

Meeting Minutes from May 22, 2019

ATTENDEES

Commissioner Randy Asay, Commissioner Greg Miles, Commissioner Bart Haslem, Mr. Terry Nelson, Mr. Keith Goodspeed, Ms. Shanna Wheeler, Ms. Staci Wilson, Dr. Richard Jolley

Director Jordan Mathis, Mr. Scott Gessell, Ms. Raima Colledge, Mr. Darrin Brown, Ms. Michelle Miles, Mr. Jake Isaacson, Mr. Daniel Jackson, Mr. Jon Stearmer, Keith Swenson (by phone)

ABSENT

None

AGENDA

The meeting was called to order at 12:08 pm. Prayer was given by Commissioner Miles and Pledge was led by Dr. Jolley,

Minutes from March 27, 2019

A motion was made to approve minutes from the Board of Health on March 27, 2019, by Commissioner Miles and seconded by Ms. Wheeler. Motion carried. Vote unanimous.

Public Comment

None

Medical Cannabis Update

House Bill 30001: Utah Medical Cannabis Act, was passed into law by Utah lawmakers in December 2018. The requirements for local health departments under this law are spelled out below.

26-61a-607. Local health department distribution.

(1)Each local health department shall designate:

(a)one or more of the local health department's locations as a state central fill shipment distribution location; and

(b)a sufficient number of personnel to ensure that at least one individual is available at all times during business hours:

(i)whom the department has registered as a local health department distribution agent; and

(ii)to distribute state central fill shipments to medical cannabis cardholders in accordance with this section.

However, this does not change the federal law that is contrary to the state requirement listed above. Jon Stearmer, the department's legal counsel, has been working on a task force with other county attorney's to know how to best advise the counties and local health departments regarding this legal contradiction. Director Mathis was recently in a meeting with the head of the Department of Health, a representative from UAC (Utah Association of Counties), and the head of the Risk Management from UCIP (Utah Counties Indemnity Pool) where several concerns were discussed. Some of the concerns include the minute amount of control over the process for recommending the use of medical cannabis and who has primacy over the legality of that recommendation for use (State vs. Federal Laws). County Attorneys have shared concerns with Senator Vickers who was a sponsor of the original bill. Senator Vickers does recognize these as legitimate concerns. The consensus of the meeting was to put this process in a holding pattern until all the kinks have been worked out.

Mr. Stearmer agrees that a hold needs to be put into effect for our counties until there is clarity between State and Federal law.

A motion was made to not take affirmative action on this statute until there is clarity between State and Federal law by Dr. Jolley and seconded by Mr. Nelson. Motion carried. Vote unanimous.

H.B. 163: Offenses Against the Administration of the Government Amendments

House Bill 163: Offenses Against the Administration of the government Amendments, was passed into law in March 2019. This bill makes it a crime to misuse public property and describes the type of personal use of public property that is permitted. Misuse of public property is a minimum third-degree felony and any misuse that value exceeds \$5,000 is a second-degree felony. In order to protect employees, the law allows public entities to have “a written policy..that authorizes the public servant to use or possess the public property for personal use.”

As a result of the passage of this law, which becomes effective on July 1, 2019, we will need to look at addressing at a minimum; 405: Vehicle Use and 735: Use of Communication Systems and Cellular Phones. Jon Stearmer, the department’s legal counsel, has been working on a task force with other county attorney’s to know how to best advise the counties and local health departments regarding this legislation.

Mr. Stearmer suggested that we adopt a policy that states a broad use of public property for personal use in order to combat the broadness of this statute. Policy examples from Wasatch County and UCIP (Utah Counties Indemnity Pool) were presented to the Board. One of the concerns for our Health Department is our cellular phone usage. We currently provide cell phones for our Management Team and Environmental Health Scientists. We allow personal use of these phones so the employees don’t have to carry around two phones. There is no extra cost involved for the personal use of cell phones. However, according to this law, it could be considered misuse of public property. There was discussion in regards to moving solely to a stipend so employees could utilize their personal cell phones for work. For the time being, we will keep our current process of department-issued cell phones with the Business Manager monitoring usage. There was extensive discussion on how to best to handle our processes within terms of this law. The Board agrees that we need to draft a policy that will protect our employees and still be compliant with the law. After reviewing the policies received from Wasatch County and UCIP it was determined that our policy will need to have more clarification of what is an appropriate use of public property.

It was decided to draft a policy with provisions on personal use of public property under the guidance of Mr. Stearmer and call a special meeting for approval of the policy by the Board before July 1.

