

Pima County Board of Health Minutes
September 25, 2019
Abrams Building, Room 1108
3950 S. Country Club Road
Tucson, Arizona 85714

1. CALL TO ORDER:

Mr. Geoffrion called the meeting to order at 3:00 P.M.

Attendance was as follows:

Board Members:

Mr. Bin An – Absent

Mr. Richard Elías – Absent

Mr. Rene Gastelum

Mr. Charles Geoffrion, Vice President

Ms. Mary Lou Gonzales

Dr. Paul Horwitz, President – Absent

Mr. Mike Humphrey

Mr. Miguel Rojas

Dr. Gail Smith

Ms. Carolyn Trowbridge – Arrived after Roll Call

A quorum was established (6)

Non-Board Members:

Dr. Francisco García, Assistant County Administrator, Pima County

Dr. Bob England, Pima County Health Department Interim Director

Ms. Paula Mandel, Pima County Health Department, Deputy Director - Absent

Presenters:

Rebecca O'Brien, Program Manager, Pima County Health Department

2. PLEDGE OF ALLEGIANCE

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

3. MINUTES ADOPTION

- Adopted Board of Health July 24, 2019.

The motion was made and seconded (Mr. Rojas / Mr. Gastelum) that the July 24, 2019, minutes be adopted with revision. Motion carried 7-0.

4. DIRECTOR'S UPDATE

- Dr. England updated the Board on the status of hiring the new director of the Health Department. The first round of 11 interviews will proceed the week of October 7, 2019. Second interviews will occur soon after.

- Dr. England shared with the Board that Dr. Kathryn Kohler has been appointed by Supervisor Christy's district, to the Board effective September 27, 2019 and is expected to be at the next meeting on October 23, 2019.
- Dr. England gave a presentation on 'What the Heck are we Doing?' which discussed the importance of Public Health assessment, assurances, and policy development. The presentation will be provided to the Board members. Public Health and Health Care are different. Health Care is when a doctor sees a patient in the emergency room; that person is getting care at that moment. Public Health provides herd protection through community immunizations among many other services. One disease as example is Hepatitis A, which is transmitted via fecal oral transmission. After many months of proposing a herd immunization for Hepatitis A, Maricopa County approved immunization for childcare centers which ultimately prevented the community from acquiring this disease. This was a team effort that included public health educators and nurses, communications staff, and the elected officials that approved this initiative. Health care cannot provide this type of community protection however public health community immunizations do.

5. **TOBACCO 21 / VAPING ORDINANCE:**

- Dr. England introduced Dr. Francisco García who informed the Board that Tobacco 21 did not pass at the Board of Supervisors (BOS) meeting on September 24th. Dr. Garcia stated that going into the BOS meeting on September 24th there were three votes to support the Tobacco 21 initiative however the comments by advocates provided cover and lost the one vote that was needed. The initiative would have lost by the same margin during the August vote, however the Chairman deferred the vote for another month in the hope that a third supporter could be found. This was the motivation for the concessions that were made.

Dr. Garcia has been in communication with the City of Tucson, which passed Tobacco 21 unanimously on September 24, offering support and any background required to help them be successful. Tobacco prevention education will be the only role the Health Department has unless the BOS approves a future initiative. Dr. Garcia encouraged the Board members to meet with their BOS to express their thoughts about a future Tobacco 21 initiative and provide guidance.

Dr. Garcia notes vaping related deaths are up to 9 cases which is a compelling argument and merits continued attention and advocacy. Mr. Geoffrion thanked Mr. Humphrey and Ms. Gonzales for being at the BOS meeting and their efforts. There are over 500 hospitalizations for vaping related symptoms and asked if this is a good time to ramp up our educational efforts. Dr. Garcia stated that Dr. England and his staff will continue with their public health messaging and the Board should continue to educate and inform their BOS representative.

Dr. Garcia introduced Rebecca O'Brien who shared with the Board her team's approach in educating the community about the negative effects of tobacco/vaping. There are five coalitions that provide education in schools for students and teachers. The messaging of tobacco/vaping cessation comes from the Arizona Department of Health Services (ADHS) and Ms. O'Brien's team ensures the Health Department's messaging is in line and consistent with the ADHS.

Mr. Geoffrion inquired if a press conference would be appropriate. Dr. England responded that the Board members have more sway with their one-on-one meetings with the BOS then by contradicting the BOS in the public. The Board has more political capital by lobbying with the BOS. Mr. Rojas requested more data on the 500 hospitalizations to be used while lobbying their BOS representative. Dr. Garcia notes the Health Department has been involved in two investigations and neither of them were vaping related.

