



**NOTICE OF REGULAR MEETING  
OF THE WEBER-MORGAN HEALTH DEPARTMENT**

Notice is hereby given that the Weber-Morgan Board of Health will hold its regularly scheduled meeting at the Weber-Morgan Health Department **Annex Building**, 455 23<sup>rd</sup> St, 2<sup>nd</sup> Floor Auditorium, Ogden, Utah commencing at **4:00 p.m.** on **Monday, January 23, 2023.**

Agenda for the meeting will consist of the following:

Welcome	Dr. Frank Brown
<b>Action Items</b>	
1) Approval of Minutes November 28, 2022	Dr. Frank Brown
2) Appointment of Chair and Vice-Chair Positions	All BOH Members
3) Tobacco Permit Waiver	Heidi Niedfeldt
4) Emissions Compliance Fee Support Request	Brian Cowan
<b>Information Items</b>	
5) Bylaw Changes	Brandan Quinney
6) Community Survey Focus Group Results	Bryce Sherwood
7) Director's Report	Brian Cowan
8) Chair's Report	Dr. Frank Brown

*In compliance with the Americans with Disabilities Act, individuals needing auxiliary Communication aids or other services for this meeting should contact Elvira Odeh at [eodeh@webercountyutah.gov](mailto:eodeh@webercountyutah.gov) giving at least three days' notice.  
Dated this 19th January 2023.*

### Board of Health Waiver Request from Kwick Stop #3

Kwick Stop #1, owned by Zahid Azam and Muhammed Khan and located at 506 26<sup>th</sup> street, Ogden, UT, had their permit revoked for 24 months by a hearing officer for selling to a minor twice within 12 months. They appealed this decision to the Board of Health who upheld the decision of the hearing officer. Kwick Stop #1 sold their business. A new business, named Kwick Stop #3 and owned by Harkirat Singh and Manjit Singh Thind, bought the store. Kwick Stop #3 had not applied for a tobacco permit when two Weber-Morgan Health Department employees visited the store. After the employees visit the store submitted they submitted their application for a tobacco permit. After discussing with county attorney, Brandan Quinney, and Health Officer, Brian Cowan, and pursuant to Utah code Section 26-62-305 the business was asked to provide evidence that the business was acquired in an “arm’s length transaction” from the previous owner. Section 26-62-305 states:

- (6) Violations of this chapter, Section [10-8-41.6](#), or Section [17-50-333](#) that occur at a tobacco retailer location shall stay on the record for that tobacco retailer location unless:
- (a) the tobacco retailer is transferred to a new proprietor; and
  - (b) the new proprietor provides documentation to the local health department that the new proprietor is acquiring the tobacco retailer in an arm's length transaction from the previous proprietor.”

In the Weber-Morgan Health Department Tobacco Sales and Permitting regulation section 9.5:

9.5. The Department may renew a permit for an existing facility or may issue a permit to a new owner of an existing facility after a properly completed renewal form is submitted, reviewed, and approved, the fees are paid, and a review shows that the facility is in compliance with this Regulation.

9.5.1. The Department shall not approve any application for issuance or renewal of a permit for an existing facility that is under suspension until the date that the suspension has expired.

9.5.2. The Department shall not issue a permit to a new owner of any facility where a permit has been revoked prior to twelve months from the date of revocation.

9.5.3. If the property referenced in sections 9.5.1 or 9.5.2 is sold or leased to a new proprietor that is requesting a permit, that person may request a waiver to sections 9.5.1 or 9.5.2 from the Board of Health.

9.5.3.1. The waiver may be issued upon demonstrating that no association exists between the person requesting the permit and the owner/operator currently suspended or revoked, and all monetary penalties have been paid.

The permit of the previous owner at this location was revoked in the last twelve months, and the store was issued a \$10,000 fine. Because of this, Kwick Stop #3 must receive a waiver from the Board of Health to sell tobacco. In order for this waiver to be issued, Kwick Stop #3 must

demonstrate that no association exists between them and the previous owner and all monetary penalties have been paid. The \$10,000 fine imposed upon Kwick Stop #1 has been paid in full by the previous owner Zahid Azam.

