



***Snohomish Health District
Board of Health Minutes
Regular Meeting
November 10, 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
Scott Murphy, Councilmember, Everett
Sid Roberts, Councilmember, Lynnwood
Terry Ryan, County Councilmember
Donna Wright, Councilmember, Marysville
Stephanie Wright, County Councilmember

Members Absent

Suzie Ashworth, Councilmember, Granite Falls
Linda Grafer, Councilmember, Mukilteo
Sean Richards, Councilmember, Mountlake Terrace
Dave Somers, County Councilmember
Brian Sullivan, County Councilmember

Call to Order

The November meeting of the Board of Health was convened at 3:00 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.

Minutes

It was moved by Ms. Guzak and seconded by Ms. D. Wright to approve the minutes of the regular meeting held October 13, 2015. The motion carried unanimously.



Consent Agenda

It was moved by Mr. Roberts and seconded by Ms. Fraley-Monillas to approve the following items on the Consent Agenda: Resolution 15-14 authorizing expenditures for Health District and PHEPR funds totaling \$1,376,214.85 and voucher numbers 61306-61466 for October 2015. The motion carried unanimously.

Public Comment

There was no public comment.

Health Officer's Report

Health Officer, Dr. Goldbaum provided updated on the E. coli outbreak which appears to be associated with eating at Chipotle outlets; the recently published *Viral Hepatitis Prevention & Outreach* report; and the informative visual handout produced for the Washington State Association of Local Public Health Officials (WSALPHO) to help explain the role of public health in health care reform.

Board Member Fraley-Monillas complimented the article by Dr. Goldbaum in the Everett Herald newspaper on pneumonia.

Chair's Report

Chair Low thanked Veterans for their service. Vaping Subcommittee Members were also thanked for their work on the proposed Vaping Ordinance.

Public Hearings and Action Items

SIPP Phase 2: Vaping and Vapor Products Second Reading, Approval of Ordinance

Margaret Shield, SHD Health Policy Analyst gave a brief overview of the Proposed Vapor Products Code. Proposed Chapter 14 would introduce restrictions on the use, sale, and availability of vapor products by prohibiting the use of vapor products where smoking is prohibited, with limited exceptions, and regulating sales of vapor products to reduce youth access. The ordinance prohibits vaping in public in the same way that smoking is prohibited under Smoking in Public Places law. There is a limited exception for sampling of vapor products at specific permitted retail outlets, stores that obtain a Category 2 retail outlet permit. This exception may not be construed to authorize any



vaping lounges. Two categories of permits are proposed: Category 1 – Sales at Retail Outlets; and Category 2 – Sales with Sampling. Both categories must meet all the retailer requirements. Category 2 stores must also: sell only vapor products; exclude minors at all times; provide samplings for free, limited to testing; not allow consumption of products on premises; not provide seating, not facilitate lounging; and have independent ventilation system. Vapor product retail outlets must submit permit application and permit fee. The ordinance creates enforcement procedures and fees based on SHD costs. The proposed ordinance would become effective thirty days after passage.

Board Member Fraley-Monillas asked if sampling is allowed in pipe shops and for clarification on the thinking behind allowing sampling in vape shops.

Ms. Shield responded that no, sampling is not allowed in pipe or any tobacco or marijuana retail outlets. Board Members have heard consistent feedback from vape shop owners that sampling is vital to their businesses, citing device training and education as well as product sampling.

Board and Member Guzak added that dozens of devices and thousands of flavors are available. Sampling and testing are reasonable accommodations.

Ms. Shield responded that the policy issue of sampling is for the Board to decide. Minors are prohibited from entering Category 2 retail outlets in order to mitigate the exposure to vapor generated by sampling.

Mr. Murphy asked for additional details on the fee structure.

Ms. Shield reviewed the allowable cost considerations in establishing fees.

Chair Low opened the Public Hearing on Vaping and Vapor Products.

Mike Webb of Olympia, WA representing the Office of the Attorney General spoke in support of the ordinance, enforcement, and reducing youth access to tobacco products.

Joe Baba of Snohomish, WA thanked the Board for the thoughtful process and careful consideration of the ordinance language and asked for greater clarification on the seating language in the ordinance.

Kirsten Frandsen of Tacoma, WA representing the Tacoma-Pierce County Health Department spoke about the e-cigarette regulation process in Tacoma-Pierce and lessons learned.

Chair Low closed the Public Hearing.

Board Members discussed the proposed ordinance and amended language specific to the seating limitation.



