

**Snohomish Health District
Board of Health Minutes
Regular Meeting
September 8, 2015**

Members Present

Adrienne Fraley-Monillas, Councilmember, Edmonds
Karen Guzak, Mayor, Snohomish
John Joplin, Councilmember, Brier
Ken Klein, County Councilmember
Sam Low, Councilmember, Lake Stevens, Chair
Seawn Richards, Councilmember, Mountlake Terrace
Sid Roberts, Councilmember, Lynnwood
Brian Sullivan, County Councilmember
Donna Wright, Councilmember, Marysville

Members Absent

Suzie Ashworth, Councilmember, Granite Falls
Linda Grafer, Councilmember, Mukilteo
Scott Murphy, Councilmember, Everett
Terry Ryan, County Councilmember
Dave Somers, County Councilmember
Stephanie Wright, County Councilmember

Call to Order

The August meeting of the Board of Health was convened at 3:01 p.m. by Chair Sam Low in the Auditorium of the Snohomish Health District Rucker Building. Roll call was taken by Lorie Ochmann, who reported there was a quorum present.

Chair's Report

Chair Low had no report.

Minutes

It was moved by Ms. Guzak and seconded by Mr. Richards to approve the minutes of the regular meeting held August 11, 2015. The motion carried unanimously.

Consent Agenda

It was moved by Mr. Klein and seconded by Mr. Sullivan to approve the following items on the Consent Agenda: Resolution 15-12 authorizing expenditures for Health District and PHEPR funds totaling \$1,207,598.55 and voucher numbers 61012-61161 for August 2015. The motion carried unanimously.

Public Comment

Public Comment was given by Hanna Welander, representing the Washington Nurses Association; and Joshua Baba, representing Vaporland.

Briefings

SIPP Phase II: Vaping and Vapor Devices

Heather Thomas, SHD Communications Strategist gave a presentation on SIPP Phase II: Vaping and Vapor Devices. E-cigarettes and vapor products produce an aerosolized mixture for inhalation and are not currently regulated at the federal or state levels like combustible and smokeless tobacco products. In January 2015, the Snohomish County Board of Health adopted Chapter 13 of the Snohomish Sanitary Code to incorporate the state's 2005 Smoking in Public Places law, RCW 70.160, also known as SIPP. Chapter 13 also clarified specific definitions and terminology, including that smoking marijuana or using hookahs in public are included in the prohibition. Chapter 13 does not address vaping in public places or youth access to vapor products. At its June meeting, the Board of Health formed a subcommittee to evaluate public health concerns, policy considerations, and to facilitate the stakeholder engagement process. The subcommittee held three meetings. Community members and stakeholders were invited to provide comments to the Vaping Subcommittee during a preliminary public comment period from July 6-31. Comments could be shared via online survey, email, written response, or at the listening session on July 21. They were asked to provide input on four questions: Do you support expanding the Smoking in Public Places law to prohibit vaping?; How would prohibiting vaping in public places impact you?; What do you think should be included in the ordinance to be most effective in preventing youth from smoking and vaping?; and Are there any specific issues that you would like the Board of Health to evaluate while considering this regulation? Nearly 800 comments were received. At the August 19 meeting, the subcommittee reviewed policy options prepared by staff and formed a policy recommendation for a vaping and vapor products ordinance for consideration by the full Board of Health. The Vaping

Subcommittee recommends prohibiting the use of vapor devices containing nicotine or any other substance in public places and workplaces similar to the way smoking is prohibited under the state Smoking in Public Places law and Snohomish Sanitary Code Chapter 13. The policy recommendation includes an exception, under specific conditions including excluding minors, for limited sampling of vapor products in retail stores that exclusively sell nicotine-based vapor products. All retailers of vapor products in the county would be required to obtain a permit, with two permit types for (1) retailers of vapor products, and (2) retailers that exclusively sell vapor products and offer free samplings. The Vaping Subcommittee also recommended a number of restrictions on sales of vapor products to reduce access to youth that are similar to those already in place for tobacco products. A second public comment period will be October 8 – 23, with the first reading of the draft ordinance at the October 13 Board of Health Meeting. One or more additional public listening sessions will be scheduled for the week of October 19, and the second reading of the draft ordinance will be at the November 10 Board Meeting. A vote may also occur at the November meeting.

Chair Low thanked the Vaping Subcommittee Members for their participation. He also requested that policy recommendations #8 Prohibit internet sales to minors and require age verification upon delivery, and #9 Require use of child-proof packaging for nicotine e-juice; be pulled from the list for further review by staff and legal counsel. Steve Uberti, SHD Legal Counsel commented that the core of the ordinance should be consistent with Smoking in Public Places Code and not reach beyond that scope at this time. Activities at the state and federal level may address additional issues in the future.

Board Member Guzak commented that the Subcommittee had discussed prohibiting sales of vaping product within 1,000 feet of schools. That would be unenforceable, especially given the number of convenience store located within 1,000 feet of schools.

Board Member Fraley-Monillas agreed that the draft ordinance needs to be consistent with tobacco rules.

Board Member Richards asked if and legal counsel affirmed that this rule-making is within the jurisdiction of the Board of Health.

Board Member Klein asked what the licensing fee would be for retailers. He also stated that both King and Pierce Counties have adopted vaping ordinances, but have not instituted licensing. Mr. Klein also asked for further explanation on proposed ventilation requirements.

Dr. Goldbaum responded that with Board approval, staff would begin exploring the cost of the program, noting that fee cannot exceed the cost of the service, Snohomish County would indeed be taking a different path from King and Pierce Counties, and ventilation requirements would vary with the type of building. A free-standing building housing no other businesses would have no ventilation requirements. The requirement would only apply to multi-unit structures where vapor would be shared with neighboring businesses or residences. This would only apply to vaping stores that allow sampling.