Kwick Stop #3 provided documents to demonstrate the arm's length transaction. Those documents have been provided to the Board of Health. Kwick Stop #3 is unable to sell tobacco products until the waiver is granted to them by the Board of Health and a new tobacco permit has been issued by the Department.

If a waiver is not granted to Kwick Stop #3, the end of the twelve month period will be August 1<sup>st</sup>, 2023 as the revocation of Kwick Stop #1 was issued on August 2<sup>nd</sup>, 2022.

Weber-Morgan Health Department employees completed an inspection of the Kwick Stop #3 location on January 4<sup>th</sup>, 2023. At this time they were in compliance with tobacco permit regulations and ordinances.

Board Members,

The following information is being provided to help you prepare for the Emissions Compliance Fee agenda item. In this packet you will find;

Utah Code Title 41-1a-1223 Local Emissions Compliance Fee – This is the State statute that provides for collection of the Emission Compliance Fee and outlines criteria for amounts and timing of changes.

Utah Code 41-6a-1642 Emissions Inspection – County Program -- This is the State statute that creates requirements for the counties that need to have an emissions inspection program. For this meeting, we will be referencing Section 13. This section discusses the emissions compliance fee and acceptable uses of that fee.

Weber County Code Title 28 Public Health – Changes to the Emissions Compliance Fee will have to be adopted by the Weber County Commission. Title 28 is the section of code that will need to be amended. The specific section 28-1-3 (a) & (b) will be the item of discussion and what the health department will work with Weber County to change upon the direction of the Board.

I hope you find this information helpful as you prepare for the meeting. Please let me know if you have any questions.

Brian

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**Effective 1/1/2021**

**41-1a-1223 Local emissions compliance fee -- Exemptions -- Transfer -- County ordinance -- Notice.**

- (1)
  - (a)
    - (i) A county legislative body of a county that is required to utilize a motor vehicle emissions inspection and maintenance program or in which an emissions inspection and maintenance program is necessary to attain or maintain any national ambient air quality standard in accordance with Section 41-6a-1642 may impose a local emissions compliance fee of up to:
      - (A) \$3 on each motor vehicle registration within the county for a motor vehicle registration under Section 41-1a-215; or
      - (B) \$2.25 on each motor vehicle registration within the county for a six-month registration period under Section 41-1a-215.5.
    - (ii) A fee imposed under Subsection (1)(a)(i) shall be set in whole dollar increments.
  - (b) If imposed under Subsection (1)(a)(i), at the time application is made for registration or renewal of registration of a motor vehicle under this chapter, the applicant shall pay the local emissions compliance fee established by the county legislative body.
  - (c) The following are exempt from the fee required under Subsection (1)(a)(i):
    - (i) a motor vehicle that is exempt from the registration fee under Section 41-1a-1209 or Subsection 41-1a-419(3);
    - (ii) a commercial vehicle with an apportioned registration under Section 41-1a-301; and
    - (iii) an electric motor vehicle.
- (2) The revenue generated from the fees collected under this section shall be transferred to the county that imposed the fee.
- (3) To impose or change the amount of a fee under this section, the county legislative body shall pass an ordinance:
  - (a) approving the fee;
  - (b) setting the amount of the fee; and
  - (c) providing an effective date for the fee as provided in Subsection (4).
- (4)
  - (a) If a county legislative body enacts, changes, or repeals a fee under this section, the enactment, change, or repeal shall take effect on January 1 if the commission receives notice meeting the requirements of Subsection (4)(b) from the county prior to October 1.
  - (b) The notice described in Subsection (4)(a) shall:
    - (i) state that the county will enact, change, or repeal a fee under this section;
    - (ii) include a copy of the ordinance imposing the fee; and
    - (iii) if the county enacts or changes the fee under this section, state the amount of the fee.

