, then every variance would look different, which could make it harder for the health department to manage. Having a common rule would be better and would streamline the process. We could grant one variance and make it time-limited and then figure out our rules for everyone. Mr. Hatch stated that a variance would start the process for making it a rule and asked if that was something that the Board wants to do today. If so, the health department recommendation would be to develop regulations that make it standard for everyone. Mr. Spence shared examples with variances in the past that were affected by state rules catching up and health department had to go back on the variance because things had changed at the state level. He indicated that MacCool's sent their application in for a variance in May. If we grant it soon, then it will give us some time to look at before and get things set up for next year.

Mayor Lewis stated that there is the idea of progression, but that public health needs to be protected and that we should be different than other counties. This is an issue of public health and animals and we do not have to do what other counties are doing.

Commissioner Lorene Kamalu asked for clarification on if working on rules meant the separate permitting process. Mr. Spence stated yes and that we would look at what other jurisdictions have done.

Mr. Zigich brought up that there are other issues with emotional support dogs. More people have dogs with them and there is a fade between what is an emotional support dog and what is a service animal. He

would opt towards establishing guidelines and permitting with clear regulations and not just specific exceptions at locations. Mr. Wood supported Mr. Zigich. He felt that there would be safe ways to do this and if it is done correctly, it should be changed to a rule sooner than later. A variance would allow time to test it with MacCool's and if we find problems with that, we can then determine to not move forward. He has not heard any evidence that it would be a bad thing if rules are followed and indicated that he was in favor of exploring it further.

Commissioner Kamalu stated that she is a fan of the idea and trusts the health department staff to determine a safe and separate permit for establishments that want to go this direction to keep the health of the community. She is a dog owner and likely would not take her dog with her, but she may look for an establishment with that option on certain occasions. This could be a way to market an establishment and some people make look for it.

Mr. Cook wanted to know if there is a health risk by having dogs on the patio, from a health department perspective, and if so, then why not just say no. If there is not a health risk, then we could move forward with it. Mr. Spence stated that if guidelines are followed, the health risks are minimized. The biggest issue is probably allergies. The establishment would tell people beforehand. Dr. Stewart stated that people with allergies would face that in a public park and in lots of other settings.

Mr. Wood stated that it seems like the Board was semi-divided on this but that multiple opinions are great. Mr. Zigich stated that he likes that it regulates putting the animal on the ground and not at table level, and that the dog is not eating. Mr. Wood stated that he has a dog as well and would probably not take it to a restaurant, but that he lets his dog be in his kitchen at home and has not seen any studies stating that it was a bad thing or had risks associated with it, other than maybe allergies. He felt that if it is not a risk, then businesses should be able to make the decision to do it or not.

Mayor Lewis stated that his background is infectious diseases had him worried about staff spreading bacteria and fleas by touching multiple things and felt that it would be difficult to measure causes of disease. He was concerned with human risk and animal risk. Mr. Wood stated that it would be the same in other situations. Dr. Alexander agreed, and stated that people bring in diseases too when they enter restaurants. If the health department deems the risk to be minimized, then we should do it.

Mr. Hatch stated that the food code allows certain types of animals in a facility, such as service dogs. We are trying to create a separate place for a patron and animals from the facility. We try to keep things local and can set the stage for what we would like to do. We need to determine if this is an option that we want to give businesses here. We have determined that the risk can be minimized and controlled, and if they do not follow it, they cannot operate.

Mr. Cook agreed with Mayor Lewis that this issue needs to be addressed for future decisions.

Mr. Cook motioned to move forward with the variance process and to proceed with a future rule for Davis County. Dr. Stewart seconded. Mr. Wood, Commissioner Kamalu, Dr. Stewart, Mr. Cook, Dr. Alexander, Mr. Zigich, and Ms. Benson were all in favor. Mayor Lewis opposed the motion.