Board Member Fraley-Monillas asked why child-resistant requirements were not included in the ordinance.

Ms. Shield concurred the poisonings are a serious concern and noted that the State Legislature is taking up the issue. Although the Vaping Subcommittee is supportive of child-resistant packaging, it was determined that the requirement would be unenforceable. The Subcommittee decided to move forward with the current proposed ordinance and continue research on the issue of child-resistant packaging with the intent of returning to the Board with an amendment to the ordinance.

Board Member Fraley-Monillas stated that she would like a child-resistant packaging included in the ordinance.

Board Member Guzak responded that the Vaping Subcommittee would have had to specify the length of time vape store owners would be given to transition their entire inventory to comply with the requirement. It was determined using the same timeline as the effective dates for licensure was not appropriate and the Subcommittee was unable to come to agreement.

Dr. Goldbaum noted that in order to require child-resistant packaging, it would also be necessary to provide guidance on what constitutes effective child-resistant packaging. Although there are federal guidelines, the issue requires additional research and assurances that the specified packing is effective. Technical details complicate the issue.

Board Member Fraley-Monillas asked how Pierce County has addressed the packaging issue.

Ms. Shield stated that Pierce County does have a provision in their ordinance that aligns with proposed language at the state level and federal Poisoning Packaging Act.

Kirsten Frandsen representing the Tacoma-Pierce County Health Department stated that the implementation date is January 1, 2016, noting that Tacoma-Pierce County did not consider including child-resistant packaging in their first ordinance for the same reasons cited today. After the vape store owners requested child-resistant packing regulations, staff visited local vape stores and were told by store owners that the majority of the product was already in child-resistant packaging.

Board Member Roberts said that the Vaping Subcommittee decided the child-resistant packaging requirement would slow down the issue and it was most appropriate to separate the issues and get the ordinance approved without the packaging requirement. Everyone wants children protected and the ordinance can be amended.

Board Member Fraley-Monillas recommended using the same language included in the Piece County ordinance.

Board Member Klein asked if the addition of a child-resistant packaging requirement would change the fee structure.



Ms. Shield responded that the inspection and enforcement would be a new type of activity for staff and impact the fee schedule.

Board Member Guzak recommended passage of the ordinance and continued work on the child-resistant packaging.

Chair Low agreed and suggested that staff may be able to present additional information on child-resistant packaging at the December meeting.

It was moved by Mr. Ryan and seconded by Ms. Fraley-Monillas to approve the amended Ordinance 2015-002; new Chapter 14 of Snohomish Health District Sanitary Code entitled "Restrictions on the Use, Sale, and Availability of Vapor Products in Snohomish County". The motion carried unanimously.

2016 Preliminary Budget- Follow-up/Re-cap; Review of Capital Improvement Program; Review of Agency Fee Schedule; Public Hearing

Pete Mayer, SHD Deputy Director and COO gave a presentation on the 2016 Preliminary Budget Overview, projected and requested revenues, fees, capital expenditures, and impact on fund balance. Mr. Mayer reviewed revenues by category and the full budget request made to the county for per capita, Communicable Disease, and Mental Health 1/10th of 1% contributions totaling \$3,734,045. Mr. Mayer then reviewed the proposed Environmental Health fee increase noting that the last increase occurred in 2012. The 2016 Preliminary Budget reflects an increase of just over \$3,500,000 above the 2015 adopted budget. Capital expenditure requests include \$3,285,321 in building renovations. The HVAC system replacement is high priority and will cost an estimated \$1,087,541. Additional capital expenditures include vehicle purchase and technology expenses. One-time use of fund balance is projected to be \$1,468,235. In conclusion, Mr. Mayer identified the assumptions in creating the preliminary budget as: a full bridge the gap request made to the county; rolling over 2015 funding from delayed capital projects; continued WIC and First Steps programs during transition in 2016; and a budget that invests in the endorsed new vision. Next steps include a 2016 budget Ad-Hoc Committee Meeting on November 20, a revised and final budget for Board Member review by December 4, budget approval vote at the December 8 Board Meeting, and final Budget Books provided in January 2016.

Board Members discussed the proposed budget, capital projects, and county funding.

Chair Low opened the Public Hearing on the 2016 Preliminary Budget.

There were no requests to speak.

Chari Low closed the Public Hearing.