Minimum Performance Audit Report Review

Keith Swenson an auditor with the Utah Department of Health, Office of Internal Audit, visited TriCounty Health at the end of April to perform a Standards for Minimum Performance Audit. They review each division within the Health Department to make sure we are meeting the standards required by law. The results have not been finalized, but there were no findings in the preliminary report. Since the meeting, the final report has been issued and can be found [here](#).

Closed Session

A motion was made to enter into closed session to discuss personnel issues by Commissioner Miles and seconded by Ms. Wheeler. Motion carried. Vote unanimous.

A motion was made to enter back into open session to discuss personnel by Dr. Jolley and seconded by Mr. Nelson. Motion carried. Vote unanimous.

Inventory Surplus & Disposal Policy Recommendation

Mr. Gessell presented the need for an inventory or surplus and disposal policy. This policy would be for assets and/or property that are purchased with Federal Grant monies. This is the recommendation:

When TriCounty Health Department (TCHD) assets and/or property are not currently needed and deemed surplus due to age, wear, need, or any other reason, TCHD shall have two options:

1. Transfer or donate the property to another entity. This may be done with or without cost and is the preferred method of disposal. Such transfers or donations shall be made in the following priority order:

- Public agencies
- Charitable organizations
- Private agencies benefiting the public

2. Open public auction or open bidding process

In either case, a record of the transaction, including original cost when available, will be made if the property is recorded as an asset on the TCHD inventory list. If such property was purchased with federal funds, prior approval of the disposal shall be obtained and documented from the program which the item was purchased. In the event that prior approval can't be made the Business Manager must review the circumstances and approve the disposal. If such property is sold at open public auction or open bidding process, the funds received from the sale will be credited to the appropriate program, or, if the amount is less than \$100, credited to miscellaneous revenue.

A motion was made to approve the recommended policy and put it into effect by Commissioner Haslem and seconded by Ms. Wilson. Motion carried. Vote unanimous.

2019 Year-to-Date Financial Report

Mr. Gessell reported that all counties accounts are current with their contributions. We are not doing as well as we did last year, but we are still doing very well financially. We continue to have funds coming into the Diabetes Prevention contract that was not anticipated. We currently have received \$17,040 in this fund and expect to see approximately \$10,000 more.

Director Mathis presented a table of our department cash flow. It shows a consistent upward trend. Additionally, we have been approved to move funds to an account for emergencies or projects approved by the Board. We have named this account B.A.R.F. (Board Approved Restricted Funds).

Board Retreat 2019

The UALBOH (Utah Association of Local Boards of Health) Symposium will be held this year at the Homestead Resort in Midway, Utah on September 5th and 6th. Jordan's proposal is to combine UALBOH with the TriCounty BOH Retreat. However, to comply with the Open and Public Meetings Act we cannot conduct official business particularly financial business outside of the district boundaries since those who are impacted by the decisions must have an opportunity to participate. Obviously, we need to make sure that we comply with this important requirement. To do this we would propose one of the following courses of action:

Option #1:

1. We would hold our regular business meeting in Duchesne the afternoon/evening of Wednesday, September 4.
2. We would then collectively travel to Midway and have each of you check into the Homestead Resort on that evening and meet for dinner (spouses/significant others invited) that evening.
3. On Thursday, September 5th we will meet during the day for discussions.
4. The UALBOH Symposium will begin that evening and finish the following day.

We feel that combining these events may help with scheduling issues and provide a better opportunity for each of you to attend the UALBOH Symposium.

Pros:

- We will be able to conduct our business and do our retreat in close proximity to one another.
- We will not have to hold another meeting in September to be able to conduct the required business (introduction of the annual budget).

Cons:

- Daggett County members will have to travel further to participate.
- Requires extended commitment of time from board members to be able to facilitate.

Option #2:

1. Each of you would check into the Homestead Resort on the evening of September 4, with the option to meet for dinner (spouses/significant others invited) that evening.
2. On Thursday, September 5th we will meet during the day for discussions but no business.
3. The UALBOH Symposium will begin that evening and finish the following day.
4. We would hold our regular business meeting on September 25, in Vernal

Pros:

- This will not require a long single commitment of time from board members

Cons:

- We will have to hold two meetings in September.

The Board decided to proceed with option #2. Ms. Colledge will get with the Homestead Resort to make arrangements and send a reminder to Board Members.

Western Duchesne Development Committee

There has been great participation from key stakeholders in Western Duchesne County. This participation has been critical to the progress made, particularly in the area of addressing the allowance of hauling water. Currently, TriCounty Staff is working with Pinion Forest Special Service District to update their drinking water masterplan. As we move forward in collaboration with PFSSD, we hope to come to the board of health to request lifting the current water hauling restriction in strategic areas in an effort to encourage development in those areas.

Meeting adjourned at 2:35 pm