Mr. Zigich asked if a vote on the actual variance was needed. Mr. Hatch stated that the Board approved the variance for MacCool's and for the health department to start working on a formal regulation. Mr. Spence stated that the health department would bring that back to the Board to see if it is acceptable. Commissioner Kamalu clarified that it would be a separate permitting process for others that want to do it as well. Mr. Hatch stated that variance is in place until the rule is established and would be time limited. Mr. Geddes said that would be acceptable.

Ms. Benson asked what would happen if someone wanted to bring a cat. Mr. Spence said that the variance would be specific to dogs. Commissioner Kamalu stated that MacCool's is a good establishment and it is good to see that they are trying to do it right.

Wastewater RFP Update (Information)
Ms. Blackham discussed the wastewater study and program. She explained the difference between conventional and alternative septic systems and where they are installed. In Davis County, all of the alternative systems have gone into Hooper or West Point. There is pressure for development in the northwest corner of the county. In August 2019, there was an ordinance change to zoning which created the A-10 zone, which only allows for 1 septic system per 10 acres. However, there is still a potential for 1,800 septic systems. Mr. Hatch explained that this is not just about septic issues, but water and other utilities. One of the big limiting factors was the sewer. Ms. Blackham stated that the change in the ordinance has slowed growth, but there is still a public health concern with septic systems.

The Commissioners recommended having a study which would allow us to have our own regulations. Mr. Hatch clarified that state rule allows for individual wastewater systems. We cannot be more restrictive than the state rule. To be more stringent, it requires evidence that guides the decision to reduce septic systems. Weber County conducted a study and suggested 1 system per 27 acres.

Mr. Cook asked in the systems that are going in could be potentially replaced by a facility. Mr. Hatch stated that they could, but the county made the decision to not develop the property. It now becomes part of the annex plan for the city. Mr. Cook also asked if developers were required to let people know how things are being handled and what is involved if they are buying. Ms. Blackham clarified if he was referring to a septic system. Mr. Hatch stated that if the developer is involved, they would need to address how they are developing the property. If an individual is buying the property, it is on that person. Mr. Cook stated that he was wondering about the buyer of the house. Mr. Hatch indicated that it is likely a city issue. If it is zoned as a single dwelling, then it needs to meet certain standards. Mayor Lewis agreed.

Ms. Blackham stated that the health department is meeting with West Point City and Davis County Community and Economic Development. West Point City is doing a separate RFP to see what works best. The Health Department did a request for proposal April 20, 2020 through May 21, 2020 and had two bids. A committee was established to review the RFP. A company has not been selected yet, but will be selected soon. The study components include:

- Stakeholder involvement
- Assessment of current water quality
- Comparison of current water quality to historical conditions
- Hydrogeological characterization
- Septic system density evaluation
- Final report and recommendations

Commissioner Kamalu stated that this is really important because we live by the Great Salt Lake and need to be good stewards of the water. She indicated that is important to make sure that the science guides us in our development decisions. Mr. Cook stated that we need to get the study done before developing. Mr. Hatch stated that the zoning helped to slow it down, but does not stop or prevent it.

COVID-19 Response Update (Information)
Mr. Hatch provided an update on COVID-19 in Davis County. Mr. Cook stated that it seemed like things had improved in August but that percent positive had gone up and wondered if there was a reason for it or if there was a concern with it. Mayor Lewis asked if the Board members could participate on the 4:00 pm weekly meeting for cities. Mr. Hatch stated that the Board members were welcome to join and that we could email them an invite.

- As of right now, we have 3,243 confirmed and probable cases.
- Restrictions have been taken down and we peaked in July, but we have seen a steady decrease since then. This may be just a second wave of many waves to come. It is too early to say how many waves we will see.
- The percent increase by week peaked during weeks 19-20, and for the last 3 weeks we have had sustained decrease. There is a positive trend going down.

