

**MARICOPA COUNTY BOARD OF HEALTH
MEETING MINUTES**

Monday, April 24, 2023, at 3:00 PM

**4041 N. Central Ave.
Floor 14
Phoenix, Az 85012**

President MacMillan called the meeting to order at 3:02 p.m.

ROLL CALL:

Members Present:

Debra Baldauff
Don Cassano (virtual)
Joanne Osborne
Matthew Farber
Paul Stander (virtual)
Robert MacMillan

Ex-Officio: Marcy Flanagan

Members Absent:

Supervisor Bill Gates
Paula Banahan

1. **CALL TO ORDER - 3:02pm**
 - A. **Roll Call**
 - B. **Call to the Public**

President MacMillan

Ms. Sampler informed all that there were no requests known to speak.

DISCUSSION/ACTION ITEMS:

2. **Elections**

President MacMillan

President MacMillan asked the board for a motion for the continuation of elections, moving the agenda item to the next board of health meeting adding that a review and amendments to the bylaws were needed.

Motioned to approve moving the elections to the next board meeting and adding the bylaws as an agenda item.

- **Motion - Mr. Cassano**
- **Seconded - Ms. Baldauff**
- **Motion passed unanimously**

3. The appointment of Joanne Osborne

Marcy Flanagan

The Board of Supervisors accepted the resignation of Kristen Acton from the Board of Health, representing Supervisorial District 4. The resignation is effective as of February 2, 2023.

The Board of Supervisors approved the appointment of Joanne Osborne to the Board of Health, representing Supervisorial District 4. The term of service will be from Board approval through December 31, 2023, completing the term of resigning Kristen Acton. (C-06-23-547-X-00).

4. Approval of Minutes

President MacMillan

- **Approval of the January 23, 2023 - Board of Health minutes**
 - **Motioned – Ms. Baldauff**
 - **Second – Mr. Cassano**
 - **Motion passed unanimously**

5. Public Health Finance

Scot Pitcairn

- A. **3rd Quarter Update – Fiscal Year 2023 Budget Status Report**
- B. **Make a recommendation to the Board of Supervisors to approve the Public Health Fiscal Year 2024 Budget Request as recommended by the Maricopa County Budget Office**

Mr. Pitcairn’s report is based on revenues and expenditures as of 3rd quarter of Fiscal Year 2023 through March 31, 2023, for the funds listed below. Public Health is also asking the Board of Health to make a recommendation to the Board of Supervisors to approve the Public Health Fiscal Year 2024 Budget Request Recommendation as proposed the Maricopa County Budget Office. The finance memo is attached to the agenda outlining all funds reported.

- **Fund 100 – General Fund**
- **Fund 265 –Public Health Fee Fund**
- **Fund 293 – Justice Reinvestment Fund**
- **Fund 296 – State & Local Recovery Funds/American Rescue Plan Act (ARPA)**
 - [COVID-19 American Rescue Plan Act Funds | Maricopa County, AZ.](#)
- **Fund 297- Opioid Settlement Fund**
- **Fund 532 - Grant Fund**

Mr. Pitcairn extended a brief explanation of some funds to the members of the board. The agenda provides an outline of all funds for Public Health updates.

A recommendation to approve Public Health Services FY24 Recommended Budget as proposed by the County Budget Office to the Board of Supervisors.

A recommendation was made by - Ms. Osborne

- **Seconded - Ms. Baldauff**
- **All were in favor of the recommendation**

6. Environmental Services

Sylvie Donaldson

- A. **3rd Quarter Update – Fiscal Year 2023 Budget Status Report**
- B. **Make a recommendation to the Board of Supervisors to approve the Environmental Services Department (ESD) Fiscal Year 2024 Budget Request as recommended by the Maricopa County Budget Office**

Ms. Donaldson's reported on ESD Budget Status as of Quarter 3 close for Fiscal Year FY23, for the funds listed below. ESD is also asking the Board of Health to make a recommendation to the Board of Supervisors to approve Environmental Services Department Fiscal Year 2024 Budget Recommendation as proposed by the Maricopa County Budget Office. The finance memo is attached to the agenda outlining all the funds reported.

- **Fund 100 - County General Fund**
- **Fund 290 – Environmental Tire Fund**
- **Fund 506 – Environmental Fee Fund**

Ms. Donaldson extended a brief explanation of some funds to the members of the board. There were no additional questions for any of the funds reported.

A recommendation to approve Environmental Services Department FY24 Recommended Budget as proposed by the County Budget Office to the Board of Supervisors.