- Mr. Humphrey stated that the Health Department has an obligation to tell Mr. Huckelberry what enforcement is needed.. Mr. Humphrey stated that he didn't hear that information given at the BOS meeting and that the retailers basically wrote the ordinance. Mr. Humphrey stated that one of BOS members asked what the level of compliance is currently to selling tobacco/nicotine products to those underage. The response was that 'they' do a good job. My Humphrey doesn't think that is fact. There is a survey where 40% of vaping products is sold to underage youth. That doesn't sound like compliance. Telling the BOS that retailers are already doing a good job allows the BOS to question the regulation and have reservations. Mr. Humphrey recommends that the Health Department be more truthful when proposing ordinances on what is and what is not going to work.

- Dr. Garcia disagreed with Mr. Humphrey's characterization. The facts as presented to the BOS are a matter of public record and the subject of three publically available memoranda (available on the Administrator's web site). What was presented to the BOS was a well-crafted ordinance that was defeated. Dr. Garcia made concessions to gain a third vote in order to achieve a policy objective. Even with its revisions, the ordinance would have identified retailers of these products and provided a path to bring them into compliance. Dr. Garcia reminded the Board that the City has had a license and ordinance in place to prohibit retail activity with minors for years, and only they can speak to enforcement and compliance.

- Mr. Humphrey stated that he understands that there weren't three votes and his main concern is to be honest about the retail side of this because the retailers shouldn't get a pass. There's a lot of suspicion that the retailers are not following the rules. Dr. Garcia stated that there isn't data to make this representation. Mr. Humphrey stated that there isn't data indicating the retailers are doing a good job either and that's his point as what was said to the BOS was that the retailers are doing a good job. Dr. Garcia said the notes from BOS meeting are a matter of public record (and are available on the Clerk of the Board's website) should they wish to further scrutinize this issue. Mr. Geoffrion stated that it's important for the Board to have data and/or presentations to use in the Board's dialogue with the BOS. Ms. O'Brien stated that in the last three years approximately 150 retailers have had sting operations in their establishments and 15% sold combustible tobacco to underage persons. This information was in the memos and provided to the BOS.

6. BOARD OF HEALTH BY-LAWS / BOH MEMBERSHIP:

- Mr. Geoffrion shared with the Board that the by-laws require an annual meeting in July of each year for electing a president and a vice-president for the ensuing year. The procedure is the president appoints a chair of a nominating committee. Dr. Horwitz appointed Mr. Geoffrion to be the chair of this committee who in turned asked Dr. Smith

and Mr. Gastelum. These three will discuss and present at the October meeting a slate of candidates. Any Board member can provide their names for consideration. The vote for officer positions will be conducted at the October meeting. Dr. England shared that the by-laws provide provisions to remove members from the Board for missing a certain number of consecutive meetings however the Pima County attorney stated that state law trumps by-laws. In the law it stipulates that Board appointment is for a certain period of time and that the Board of Health does not have the power to remove any member. The BOS could take up the matter with a vote at a BOS meeting. Currently the Board has zero vacancies.

7. **NOMINATING COMMITTEE FOR BOH OFFICERS:**

- Mr. Geoffrion shared that the nominating committee consists of Mr. Geoffrion, Dr. Smith and Mr. Gastelum and the election will occur in October.

8. **CALL TO AUDIENCE:**

There were no speakers from the audience.

9. **SUMMATION OF ACTION ITEMS AND PROPOSED AGENDA ITEMS:**

- Mr. Geoffrion reminded the Board to email Dr. Horwitz with items for the next agenda.
- Dr. England stated that in the statute the Board has limited power and is basically an advisory committee. The Board of Health does, however, have a statutory role in reviewing and recommending the department's budget to the BOS annually. Dr. Horwitz suggested that the Board gets back to achieving this role. Mr. Geoffrion read the by-law language that states the Board will annually estimate both the cost of maintaining the Pima County Health Department for the ensuing fiscal year and the amounts of money that may be available from the unexpended surpluses from grants or donations. These estimates shall be submitted in the form of a budget to the BOS on or before May 1 of each year.
- Mr. Humphrey stated that the Board should meet every month whether there is a quorum or not because there's so many issues. If we don't have a quorum then the meeting will be informational only. Dr. England said the attorney's office have previously prevented a Board from meeting without a quorum. Mr. Geoffrion shared that the by-laws state if a quorum is not established within 20 minutes of the publicly noticed time, the meeting will be cancelled. Dr. England will contact the County Attorney's Office for advice.
- Next meeting is scheduled for October 23, 2019

10. **ADJOURNMENT:**

The meeting adjourned at 4:30P.M.