- For cases by age group and hospitalizations, we have had 141 hospitalized. We had 12 in the hospital yesterday. The total rate throughout the outbreak has been 4.3 and is steadily declining, which is a good sign and those at most risk seem to be protected.
- For rates by age group, our 15-24 age group has the highest rate per 100, 000, then the 25-44 age group, followed by the 45-64 age group. Our hospitalization rate is staying low because these populations are handling it better. Our 1-14 age group has been low. Their highest risk is in school and we will learn more in a few weeks.

Mr. Wood stated that another trend is that we are not using the ICU as much and ventilation. It is about a 2 to 1 ratio right now, 2 patients in regular beds to 1 hospitalized in ICU. We are not utilizing ventilators as much because it has not been needed in most cases. That is a big difference from the beginning on the response. COVID-19 is only 3% of traditional beds today.

- Right now, 42% of ICU beds are being used in our jurisdiction, with 15% for COVID patients.
- We are at 33% of total beds being used in our county and have plenty of capacity right now.
- Our hospitalizations usually correspond with peaks in the epi curve and are generally a little delayed, up to two weeks later. As we climbed in cases, so did our hospitalizations.
- Last week we dropped to 3 hospitalizations, which corresponds with our epi curve drops.
- We are seeing good trending in all the metrics that we are looking at.
- Deaths follow the same as trends as hospitalizations, with a delay. Last week we had 5 deaths. They have been across the board, but a lot have been in long term care. Deaths decline as rate declines.
- The majority of exposures are happening through known contacts, especially household contacts. Once it goes into the home it spreads quickly.
- There have been worksite and other exposures, and our unknown exposures have stayed consistent at 25% for the majority of the outbreak.

Mr. Wood asked if someone tests positive, is it assumed that other members in the home are positive, even without a test or is a test required to be considered positive in the reporting for the nation. Mr. Hatch stated that he could only verify for our county. If there is a lab test showing that the person is positive, it is counted as a confirmed case. A probable is a potential case for those who refused to get tested but have had an exposure or symptoms. In the past, we did not count probable cases, but are doing so now. We cannot force testing on people, but want to address it. Mr. Wood wondered in the nation's numbers are probable or confirmed. Mr. Hatch stated that in Utah, a confirmed case has a positive lab.

- We are seeing a little bit of a decrease in testing and are not sure why and are still trying to figure it out.
- The positivity rate has stayed consistent until we had an increase in testing, which indicates that there is disease out there in a higher level. We peaked around 10 in July and are currently around 6-7, so it is also decreasing.
- Risk increases with age and other comorbidities. The majority of those hospitalized have been high-risk.
- We have data on pre-existing conditions. For those that are hospitalized, diabetes, lung disease, and smoking have increased risk.
- We are doing really well in the state and have a good rate per population. The north end of the county has experienced more disease burden than the rest of the county and most of that came from traveling. They started earlier with cases, but we will probably all look similar when this is over.
- The active case rate is the burden in our community right now. For our population, we have 350,000 population and about 300 active cases right now.

Dr. Alexander asked if the health department keeps track of vaccines and if there was an update on where we are at with vaccines. Mr. Hatch stated that we are hearing hopeful information and several

companies are in their third phase of the trial and are ramping up production. Yesterday it was said that we may have a limited supply as early as late October. They are still strategizing who will get it initially. We should have a vaccine towards the first of the year.

Mr. Hatch stated that it is two-dose vaccine, which is troubling. Mr. Cook asked if it would work immediately and if the second dose would be a booster. Mr. Hatch indicated that the second one would be a booster. It complicates mass vaccinations because it doubles our work. We should have a good understanding of what vaccinations will look like at the next Board meeting. Vaccinations can help this go away. Effective treatments have helped too.