Design Contract with Enterprise Services

Teri Smith, SHD Human Resources Manager gave a presentation on Rucker Building Improvements and Directed Engineering Study. Recommendations for the Rucker Building include HVAC replacement, improved building efficiency, and improved ability to lease excess space. The next step would be to partner with the Washington State Department of Enterprise Services (DES). DES provides comprehensive project management with over 200 active projects. A partnership with DES would allow SHD to select an Energy Service Company (ESCO) to perform a directed engineering study and audit the design phase of the project. Energy Savings Performance contracts identify, design, and construct energy and utility conservation projects; leverage energy and utility dollars saved to pay for project costs; and guarantee total project cost, performance and energy savings before construction starts. Benefits to DES partnership include: contracting and project management expertise; experienced energy engineers; proven construction delivery method; and long-term business relationships with ESCOs. Next steps include completion of directed engineering study and securing funding.

Board Members asked for clarification on project costs.

Board Members discussed the building maintenance needs and timing of investments. If the future of the building is somewhat in question due to the proposed merger with Snohomish County, then the future needs of building occupants may be different from what is known at this time. It was recognized that the HVAC system is needed maintenance, but there is a risk of redoing some of the HVAC work if building needs change.

Board Member Murphy suggested a phased approach to the remodeling.

Board Member Guzak recommended that the plan be approved because maintenance and upgrades are needed regardless of who occupies the space.

Board Member S. Wright agreed with idea of phased improvements and suggested only proceeding with items that make sense in every scenario.

Board Member Murphy suggested deferring the project until there is a better sense of the future organizational structure.

Board Member Klein asked if the current design proposal was specific to current agency needs.

Kyle Victor representing McKinstry responded that the HVAC is not specifically tied to the rest of the design work, although there is some risk of redoing some work if the layout changes. The



investment in the first floor is more focused on consolidating staff and improvements in customer-facing areas to serve current needs.

Mr. Mayer reminded the Board that the current proposal is for a design contract, not construction.

Mr. Roberts said he supports moving forward.

It was moved by Mr. Roberts and seconded by Ms. Guzak to authorize the Deputy Director /Chief Operating Officer to enter into an Interagency Agreement with the Department of Enterprise Services for a Directed Engineering Study to be conducted by McKinstry in an amount not to exceed \$182,000. The motion carried 8 in favor (Fraleymonillas, Guzak, Joplin, Klein, Low, Roberts, Ryan, D. Wright) and 1 opposed (Murphy).

Briefings

Proposed Transition of Health District to Snohomish County

Pete Mayer presented next steps on exploring the potential consolidation of the Health District with Snohomish County. Mr. Mayer recapped Board Member Klein's proposal and the County Council's motion "...to analyze the feasibility, fiscal impacts, structural options and the impact on the public's health of transitioning the Health District's assets, employees, programs, and functions to Snohomish County...pending subsequent action by the Board, and approval of the County Council, supports the development of an executable implementation plan transition public health services to with the Snohomish County Government structure." The County Council motion passed 5-0 on October 26. A feasibility study and implementation plan are needed prior to filing an Order of Dissolution and requires a majority of the Board to sign a Petition for an Order of Dissolution, if such a decision is made to proceed. Prior to moving forward, some decisions will need to be made related to goals and desired outcomes, procedural items such as timeframe, study expenses, and governance options. SHD will continue discussions with Ruckelshaus Center staff, who continue to express interest in assisting the District and County in exploring the issues. A scope of work and deliverables will need to be developed for the study contract, anticipated to come before the Board at the December 8th meeting..

Board Member Klein stated that the proposed consolidation is a good opportunity for improved efficiency.

Board Member D. Wright asked how funding would be effected and noted that the Rucker Building belongs to the cities.



Steve Uberti, SHD Legal Counsel assured Board Members that all of the issues will be addressed as part of the process.

Pete Mayer added that city's financial interests in the Rucker Building for which the County would need to address upon a transition are approximately \$3 million.

Board Member Guzak said that continuity of service is the number one issue.

Board Member Klein responded that discussion will continue.

Board Member Fraley-Monillas requested further discussion with additional time allotted and all Board Members present.

Board Member Roberts agreed the topic will require additional time and consideration. Members recommended dedicated time at their next Board meeting be made available for the discussion.

Committee and Standing Reports

Finance Report

There were no questions on the finance report.

Mid-Year Budget Review

There were no questions on the Mid-Year Budget Review.

Information Items

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

Executive Session

The Snohomish Health District Board of Health convened into Executive Session at 5:07 for the purpose of discussing matters relating potential litigation. Executive Session was expected to last five minutes. The Board reconvened into regular session at 5:12.



Adjournment

The meeting was adjourned at 5:12 PM.

Sam Low, Chair

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