Amended by Chapter 83, 2020 General Session



**Effective 1/1/2023****41-6a-1642 Emissions inspection -- County program.**

- (1) The legislative body of each county required under federal law to utilize a motor vehicle emissions inspection and maintenance program or in which an emissions inspection and maintenance program is necessary to attain or maintain any national ambient air quality standard shall require:
- (a) a certificate of emissions inspection, a waiver, or other evidence the motor vehicle is exempt from emissions inspection and maintenance program requirements be presented:
    - (i) as a condition of registration or renewal of registration; and
    - (ii) at other times as the county legislative body may require to enforce inspection requirements for individual motor vehicles, except that the county legislative body may not routinely require a certificate of emissions inspection, or waiver of the certificate, more often than required under Subsection (9); and
  - (b) compliance with this section for a motor vehicle registered or principally operated in the county and owned by or being used by a department, division, instrumentality, agency, or employee of:
    - (i) the federal government;
    - (ii) the state and any of its agencies; or
    - (iii) a political subdivision of the state, including school districts.
- (2) A vehicle owner subject to Subsection (1) shall obtain a motor vehicle emissions inspection and maintenance program certificate of emissions inspection as described in Subsection (1), but the program may not deny vehicle registration based solely on the presence of a defeat device covered in the Volkswagen partial consent decrees or a United States Environmental Protection Agency-approved vehicle modification in the following vehicles:
- (a) a 2.0-liter diesel engine motor vehicle in which its lifetime nitrogen oxide emissions are mitigated in the state pursuant to a partial consent decree, including:
    - (i) Volkswagen Jetta, model years 2009, 2010, 2011, 2012, 2013, 2014, and 2015;
    - (ii) Volkswagen Jetta Sportwagen, model years 2009, 2010, 2011, 2012, 2013, and 2014;
    - (iii) Volkswagen Golf, model years 2010, 2011, 2012, 2013, 2014, and 2015;
    - (iv) Volkswagen Golf Sportwagen, model year 2015;
    - (v) Volkswagen Passat, model years 2012, 2013, 2014, and 2015;
    - (vi) Volkswagen Beetle, model years 2013, 2014, and 2015;
    - (vii) Volkswagen Beetle Convertible, model years 2013, 2014, and 2015; and
    - (viii) Audi A3, model years 2010, 2011, 2012, 2013, and 2015; and
  - (b) a 3.0-liter diesel engine motor vehicle in which its lifetime nitrogen oxide emissions are mitigated in the state to a settlement, including:
    - (i) Volkswagen Touareg, model years 2009, 2010, 2011, 2012, 2013, 2014, 2015, and 2016;
    - (ii) Audi Q7, model years 2009, 2010, 2011, 2012, 2013, 2014, 2015, and 2016;
    - (iii) Audi A6 Quattro, model years 2014, 2015, and 2016;
    - (iv) Audi A7 Quattro, model years 2014, 2015, and 2016;
    - (v) Audi A8, model years 2014, 2015, and 2016;
    - (vi) Audi A8L, model years 2014, 2015, and 2016;
    - (vii) Audi Q5, model years 2014, 2015, and 2016; and
    - (viii) Porsche Cayenne Diesel, model years 2013, 2014, 2015, and 2016.
- (3)
- (a) The legislative body of a county identified in Subsection (1), in consultation with the Air Quality Board created under Section 19-1-106, shall make regulations or ordinances regarding:

- (i) emissions standards;
  - (ii) test procedures;
  - (iii) inspections stations;
  - (iv) repair requirements and dollar limits for correction of deficiencies; and
  - (v) certificates of emissions inspections.
- (b) In accordance with Subsection (3)(a), a county legislative body:
- (i) shall make regulations or ordinances to attain or maintain ambient air quality standards in the county, consistent with the state implementation plan and federal requirements;
  - (ii) may allow for a phase-in of the program by geographical area; and
  - (iii) shall comply with the analyzer design and certification requirements contained in the state implementation plan prepared under Title 19, Chapter 2, Air Conservation Act.
- (c) The county legislative body and the Air Quality Board shall give preference to an inspection and maintenance program that:
- (i) is decentralized, to the extent the decentralized program will attain and maintain ambient air quality standards and meet federal requirements;
  - (ii) is the most cost effective means to achieve and maintain the maximum benefit with regard to ambient air quality standards and to meet federal air quality requirements as related to vehicle emissions; and
  - (iii) provides a reasonable phase-out period for replacement of air pollution emission testing equipment made obsolete by the program.
- (d) The provisions of Subsection (3)(c)(iii) apply only to the extent the phase-out:
- (i) may be accomplished in accordance with applicable federal requirements; and
  - (ii) does not otherwise interfere with the attainment and maintenance of ambient air quality standards.
- (4) The following vehicles are exempt from an emissions inspection program and the provisions of this section:
- (a) an implement of husbandry as defined in Section 41-1a-102;
  - (b) a motor vehicle that:
    - (i) meets the definition of a farm truck under Section 41-1a-102; and
    - (ii) has a gross vehicle weight rating of 12,001 pounds or more;
  - (c) a vintage vehicle as defined in Section 41-21-1:
    - (i) if the vintage vehicle has a model year of 1980 or older; or
    - (ii) for a vintage vehicle that has a model year of 1981 or newer, if the owner provides proof of vehicle insurance that is a type specific to a vehicle collector;
  - (d) a custom vehicle as defined in Section 41-6a-1507;
  - (e) to the extent allowed under the current federally approved state implementation plan, in accordance with the federal Clean Air Act, 42 U.S.C. Sec. 7401, et seq., a motor vehicle that is less than two years old on January 1 based on the age of the vehicle as determined by the model year identified by the manufacturer;
  - (f) a pickup truck, as defined in Section 41-1a-102, with a gross vehicle weight rating of 12,000 pounds or less, if the registered owner of the pickup truck provides a signed statement to the legislative body stating the truck is used:
    - (i) by the owner or operator of a farm located on property that qualifies as land in agricultural use under Sections 59-2-502 and 59-2-503; and
    - (ii) exclusively for the following purposes in operating the farm:
      - (A) for the transportation of farm products, including livestock and its products, poultry and its products, floricultural and horticultural products; and

- (B) in the transportation of farm supplies, including tile, fence, and every other thing or commodity used in agricultural, floricultural, horticultural, livestock, and poultry production and maintenance;
  - (g) a motorcycle as defined in Section 41-1a-102;
  - (h) an electric motor vehicle as defined in Section 41-1a-102; and
  - (i) a motor vehicle with a model year of 1967 or older.
- (5) The county shall issue to the registered owner who signs and submits a signed statement under Subsection (4)(f) a certificate of exemption from emissions inspection requirements for purposes of registering the exempt vehicle.
- (6) A legislative body of a county described in Subsection (1) may exempt from an emissions inspection program a diesel-powered motor vehicle with a:
- (a) gross vehicle weight rating of more than 14,000 pounds; or
  - (b) model year of 1997 or older.
- (7) The legislative body of a county required under federal law to utilize a motor vehicle emissions inspection program shall require:
- (a) a computerized emissions inspection for a diesel-powered motor vehicle that has:
    - (i) a model year of 2007 or newer;
    - (ii) a gross vehicle weight rating of 14,000 pounds or less; and
    - (iii) a model year that is five years old or older; and
  - (b) a visual inspection of emissions equipment for a diesel-powered motor vehicle:
    - (i) with a gross vehicle weight rating of 14,000 pounds or less;
    - (ii) that has a model year of 1998 or newer; and
    - (iii) that has a model year that is five years old or older.
- (8)
- (a) Subject to Subsection (8)(c), the legislative body of each county required under federal law to utilize a motor vehicle emissions inspection and maintenance program or in which an emissions inspection and maintenance program is necessary to attain or maintain any national ambient air quality standard may require each college or university located in a county subject to this section to require its students and employees who park a motor vehicle not registered in a county subject to this section to provide proof of compliance with an emissions inspection accepted by the county legislative body if the motor vehicle is parked on the college or university campus or property.
  - (b) College or university parking areas that are metered or for which payment is required per use are not subject to the requirements of this Subsection (8).
  - (c) The legislative body of a county shall make the reasons for implementing the provisions of this Subsection (8) part of the record at the time that the county legislative body takes its official action to implement the provisions of this Subsection (8).
- (9)
- (a) An emissions inspection station shall issue a certificate of emissions inspection for each motor vehicle that meets the inspection and maintenance program requirements established in regulations or ordinances made under Subsection (3).
  - (b) The frequency of the emissions inspection shall be determined based on the age of the vehicle as determined by model year and shall be required annually subject to the provisions of Subsection (9)(c).
  - (c)
    - (i) To the extent allowed under the current federally approved state implementation plan, in accordance with the federal Clean Air Act, 42 U.S.C. Sec. 7401 et seq., the legislative body

