

Pima County Board of Health  
Minutes  
September 28, 2011  
Room 1108, Abrams Building  
3950 S. Country Club Road  
Tucson, Arizona 85714

1. CALL TO ORDER:

Dr. Horwitz called the meeting to order at 3:05 p.m.

Mr. Schlueter called the roll as follows:

Ms. Allen - absent  
Mr. An  
Dr. Brumm  
Mr. Elías  
Dr. Fulginiti  
Ms. Gonzales  
Dr. Horwitz  
Mr. Rojas  
Mr. Stopani  
Ms. Trowbridge - absent

A quorum was established.

2. PLEDGE OF ALLEGIANCE

Mr. Rojas led the Board in the Pledge of Allegiance.

3. MINUTES ADOPTION – BOARD OF HEALTH

- Adopt Board of Health August 24, 2011 Minutes

The motion was made and seconded (Rojas/Gonzales) that the August 24, 2011 Minutes be adopted as written. The motion carried.

4. COUNTY LEGISLATIVE PROCESS BRIEFING AND LEGISLATIVE UPDATE

Chief Deputy County Administrator Martin Willett addressed the Board on this item. The County can and does take positions on intergovernmental issues including issues involving the State Legislature and other State entities; the Federal Government and its agencies; and local agencies. The positions taken are under the direction of the Board of Supervisors. Additionally Pima County Code, Title 2 delegates authority to the County Administrator to take positions and direct activity with the legislature under the purview of the Board of Supervisors. The State legislative sessions begin in January and last approximately four to six months. There can also be special sessions.

Every year the County Administrator puts out a memo requesting staff submit their legislative priorities by a certain date. Approximately half of the submitted priorities can be addressed without involving the legislature. The remaining items are discussed and the County Administrator presents a list of recommended legislative priorities to the Board of Supervisors in the form of a resolution. The Board then adopts the resolution, either as presented or modified as they see fit. This typically occurs in November, which gives the County time to work on a foundation for its priorities before the legislature convenes in January. Mr. Willett said he has seen the County's list roughly as small as six and as large as 20. Some bills are more labor intensive; some bills require considerable research; and some bills just aren't as viable due to the timing or the current legislative climate. Mr. Willett said that some jurisdictions focus on maintaining, or not losing, what they have rather than trying to change anything. The County looks at other jurisdictions for commonality and works with coalitions to try to gain traction with the legislature. The County has one contract lobbyist who attends the legislative sessions and communicates with legislators in Phoenix. When the legislative sessions begins in January there are hundreds of proposed bills, then a few weeks later approximately half have been eliminated. Things change quickly and sometimes quietly.

Health Department Director Sherry Daniels said in the last legislative session there were approximately a dozen health related bills; and both Ms Daniels and Mr. Willett said that animal care is a very common topic in health related bills. Mr. Willett said he would inform Ms. Daniels of issues to take to the Board of Health for a position. Ms. Daniels said she also learns about legislative issues at monthly Arizona health directors' meetings. She agreed to have a legislative update as a regular item on the Board of Health agenda to allow for and promote communications on legislative issues as they arise.

## 5. DEPARTMENT OF ENVIRONMENTAL QUALITY UPDATE

- Rosemont Air Quality Permit

Richard Grimaldi, Department of Environmental Quality Deputy Director, went over a PowerPoint presentation on the Rosemont air quality permit. In July 2010 the Rosemont Copper Company applied for an air quality permit for a proposed mine approximately 30 miles southeast of Tucson. The proposed operating life of the mine is 20 years. Pima County Department of Environmental Quality (PDEQ) originally determined the application was incomplete; Rosemont Copper provided additional information and the application was subsequently determined to be administratively complete in November 2010. Presently the process is in a 90-day public comment period. Additionally Rosemont Copper has filed suit against the County, specifically PDEQ, alleging failure to issue the permit in a timely manner. The main difference between this proposed mine and other regional copper mines is that Rosemont Copper is proposing a dry stack tailings method versus the wet slurry method used at other mines. In addition to the air quality permit pending with PDEQ, other permits and processes involving other agencies, such as the Forest Service and Arizona Department of Environmental Quality, are pending.