- **A recommendation was made by - Ms. Baldauff**
- **Seconded - Dr. Farber**
- **All were in favor of the recommendation**

7. Environmental Services Dept. Fee Waiver Applications – Request for Board of Health approval of twenty-two (22) fee waiver applicants

Robert Stratman

This quarter, the department reviewed twenty-two (22) fee waiver applications. Of the applications reviewed, staff determined that all meet the criteria outlined in the Maricopa County Environmental Health Code.

As a reminder, only an operator of a charitable nonprofit establishment that operates to provide relief predominantly for the poor, distressed, or underprivileged may apply to the Board of Health for a waiver of a permit fee. A waiver of a permit fee may be granted only to the operator of an establishment that maintains a current 501(c)(3) tax-exempt designation from the Internal Revenue Service and who demonstrates to the Board of Health that payment of said fee will cause financial hardship.

Applications for waivers of Temporary Food Establishment fees will be processed on a first come, first served basis in accordance with Chapter I, Regulation 5 a. of the Environmental Health Code. The Department shall only present a maximum of twenty-five (25) of such applications per event to the Board of Health.

In addition, a waiver of fees associated with the administering and issuance of a food employee certificate (in compliance with A.R.S. § 41-1080) may be granted to a current student enrolled in a K-12 culinary arts school program or similar curriculum-based programs requiring food employee certificates. The sponsoring school district must demonstrate to the Board of Health that payment of said fee will cause financial hardship.

Again, all fee waiver applications reviewed this quarter appear to meet the criteria.

ESD provided a brief explanation regarding vendors at events and the fee waiver process adding that they receive approximately 150-200 permits annually. The Board had no additional questions, therefore, Mr.

Stratman requested that the board approve the applications on the Fee Waiver Application Summary Sheet labeled P1 through P20; C1, and C2.

Approval of the Fee Waiver Application Summary Sheet labeled P1 through P20; C1 and C2.

- **Motioned – Dr. Baldauff**
- **Second – Dr. Farber**
- **Motion passed unanimously**

8. Air Quality Department

**Greg Verkamp
Kimberly Butler**

Mr. Verkamp and Ms. Butler appeared requesting approval of three rules.

Approve expedited process rulemaking for the following rule:

A. AQ-2022-006 Rule 100 (General Provisions and Definitions)

The U.S. Environmental Protection Agency (EPA) recently requested the Maricopa County Air Quality Department (MCAQD) submit a Title V Program revision for approval. As part of the program revision submittal, the EPA requested MCAQD make a limited number of revisions to Rule 100. The purpose of this rulemaking is to make only the necessary revisions to the rule to address the EPA requests along with some minor clarifications so the revised rule can be submitted to the EPA as part of the Title V program revision.

Air Quality conducted one stakeholder workshop in March and has not received any comments from Stakeholders pertaining to Rule 100; therefore, the request is that the Board approve expedited process rulemaking for AQ-2022-006.

Motion to approve the Expedited Process Rulemaking for Rule 100 (General Provisions and Definitions) AQ-2022-006

- **Motioned – Dr. Farber**
- **Second – Dr. Baldauff**
- **Motion passed unanimously**

Approve initiation of regulatory change for the following rules:

B. AQ-2023-002 Rule 326 (Steelmaking Operations)

MCAQD is proposing a new rule, Rule 326, to implement reasonably available control technology (RACT) controls to limit the discharge of volatile organic compound (VOC) and nitrogen oxide (NOx) emissions from steelmaking operations. Upon adoption of the new rule, MCAQD will submit it as a revision to the Arizona State Implementation Plan.

One Stakeholder workshop was conducted for both rules 326 and 338. Each rule requires their own motion to be carried out.

Motion to approve the Initiation of Regulatory change for Rule 326 (Steelmaking Operations) AQ-2023-002

- **Motioned – Dr. Baldauff**
- **Second – Ms. Osborne**
- **Motion passed unanimously**

C. AQ-2023-004 Rule 338 (Semiconductor Manufacturing)

MCAQD is proposing to revise Rule 338 to implement RACT level controls that will regulate NOx emissions generated during the semiconductor manufacturing process. These controls are already incorporated in most air quality permits for semiconductor manufacturing facilities in Maricopa County. In addition, MCAQD will review the VOC controls in the rule and ensure the controls continue to implement RACT. Upon adoption of the revised rule, MCAQD will submit it as a revision to the Arizona State Implementation Plan.

