

MARICOPA COUNTY BOARD OF HEALTH MEETING MINUTES

Monday, April 26, 2021, at 3:00 PM

Virtual Meeting due to COVID-19 and social distancing guidelines

President MacMillan called the meeting to order at 3:00 p.m.

ROLL CALL:

Members Present:

Supervisor Bill Gates
Debra Baldauff
Don Cassano
Paul Stander
Paula Banahan
Robert MacMillan
Robin Schaeffer
Scott Celley

Members Absent: Kristen Acton

Ex-Officio: Marcy Flanagan

1. CALL TO ORDER

President MacMillan

- A. Roll Call**
- B. Call to the Public**

President MacMillan asked if there was anyone from the public that wanted to address the Board. Ms. Sampler responded that there were no requests known to speak at this time and informed all that they would have the opportunity to type them in the question section, to be acknowledged during or after the meeting accordingly.

DISCUSSION/ACTION ITEMS:

2. Approval of Minutes

President MacMillan

President MacMillan asked for a motion to approve the minutes from the Board of Health (BOH) meeting held on January 26, 2021. A motion was made by Mr. Celley to approve the BOH minutes as presented. Mr. Cassano seconded the motion. The motion passed unanimously.

3. Approval of the Board of Health Bylaws and make a recommendation to the Board of Supervisors to approve revisions

President MacMillan

Members acknowledged receipt of the revised bylaws. Article III Section 8; Power and Duties advises that the Board shall review the Health Status report for Maricopa County annually. Director Flanagan will work with the Epidemiology team, distribute a 2020 report to the board and ensure that the report is on the agenda to discuss every year. **A motion was made by Mr. Cassano to approve the BOH bylaws as presented. Ms. Banahan seconded the motion. The motion passed unanimously.**

4. Appointment of two members to the Board of Health Finance Committee President MacMillan

Article VI Section 2; Standing Committees advises that the finance committee shall consist of the President, Vice President-Finance, two At-large members and one shall be a physician. President MacMillan asked members if there was any interest in serving on the Finance Committee for 2 years. Current members were acknowledged, Dr. Stander and Ms. Schaffer were appointed as finance committee members. **A motion was made by Mr. Cassano to approve the BOH bylaws as presented. Ms. Baldauff seconded the motion. The motion passed unanimously.**

5. Public Health Finance Update - 2nd Qtr FY21

Mr. Scott Pitcairn

Mr. Pitcairn provided the Board with an update of Public Health's fiscal year 2021 - 2nd Quarter Budget Status report for:

- Fund 100 – General Fund
- Fund 200 – Coronavirus Fund/CARES Act Funding
- Fund 265 – Special Revenue Fund
- Fund 532 - Grant Fund

(refer to agenda packet for PHS finance memo and report summary)

A discussion was had concerning Fund 200 to better understand the recovery ACT and spending. Mr. Porter explained the CARES ACT funding extension of December 2021; however, funds are expected to be expended by June 30. The recovery dollars were already added to the county for next year's budget. Ms. Bohn provided additional insight. The intent is to have the monies fully spent by end of June; Maricopa County has prioritized the pandemic response with said funds. The new American rescue plan act funds, Maricopa County is slated to receive about 870 million, first have is expected within the next two weeks federal guidance will detail how funds are to be used. Additional funds are expected for use for non-related pandemic events.

Arizona is expecting 4.8 billion, a lot of the funds are dedicated towards vaccines, contract tracing, and other Public Health specific programs. It's expected that a portion of said funds will flow down to Public Health agencies. It's expected that Public Health will have a lot of opportunities to put programs into place.

Mr. Porter further explained that a lot of the funds will be expended through the grant dollars coming into the department. The explanation to the baseline general funds will be ongoing dollars year after year. Most of the funds will be expended through the department. Some items are already established through the CARES ACT funding. The budget office is recommending keeping those positions on an ongoing basis beyond the grant dollars.

President Macmillan asked if there was both a motion to approve the public health finance report and if anyone wanted to make a recommendation to the Board of Supervisors to approve the Public Health FY22 budget request as recommended by the Maricopa County Budget Office. Ms. Schaffer made a motion to approve the budget as presented and the recommendation to the Board of Supervisors, Mr. Cassano seconded the motion and recommendation. The motion passed unanimously.

6. Environmental Services Finance Update - 2nd Qtr FY21

Mr. Ryan Hautzinger

Mr. Hautzinger provided the Board with an update of Environmental Services fiscal year 2021 - 2nd Quarter Budget Status report for:

- Fund 100 - County General Fund
 - The fund is reporting under the YTD budget through Period 9 close FY21.
- Fund 290 – Environmental Tire Fund
- Fund 506 – Environmental Fee Fund
- Approval of FY 22 OMB Budget Request
 - Fund 100 – County General Fund
 - Fund 290 – Environmental Tire fund
 - Fund 506 Environmental Fee Fund

There were no questions asked pertaining to the report as presented.