Mr. Hatch shared that budget wise we are doing fine. Almost 45% of revenues have come in and we are about 45% expenditures. We have lost some revenues as we have shifted people from one program to another. We have received close to $6 million for COVID-19 response. The county has stepped up and we are one of few health departments that has been in a good place. He gave kudos to the Commission for leading the charge and helping with that. We have $700,000 for seniors to provide wraparound services and keep them in their homes. The vast majority of funding has been used for response. We have hired 53 staff to help with seniors, contact tracing, and preparedness.

We have done well with contact tracing and investigation. The state has set metrics and the goal is less than one day to contact a person and do contact tracing. Davis County has the lowest time to investigate in the state, at 0.67. We are the only district that has achieved below 1. Our contact tracing is at 0.4 per day.

The only thing that we are really struggling with from a public health perspective is balancing policy. We have been put in a unique situation that is not just public health. We are dealing with economics, personal beliefs, schools, and many other things. We are still struggling to find the right balance. It is extremely hard and has taken a toll. For our response early on, we used public health measures, but are in the process of rebalancing, and it is a continual fight and debate. The work that the Board has done has set up the health department with a capability to respond.

Mr. Hatch shared a school letter from a citizen. Ultimately, the decision with schools is theirs, not the Board's. Most of the policies have been determined in consultation with those with responsible for making the decisions.

Mr. Wood stated that the health department is doing a wonderful job. There is a lot of speculation and fear, and all we can do is give facts.

Budget Report (Information)
Mr. Hatch stated that the health department applied for a grant with the state for electric vehicles. The health department will be installing electric vehicle stations this fall and are hoping to purchase six electric vehicles.

During the last legislative session, an electronic cigarette tax was approved and the health department will be receiving funding to deal with enforcement and compliance. The health department is also receiving money to pass through grants to the community to deal with electronic cigarettes.

UALBH (Information)
Ms. Benson reported that the symposium has been cancelled and the current officers will extend for another year. She also asked if we had seen an uptake in suicides. Mr. Hatch stated that we are still looking at our data, and that nationally it has increased. Anecdotally from providers, they have seen an increase in services needed.

Director's Report (Information)
Ms. Liz Carlisle took a different job at the health department and Mr. Hatch thanked her publicly for her stellar job in serving the Board. She will continue to be an asset to the health department. Ms. Kaylee Crossley has taken Ms. Carlisle's position and will be helping with future Board meetings.

Chair's Report (Information)
Mr. Wood thanked Mr. Spence and Ms. Kristy Cottrell for helping with a recent town hall. They did a great job at educating the community. He thanked everyone for their sacrifice and service. Commissioner Kamalu asked where she could access the town hall. Mr. Wood stated that is available on the health department's Facebook page, Lakeview Hospital's Facebook page, or YouTube. Commissioner Kamalu stated that the health department has been proactive to use social media educate the community. She stated that people will be less fearful and anxious if they stay up to date and get local information.

Commissioner's Report (Information)
Commissioner Kamalu talked about finding the balance and applauded the Board and the county for being data driven. We did not need to list essential and non-essential businesses, and anyone that could follow guidelines could keep businesses open. It has been a policy dilemma and we have been striving to keep things open and balance policy. She appreciated Mr. Wood and others in the hospitals who have been a voice of reason and have worked together.

She stated that they have continued to get a few requests for mask mandates, especially after Salt Lake County did theirs and when there has been pressure to do things statewide. We have continued to be unified that our data does not require a mandate. We did come out with a Directive to emphasis masks. We are not a tourist destination, and respect local decisions and not having a statewide mandate. We have been doing well with a Directive. We have wanted to be market driven and have consumer confidence. If businesses choose to follow Directives, people follow it too. Box chains that have mandated masks in their businesses have been great and it helps local businesses. We have great partnerships with businesses.

The Commissioners presented a Captain America shield to Mr. Hatch and his team because of their leadership for the county and state. Davis County continues to lead the state in so many ways. She expressed that many people feel gratitude for the help during this time.

Adjournment
The meeting was adjourned at 9:27 a.m.

NEXT MEETING: **November 10, 2020**
7:30 a.m.