of a county identified in Subsection (1) shall only require the emissions inspection every two years for each vehicle.

- (ii) The provisions of Subsection (9)(c)(i) apply only to a vehicle that is less than six years old on January 1.
  - (iii) For a county required to implement a new vehicle emissions inspection and maintenance program on or after December 1, 2012, under Subsection (1), but for which no current federally approved state implementation plan exists, a vehicle shall be tested at a frequency determined by the county legislative body, in consultation with the Air Quality Board created under Section 19-1-106, that is necessary to comply with federal law or attain or maintain any national ambient air quality standard.
  - (iv) If a county legislative body establishes or changes the frequency of a vehicle emissions inspection and maintenance program under Subsection (9)(c)(iii), the establishment or change shall take effect on January 1 if the State Tax Commission receives notice meeting the requirements of Subsection (9)(c)(v) from the county before October 1.
  - (v) The notice described in Subsection (9)(c)(iv) shall:
    - (A) state that the county will establish or change the frequency of the vehicle emissions inspection and maintenance program under this section;
    - (B) include a copy of the ordinance establishing or changing the frequency; and
    - (C) if the county establishes or changes the frequency under this section, state how frequently the emissions testing will be required.
  - (d) If an emissions inspection is only required every two years for a vehicle under Subsection (9)(c), the inspection shall be required for the vehicle in:
    - (i) odd-numbered years for vehicles with odd-numbered model years; or
    - (ii) in even-numbered years for vehicles with even-numbered model years.
- (10)
- (a) Except as provided in Subsections (9)(b), (c), and (d), the emissions inspection required under this section may be made no more than two months before the renewal of registration.
  - (b)
    - (i) If the title of a used motor vehicle is being transferred, the owner may use an emissions inspection certificate issued for the motor vehicle during the previous 11 months to satisfy the requirement under this section.
    - (ii) If the transferor is a licensed and bonded used motor vehicle dealer, the owner may use an emissions inspection certificate issued for the motor vehicle in a licensed and bonded motor vehicle dealer's name during the previous 11 months to satisfy the requirement under this section.
  - (c) If the title of a leased vehicle is being transferred to the lessee of the vehicle, the lessee may use an emissions inspection certificate issued during the previous 11 months to satisfy the requirement under this section.
  - (d) If the motor vehicle is part of a fleet of 101 or more vehicles, the owner may not use an emissions inspection made more than 11 months before the renewal of registration to satisfy the requirement under this section.
  - (e) If the application for renewal of registration is for a six-month registration period under Section 41-1a-215.5, the owner may use an emissions inspection certificate issued during the previous eight months to satisfy the requirement under this section.
- (11)
- (a) A county identified in Subsection (1) shall collect information about and monitor the program.