President Macmillan asked if there was both a motion to approve the Environmental Services finance report and if anyone wanted to make a recommendation to the Board of Supervisors to approve the Environmental Services FY22 budget request as recommended by the Maricopa County Budget Office. Mr. Celley made a motion to approve the budget as presented and the recommendation to the Board of Supervisors, Mr. Cassano seconded the motion and recommendation. The motion passed unanimously.

(refer to agenda packet for finance summary)

Discussion Items

Marcy Flanagan

1. Public Health Report
 - I. Human Resources
 - II. Communications
 - III. Infrastructure
 - IV. Strategic Planning
 - V. Programs
 - VI. Disease Update
 - VII. Future Topic

Coronavirus/Covid-19 Pandemic Updates

National Summary

- Cases to date - 31,660,546
- 7 day case rate per 100,000 is - 132
- Death total – 566,494

Ms. Flanagan provided that the US today increased by 60, just over 62,000 new cases, 875 new deaths today.

Maricopa County Summary

- Cases to date
- 7 day case rate per 100,000 is – 78 (lower than National average) 67 per 100,000. So, our case rate increased slightly over the past two weeks are positive cases.
- 6% PCR positive cases in Maricopa County

Maricopa County is slowly reaching herd immunity, and about 80% of adults, 65 and older have received at least one dose of a vaccine.

- The daily average of vaccines is 30,000
- Higher incidence of ethnic minorities receiving the vaccine
- Uniting with local community partners to get residents vaccinated in hard-to-reach minority populations.

There's still not a definitive percentage that we have to get to reach herd immunity, most reports advise between 80-90 percent. There's still a long way to go, appointments are declining, some people choose not to receive their second dose.

Efforts to push getting vaccinated

- Maricopa County developing a Communications Department
- Both State and National level about are already in the works with communications

Vaccine Allocations

- Several States are beginning to turn down allotments due to their numbers of interest declining, including Arizona.
- Smaller counties turned down allocations
- Increase in Maricopa County allocation with Johnson and Johnson vaccine
- FDA and CDC paused the Johnson and Johnson vaccine – a rare side effect of blood clots for some individuals, production and vaccination resumed as of Friday, while the CDC, FDA, and ACIP work on a case definition that will help further identify any potential cases.
- Fact sheets will be provided for the vaccine at appointments

Variants

- The most common variant in the world is the B-117 Lineage
- B-117 accounts for Forty-four percent of cases seen
- Variant B-1429 counts for about seven percent of all cases in California
- Common cases in Arizona are the B-117
- No new variants are known

Vaccine appointments - Maricopa County has a goal to bring vaccines to groups that have difficulty with making or getting appointments. This includes those who may have mobility restrictions, vulnerable communities' economic or cultural language disadvantages. A list is maintained to alert people of available appointments, [Maricopa County COVID-19-Vaccine-Locations](#) which allows residents to be alerted of pop-up events.

- Homebound individuals - Maricopa County is currently using the one dose Johnson and Johnson vaccine.
- Group homes and behavioral homes are being vaccinated
- Farms – vaccine events are also ongoing (one dose vaccine)
- Pop up PODs in the Refugee communities Islamic and Asian Pacific Islander community
- Partnering with Arizona Partnership Immunization
- Assistance for those who have vaccine hesitancy in the communities can visit www.whyimmunize.org

Mask Mandate

A discussion was had regarding masks and in-school learning and other Executive Orders. Maricopa County businesses are mostly requiring masks.

- Masks are optional in schools' districts
- Bullying is on the rise with those students who choose to mask up
- ADE is partnering with Maricopa County for discussions
- Masks are highly encouraged when you are unable to socially distance
- CDC recommends wearing face masks when you are unable to socially distance
- Maricopa County does not require a mask mandate
- Cities and counties had an option to require a mask mandate
- There was not a State-wide mandate

Supervisor Gates leads a discussion to allow for additional insight into Maricopa County mask mandates. Within 48 hours of Governor Ducey issuing an Executive Order about mask mandates, the Maricopa County Board of Supervisor believed that that order effectively ended Maricopa County mask mandate. Maricopa County Board of Supervisors never voted to end the mask mandates, however, as operations of law, the belief was that it ended the mask mandate. All Maricopa County buildings require the use of masks. Discussions were had about the pandemic.

MCDPHS - Annual Report

Non- related COVID-19 matters

- Public Health is focusing on data collections on health status in the community regards to health changes since COVID-19
- Data from the Office of the Medical Examiner and Arizona State suggests an increase in overdose deaths, it's unsure whether it's related to the virus.
- Data shows an increase in STD's

(Refer to media recording for a recap of the report)

7. Air Quality Department – Make a recommendation to the Board of Supervisors to approve the proposed revisions to the following rules:

A. AQ-2017-007

Rule 322 (Power Plant Operations)

Rule 323 (Fuel Burning Equipment from Industrial/Commercial/Institutional (ICI) Sources)

Rule 324 (Stationary Reciprocating Internal Combustion Engines (RICE)).