Board Member Richards asked if existing stores would be grandfathered in ventilation rules.

Dr. Goldbaum responded that grandfathering is at the discretion of the Board.

Board Member Sullivan noted that ventilation systems can be very expensive and he would not like to see people put out of business due to the cost of ventilation. There could be a phasing in of the ventilation requirement over perhaps seven years.

Board Member Roberts agreed that prohibiting sales of vaping products within 1,000 feet of schools is unenforceable. He also asked what smoking regulations applied to school zones.

Mr. Uberti responded that there is no law preventing smoking within 1,000 feet of schools, but the rule prohibiting smoking within 25 feet of entrances does apply.

Board Member Guzak suggested that some grandfathering may be appropriate, but the period should not be several years. Installation of necessary equipment is the cost of doing business.

Board Member Fraley-Monillas stated that there must be a happy medium, perhaps through incentives to ensure proper ventilation.

Board Member Richards commented that ventilation systems can cost tens of thousands of dollars.

Board Member D. Wright commented that other business, such as nail salons have ventilation requirements and those requirements should be explored.

Chair Low confirmed that staff should proceed with drafting the ordinance and additional research.

Rucker Building Facilities Assessment and Operations/Maintenance Planning

Teri Smith, SHD Human Resources Manager and Kyle Victor and Peter Goodall from McKinstry gave a presentation on the Rucker Building Facilities Assessment. The December 9, 2014, Board meeting included a request for 2015 Operations and Maintenance Capital. The supporting information in the request was based on the aging or worsening condition of the building, its contents and the infrastructure due to postponement or deferral of costly maintenance or replacement. The request for \$425,000 included capital outlay for Rucker Building, Information Systems and vehicles. Staff also determined securing the advice of industry professionals to assist with developing a reasonable building maintenance and replacement schedule would be beneficial for budgeting and planning. On January 17, 2015, SHD experienced large scale water damage to the first floor and basement areas. The Immunization Clinic needed to be relocated to the Lynnwood location and Vital Records employees and functions co-located with Environmental Health. The water damage forced the agency to review the capital priorities presented previously to the Board in December and to look at the bigger picture of the Rucker Building's occupancy and utilization. In the interim the District's focus shifted to remediation or repair of the damaged areas; the last piece of the repair is scheduled to occur by mid-September. Meanwhile, staff met with several building operations and maintenance companies as well as some potential owner's representatives to respond to a proposed scope of work. In March, the District selected McKinstry, a company that specializes in facility services, energy, construction and consulting. Mr. Victor reviewed the technical analysis and identified four key findings: the HVAC system is at end of life and needs complete replacement; inefficient use of space

within building; the building exterior is in deteriorating condition and lacks street-side visibility and appeal; and outdated & ineffective building technology. Three priority areas were identified: critical infrastructure replacements to improve occupant health and wellness, reduce risks, and increase occupant productivity; space consolidation to improve building efficiency, increase collaboration, and free-up leasable square footage; and interior renovation to enhance customer service, improve leasability, and attract and retain talent. Mr. Victor reviewed a financial scenario that gave an overview of capital improvement recommendations, funding options, and potential revenue from future leased space. Ms. Smith reviewed next steps including further review by the 2016 Budget Ad-Hoc Committee, continued refinement of options with McKinstry, and financing research.

Board Member Guzak commented that an improved stairway would be a good investment.

Board Member Roberts asked if a more efficient HVAC system would net savings.

Mr. Victor indicated that the savings would be small.

Chari Low stated the HVAC replacement and building maintenance are necessary, and this looks like a win-win proposal.

Board Member Fraley-Monillas asked if there is demand for leased space in the area.

Mr. Victor said high-level analysis indicated that there is demand.

Pete Mayer, SHD Deputy Director clarified that the building is not appropriate for retail space.

Mr. Goodall explained that due to the building's elevation to street level would necessitate an expansive remodel and retro-fit, and would not be cost effective in the long run.

Mr. Roberts asked what the assessed value of the building is, and if the lack of parking is an issue.

Judy Chapman, SHD Business Manager responded that the assessed value is \$9.4 million. Parking remains an issue.

Board Member D. Wright asked if the elevator lift at the rear entrance is still necessary and if it would be retained through a remodel.

Mr. Mayer indicated that the lift is necessary and will remain intact.

Board Member Guzak complimented the plan to keep Health District services on the first floor and added that retail space would not be a good move.

Board Member Fraley-Monillas agreed that first floor services are needed.

Board Member Joplin suggest better loan rates are available than those quoted in the presentation.

SHD Governance and Finance Discussion Guide

Board Members were provided with an agenda and discussion guide for the September 24 Board of Health Retreat. Mr. Mayer highlighted a list of questions in the discussion guide that Board Members will be asked to discuss at the retreat. Also included was a recent survey of public health districts regarding local funding. After the retreat, the Board's preferred options will then be reviewed with community stakeholders the Board has previously identified to help ascertain their general awareness and support for public health funding and their degree of support for the financing options. The interviews are anticipated to take place throughout September and October, leading to a summary of feedback and November workshop between stakeholders and the Board. It's anticipated that the Board will then conclude its deliberations and move forward toward the adoption of a new finance and governance structure in December 2015.

Committee and Standing Reports

Finance Report

There were no questions on the finance report.

Information Items

A calendar for scheduled meetings in September and October 2015 was provided to Board Members in their packets.

Adjournment

The meeting was adjourned at 4:31 PM.

Sam Low, Chair

Gary Goldbaum, M.D., M.P.H., Secretary