- (b) A county identified in Subsection (1) shall supply this information to an appropriate legislative committee, as designated by the Legislative Management Committee, at times determined by the designated committee to identify program needs, including funding needs.
- (12) If approved by the county legislative body, a county that had an established emissions inspection fee as of January 1, 2002, may increase the established fee that an emissions inspection station may charge by \$2.50 for each year that is exempted from emissions inspections under Subsection (9)(c) up to a \$7.50 increase.
- (13)
  - (a) Except as provided in Subsection 41-1a-1223(1)(c), a county identified in Subsection (1) may impose a local emissions compliance fee on each motor vehicle registration within the county in accordance with the procedures and requirements of Section 41-1a-1223.
  - (b) A county that imposes a local emissions compliance fee may use revenues generated from the fee for the establishment and enforcement of an emissions inspection and maintenance program in accordance with the requirements of this section.
  - (c) A county that imposes a local emissions compliance fee may use revenues generated from the fee to promote programs to maintain a local, state, or national ambient air quality standard.
- (14)
  - (a) If a county has reason to believe that a vehicle owner has provided an address as required in Section 41-1a-209 to register or attempt to register a motor vehicle in a county other than the county of the bona fide residence of the owner in order to avoid an emissions inspection required under this section, the county may investigate and gather evidence to determine whether the vehicle owner has used a false address or an address other than the vehicle owner's bona fide residence or place of business.
  - (b) If a county conducts an investigation as described in Subsection (14)(a) and determines that the vehicle owner has used a false or improper address in an effort to avoid an emissions inspection as required in this section, the county may impose a civil penalty of \$1,000.

Amended by Chapter 160, 2022 General Session

Amended by Chapter 259, 2022 General Session



**Title 28 Public Health****Chapter 28-1 Motor Vehicle Emissions Inspection****Chapter 28-2 Indigent Dead**

State Law reference—Local Health Department Act, U.C.A. 1953, § 26A-1-101 et seq.

**Chapter 28-1 Motor Vehicle Emissions Inspection****Sec 28-1-1 Purpose And Intent****Sec 28-1-2 Definitions****Sec 28-1-3 Powers And Duties****Sec 28-1-4 General Provisions****Sec 28-1-1 Purpose And Intent**

This chapter is adopted for the purpose of reducing air pollution levels in the county by requiring annual inspections of in-use motor vehicles and by requiring emission related repairs and/or adjustments for those vehicles that fail to meet prescribed standards so as to:

- (a) Protect and promote the public health, safety and welfare;
- (b) Improve air quality;
- (c) Comply with EPA federal regulations contained in the Clean Air Act Amendments of 1990, PL 95-95, PL 95-190;
- (d) The county is violating air quality standards for carbon monoxide; and
- (e) Comply with the law enacted by the Legislature of the State of Utah, U.C.A. 1953, §§ 41-6-163.3 and 41-6-163.7, as amended, which requires:
  - (1) A standardized inspection and maintenance program.
  - (2) Reciprocity between counties.
  - (3) Computerized testing equipment.
  - (4) Mechanic certification.
  - (5) Entering into an Interlocal Cooperation Act agreement.

(Code 1985, § 14-4-1; Ord. No. 11-91, 6-17-1991; Ord. of 9-21-1994)

**Sec 28-1-2 Definitions**

When used in this chapter, the following words and phrases have the meaning ascribed to them in this section, unless the context indicates a different meaning:

*Computer testing equipment* means computer-based emissions analyzers are required for implementation of reciprocal standardized I&M programs. The state's analyzer will record both emissions and safety data during the inspections. The analyzer will read the emissions levels and pass or fail vehicles solely on the basis of compliance with county program standards.

*Department* means the Weber-Morgan Board of Health and the staff of the Weber-Morgan District Health Department.

*Director* means the director of the Weber-Morgan District Health Department or his authorized representative.

*Environmental Protection Agency (EPA)* means the federal agency which enforces the national ambient air quality standards, known as the Clean Air Act.

*I&M program* means the vehicle emission inspection and maintenance program for the county.

*Interlocal Cooperation Act* means the requirement between Davis, Salt Lake, Weber and Utah Counties to have a health representative from each county form an advisory board to review, update and maintain reciprocal I&M programs.

*Mechanic certification* means county I&M programs must adopt provisions to allow I&M mechanic certification reciprocity. An I&M mechanic certified in one county will be certified in the other counties by application without the necessity of additional classes or tests. Common I&M mechanic curriculum will be adopted to ensure that mechanics in all I&M counties will receive the same information.