Mr. Verkamp explained each rule as presented. The department is proposing to revise these rules, to address rule deficiencies identified by the EPA. Proposed revisions are required to secure the approval of the rules as part of the Arizona State Implementation Plan under the Federal Clean Air Act. The Department's also proposing revisions to address recommendations provided by the EPA. Incorporate revisions recommended by stakeholders and make the revisions to improve and clarify the rules. The department has held stakeholders' workshops for all the rules to discuss the proposed revisions with stakeholders. Notices were posted of the rulemaking on the Maricopa County Enhanced Regulatory Outreach Program website, for stakeholders to review and comment on the revisions.

The Air Quality Department received a public comment shortly before posting the deadline for their reports, those comments were forward to all board members earlier today. Specifically, the department added language to Section 102.1 D regarding the applicability of the non-road engine

records requirement and Rule 324 6. Additionally, some language in the applicability section, basically narrowing it down to just those types of engines that are kind of like generators. The department advised that they didn't want to be regulating non-road engines such as backhoes and bulldozers. A revision of 1 or 2.1 D. An owner-operator of a non-road engine shall maintain the following records for each non-road inch. A date that each engine is brought to the stationary source, and B are engines located at a stationary source greater than 14 consecutive days.

- Owners must maintain records of the make model, serial number, and rated capacity of the engine.
- The date of each instance in which the engine has moved from its existing location
- Reasons why the engine was moved
- Fuel type and sulfur content of the fuel

Language for engines located at the stationary source greater than 14 consecutive days in, quote, to limit the record-keeping requirement for those non-road engines. Concerning rentals – consideration of stakeholders not having to keep all these records for just a rental generator came and went off on-site, very quickly, and so and so that's, we spoke to the stakeholder who submitted this comment last week and they were satisfied with the revisions that we made to address their concerns. Additional discussions were had concerning ASU generators and where their equipment Rule it falls under.

President MacMillan asked if there was a motion to approve Rule 322, Rule 323, and Rule 324 as presented. Rule 322, Rule 323, and Rule 324 by Ms. Schaffer as presented and seconded by Mr. Cassano individually. The motion passed unanimously.

The Air Quality Department respectfully asks the Board to approve their request of a recommendation to the Board of Supervisors to approve Rule:

- B. AQ-2017-008
Rule 336 (Surface Coating Operations)

A discussion was had about changes with Rule 336. The department had on oppositions or comments on Rule 336. The proposed rulemaking will be published as a notice on the Air Quality's website to allow for further comments.

President MacMillan asked if there was a motion to approve the proposed revisions to Rule 336 as presented. Ms. Schaffer made a motion to approve Rule 336, the motion was seconded by Mr. Cassano. The motion passed. There was one Nye by Mr. Macmillan.

Air Quality Department requests Board of Health approval of the expedited process rulemaking for Rule 370.

- C. AQ-2019-003
Rule 370 (Federal Hazardous Air Pollutant Program)

President MacMillan asked if there was a motion to approve the expedited process rulemaking for Rule 370 as presented. Ms. Schaffer made a motion to approve Rule 370 as stated, the motion was seconded by Mr. Cassano. The motion passed unanimously

**8. Fee Waiver Applications – Twenty-three (23) permit fee waivers
Fee Waiver Application Summary Sheet and Fee Waiver Staff Report
(refer to agenda packet for memo and finance summary)**

Mr. Ken Conklin

Mr. Conklin presented a summary of documents previously distributed to the Board on the 23 Permit Fee Waiver applications and referred all to the Fee waiver Application Summary sheet and Staff Report, noting that all 23 met the Maricopa County Environmental Services Health Code Chapter 1. Regulation 5. Only an operator of a charitable non-profit establishment, which operates to provide relief to the solely distressed or underprivileged may apply to the Board of Health for the waiver of a permit fee. A waiver may be granted only if the operator maintains a current 501 (c)3 tax-exempt status. This demonstrates that the payment of the said fee will cause financial hardship. The Board was asked to approve P1-P20 and C1-C3 on the fee waiver applications submitted.

President MacMillan asked if there was a motion to approve the 23 fee waiver applications presented as P1 through P20 and C1 through C3. A Motion was made by Mr. Celley to approve the 23 fee waiver permits and seconded by Mr. Cassano. All were in favor, the motion carried.

Announcements and Current Events

**President/
Board Members**

Board members requests that a Public Health status report for 2020 be added to the agenda for discussion. Board members were reminded that any agenda item or suggestion must be emailed to Ms. Sampler requesting to add the topic the agenda.

Adjournment

President MacMillan

There being no further business, a motion to adjourn the meeting was made by Dr. Stander and seconded by Ms. Schaffer, and the motion passed unanimously. The meeting was adjourned at 5:38 p.m.