- General Update

In 2008 the Environmental Protection Agency lowered the ozone standard from .080 parts per million (ppm) to .075 ppm. The Obama administration was evaluating the standard and was expected to announce a recommended standard in August 2011. It was anticipated that the standard would be lowered to .070 ppm, which is generally where the Tucson area ozone level hovers; however, the Obama administration announced they are postponing recommending a standard. The ozone standard must be reevaluated in 2013 per the Clean Air Act.

6. PROPOSED ORDINANCE FOR FEE WAIVER / REDUCTION FOR TEMPORARY FOOD PERMITS

Ms. Daniels and Community Surveillance and Investigation Division Manager Marcy Flanagan discussed that every year there have been several fund raising events that are of benefit to our community. These events typically involve numerous food vendors and per code each food vendor requires a temporary food permit. Event organizers, who often cover the temporary food permit fees, and food vendors frequently complain that the fees are a hardship and are counterproductive to the fund raising purpose of their event. Many of these complaints go through Board of Supervisors' offices. In recent years the Department has discounted the fees 50 percent, from \$60 to \$30, for non-profit, community benefit events. However, such a reduction would be in violation of recently enacted legislation, SB 1598 and County Code does not provide for such a reduction. Therefore, a proposed ordinance to amend County Code to allow the Health Department Director to reduce or waive fees was presented to the Board for their requested endorsement. The proposed eligibility for the fee reduction included being a tax exempt organization; or being a community organization conducting services to aid populations that are disadvantaged, underserved, low income, or established for charitable, civic or religious purposes; and the fee reduction or waiver must be requested on the organization's letterhead at least 30 days before the event date or expiration date of permit.

The proposal was discussed and various points and opinions ensued. Some food vendors donate all the food, some discount it and some charge full price. Suggestions brought up included discounting or waiving the fee based on food pricing, profit margins or which party, the vendor or organizer, ultimately covers the fee. However, it could be difficult to equitably define these various scenarios. Consistency and perceived impropriety were concerns. The influence of a \$30 discount was debated and there was some concern about balancing Department revenue loss against the benefits of the community event.

The motion was made and seconded (Horwitz/Rojas) that the Board postpone their decision on the proposal ordinance until the next regular meeting. The motion carried.

7. COMMUNITY HEALTH ADVOCACY COMMITTEE REPORT AND DISCUSSION RELATED TO LEGISLATIVE BRIEFING

Due to time constraints this item was not addressed.

8. REPORT FROM NOMINATING COMMITTEE AND ELECTION OF OFFICERS

Due to time constraints this item was not addressed.

9. BEHAVIORAL HEALTH PAVILION AND CRISIS RESPONSE CENTER OPENING CEREMONY

Due to time constraints this item was not addressed.

10. STATUS OF HAND WASHING ORDINANCE TO ADD CHAPTER 8.22 AND SUBSECTION 8.08.50 F. TO PIMA COUNTY CODE

Due to time constraints this item was not addressed.

11. CALL TO AUDIENCE

Brandon Milligan from Service Employees International Union (SEIU) informed the Board of changes in long term health care delivery in Pima County. County Employees from the former County department Pima Health System were transitioned to a non-County provider, PCOA for All, which is requiring these worker to take nearly a ten percent reduction in pay and benefits. Additionally the County's long-term care facility, Posada del Sol, is being privatized and SEIU is reaching out to the successful bidder on behalf of the transitioning employees. SEIU is embracing change, working for positive outcomes and supports efforts to protect and maintain Medicaid funding.

12. SUMMATION OF ACTION ITEMS

Ms. Daniels summarized action items from the meeting. The action items identified were:

- A legislative briefing will be a regular Board Agenda item to facilitate the flow of pertinent legislative information.
- The fee reduction proposal (item 6.) will be revisited at the next regular Board meeting and the Department will provide additional information on the topic.

13. ADJOURNMENT

The meeting adjourned at 5:00 p.m.