*Reciprocity* means vehicle owners may have their vehicle emissions inspection performed at an I&M station along the Wasatch Front, regardless of the county or registration. Vehicles may be tested in accordance with the standards required by the county in which the vehicle will be registered.

*Standard inspection and maintenance program* means the county, in conjunction with other I&M counties, must adopt standardized I&M rules and regulations. The county is required to implement an I&M program by January 1, 1992. Uniform emission levels must be adopted which will be as stringent as the lowest EPA established cut points of the four programs.

*State* means the Utah Department of Health, Bureau of Air Quality Agency responsible to develop and submit the state implementation plan. The plan formulates the air quality requirements necessary to achieve EPA ambient air standards in the state.

(Code 1985, § 14-4-2; Ord. No. 11-91, 6-17-1991; Ord. of 9-21-1994)

### **Sec 28-1-3 Powers And Duties**

- (a) The county board of commissioners is presently required by the EPA and the state to implement an I&M program.
- (b) The county commission authorizes and directs the Weber-Morgan Board of Health and the director of health to adopt and promulgate rules and regulations to ensure compliance with EPA and state requirements with respect to emission standards and authorizes a \$1.00 fee to be assessed upon every motorized vehicle registered in the county at the time of registration to be known as the "air pollution control fee."
- (c) An additional \$9.00 emission's control fee will be charged to those individuals registering diesel vehicles. The fee will be reduced to \$1.00 upon implementation of a diesel emission's control program in the county.
- (d) The air pollution control fee will be waived on government-owned vehicles.
- (e) The vehicle emissions inspection and maintenance program is subject to continuing review by the county commission.
- (f) The county commission hereby delegates its authority as an administrative body under state law, to the Weber-Morgan Board of Health, to address all issues pertaining to the adoption and administration of the vehicle emission I&M program.

(Code 1985, § 14-4-3; Ord. No. 11-91, 6-17-1991; Ord. of 9-21-1994)

**Sec 28-1-4 General Provisions**

- (a) The Weber-Morgan Board of Health in conjunction with the staff of the Weber-Morgan District Health Department will administer and enforce this title.
- (b) The Weber-Morgan District Health Department shall adopt Vehicle Emission I&M Rules and Regulations which meet state and EPA requirements.
- (c) Weber-Morgan District Health Department shall establish fees for official I&M stations and I&M station mechanic permits and emission and waiver certificates as necessary to sustain and operate an I&M Program. Said fees will be subject to review and change to maintain uniformity with the other I&M counties.

(Code 1985, § 14-4-4; Ord. No. 11-91, 6-17-1991; Ord. of 9-21-1994)

**Chapter 28-2 Indigent Dead****Sec 28-2-1 Purpose Of Provisions****Sec 28-2-2 Cremation Services--Designated****Sec 28-2-3 Contract For Services****Sec 28-2-4 Review By Purchasing Agent****Sec 28-2-5 Verification Of Indigency****Sec 28-2-6 Attendance Of Services And Disposal Of Remains****Sec 28-2-7 Objections To Cremation****Sec 28-2-1 Purpose Of Provisions**

It is the purpose of this chapter to provide for the disposition of the remains of indigent dead, as required by U.C.A. 1953, § 26-4-25.

(Ord. No. 2019-19, 9-10-2019)

**Sec 28-2-2 Cremation Services--Designated**

The remains of indigent dead that are found within Weber County shall be disposed of by cremation, except that the county attorney may direct that the remains be buried in a plot designated by the county for future investigatory purposes or if the county commission determines that it is in the best human interest to provide burial rather than cremation.

(Ord. No. 2019-19, 9-10-2019)

**Sec 28-2-3 Contract For Services**

The county may contract with one or more funeral homes to provide for the disposition of indigent dead under this chapter. The county's obligation for the disposition of any indigent dead shall not include the costs associated with any funeral service or memorial; the costs of interment of cremated remains in any burial plot, grave, tomb, vault, crypt, or mausoleum; or the costs of transportation of cremated remains for final disposition.