Motion to approve the Initiation of Regulatory change for Rule 338 (Semiconductor Manufacturing) AQ-2023-004

- **Motioned – Dr. Baldauff**
- **Second – Ms. Osborne**
- **Motion passed unanimously**

9. Environmental Services Dept. – Swimming Pool Advisory Committee Update **Gregory Epperson and Blanca Caballero**

Mr. Epperson provided the board with a brief update as it's outlined in the Maricopa County's Environmental Health Code, Chapter VI, Section 1, Regulation 13c.1(b). This is a discussion item, not an action item. Refer to MCESDs memo in the agenda. The Maricopa County Environmental Services Department (MCESD) consulted with the county's counsel.

The MCEHC requires SPAC members to be appointed by the Board of Health Chairperson (President) for a term of three (3) years. The SPAC consists of five members, who are residents of Maricopa County and citizens of the United States, and is composed of and consisting of a representative of the industries, trades, and professions as follows:

1. Swimming Pool Building Contractor
2. Swimming Pool Service and Repair Contractor or Swimming Pool Industry Member
3. Certified Safety Professional
4. Professional Engineer
5. Health Professional

MCESD requests the Board of Health Chairperson's approval to appoint new committee members to the Swimming Pool Industry Member, Certified Safety Professional, and Health Professional categories for three years. MCESD will be requesting the appointments by the Board of Health Chairperson (President) following this meeting via a memo with completed applications from the perspective members outlining their credentials and will request that President MacMillian appoint the new committee members to the Certified Safety Professional swimming pool, industry member and health professional categories for a term of three years as well as renew the terms of the swimming pool contractor for a term of one year and the professional engineer for a term of two years.

Discussion Items

10. Public Health Report

Marcy Flanagan

- A. Human Resources
- B. Communications
- C. Infrastructure
- D. Strategic Planning
- E. Programs
- F. Disease Update
- G. Health Status/Community Health Needs Assessment (CHNA)
- H. Heat Report
- I. Future Topic
- J. Covid Status Update
- K. C auris

Serena Bailey

Dr. Flanagan advised the board that she would be focusing on two updates Covid and C auris for Public Health that she intends to share with the board of Supervisors and Executive Session in a couple of weeks. Serena Bailey is one of the Public Health Epidemiologists who will talk about C auris in more detail.

A presentation slide was provided of the National COVID-19 case count to date, discussing the peak that occurred in late 2021 and early 2022 (Omicron variant). Dr. Flanagan reminded the board of the three waves Maricopa County experienced over the last 3 years. Before there was a vaccine, then things closed, then masking, and businesses begin to open again. Since then, nationally we had the Omicron variant and the Bivalent variant. Maricopa County Community transmission level is being reported as low, the Emergency Public Health declaration goes away on May 11. Overall declaration, President Biden ended that about a month ago which is separate from Public Health's declaration, we can expect changes with free access to testing, treatment, vaccines, and in reporting as a result. Updates will be on Public Health's webpage, but the community transmission will no longer be showing, and no more up to date recommendations for vaccines.

Public Health for information. [Diseases-We-Track](#)

C auris Update

Serena Bailey presented an update on C auris (Candida auris). The CDC reports that it is a deadly fungal infection spreading at an alarming rate on the skin that can cause an infection and illness. A graph was displayed displaying the risk factors for developing the clinical disease. Public Health is currently providing the community with prevention methods and education, by screening, colonization screening, and identifying patients that identify with this disease. Take home points were shared with the board which lead to a brief discussion.

The disease is very difficult to treat and typically affects VERY sick people with many medical conditions. C. auris does not pose a significant public health threat to most people in the community. Maricopa County Public Health will continue to monitor the disease.

Announcements and Current Events

President/ Board Members

Board of Health member, Vice President Scott Celley passed away on Feb. 22, 2023. Scott was diagnosed with a Neurological disorder in late December 2022. A memorial Service was held in March, flowers were sent on behalf of all. Mr. Celley was appointed by the Board of Supervisors in July 2019, serving almost 4 years on the Board of Health. Condolences were offered to his wife and family; his service on this board was much appreciated and he will certainly be missed.

Maricopa County staff announcements

- Jen Pokorski – County Manager (formerly Assistant County Manager)
- Darcy Kober – Assistant County Manager (formerly Director of Environmental Services Dept.)
- Blanca Caballero – Executive Director, Environmental Services Dept. (formerly Deputy Director)

Adjournment

President MacMillan

There being no further business the meeting was adjourned at 4:47pm.

- Ms. Baldauff made a motion to adjourn the meeting,
- seconded by Mr. Cassano
- The motion passed unanimously.