(Ord. No. 2019-19, 9-10-2019)

**Sec 28-2-4 Review By Purchasing Agent**

The county purchasing agent shall have the authority to accept or deny each request for financial assistance for the disposition of the indigent dead. The county purchasing agent shall not authorize payment until the funeral home verifies that the factors in section 28-2-5 have been met.

(Ord. No. 2019-19, 9-10-2019)

### **Sec 28-2-5 Verification Of Indigency**

The county shall pay for the cost of disposition under the following conditions:

- (a) The indigent dead was found in Weber County;
- (b) The indigent dead did not have any money or other assets which could be sold and used to pay for the cost of cremation or burial at the most economical price or plan offered by the funeral home; and
- (c) No family, friends, or any other individual or organization is willing to take responsibility for the remains of the indigent dead.

(Ord. No. 2019-19, 9-10-2019)

### **Sec 28-2-6 Attendance Of Services And Disposal Of Remains**

The friends and family of the indigent dead shall have the right to attend and witness the cremation. If the county pays the cost of disposition because the indigent dead has no known surviving family or because the friends and family members declined to take responsibility for the remains, such remains shall be disposed of at the discretion of the funeral home and such disposal shall be performed with all due respect for the dead.

(Ord. No. 2019-19, 9-10-2019)

### **Sec 28-2-7 Objections To Cremation**

In the event that a surviving spouse, sibling, parent, or direct descendant of the indigent dead objects to disposition by cremation, the objecting family member may take responsibility for the burial of the indigent dead, and the county shall have no further responsibility.

(Ord. No. 2019-19, 9-10-2019)



# **WEBER-MORGAN BOARD OF HEALTH BYLAWS**

## **ARTICLE I NAME**

The name of this entity shall be the Weber-Morgan Board of Health, hereinafter referred to as “the Board.”

## **ARTICLE II OFFICE AND PLACE OF BUSINESS**

The principal office and place of business of the Board shall be 477 23<sup>rd</sup> Street, Ogden, Utah, 84401-1507, which is the current location of the Weber-Morgan Health Department.

## **ARTICLE III AUTHORITY AND JURISDICTION OF THE BOARD**

The Board is organized pursuant to Utah Code Ann. § 26A-1-109. The Board shall have the health authority and jurisdiction specified therein, and as permitted in other federal, state, and local laws, over all incorporated and unincorporated areas of Weber County and Morgan County.

## **ARTICLE IV GENERAL PURPOSE OF THE BOARD**

The general purpose of the Board shall be to determine the general public health policies to be followed in the administration of the Weber-Morgan Health Department. The Board may adopt and enforce public health rules, regulations, and standards to accomplish this purpose. *Id.* at §§ 26A-1-109(8) and 26A-1-121(1). Policies adopted by the Board shall be consistent with generally accepted principles of public health and preventative medicine.

## **ARTICLE V BOARD MEMBERSHIP AND OFFICERS OF THE BOARD**

### **1. BOARD MEMBERSHIP**

A. The Board shall consist of thirteen (13) members comprised as follows:

- i. One (1) member of the Weber County Commission and one (1) Morgan County Council member shall be appointed by their respective legislative bodies to represent the participating counties.
- ii. One (1) member shall be appointed by the Morgan County Council to serve in an at-large capacity.
- iii. Two (2) members shall be appointed by the Weber County Commission to represent municipal interests: one (1) shall be recommended by Ogden City and one (1) shall be an elected official recommended by the Weber Area Council of Governments (“WACOG”). If a representative recommended by WACOG shall, for any reason, lose his/her status as an elected official, that person’s position as a Board member shall expire and the position shall be considered vacant.
- iv. The remaining eight (8) member positions shall be appointed by the Weber County Commission as follows:
  - a. one (1) recommended by the Weber Medical Society;
  - b. one (1) recommended, on a rotating basis, by the Ogden, Morgan, and Weber school districts;
  - c. one (1) recommended by Weber State University specializing in health administration and/or public health;
  - d. one (1) recommended by Weber Human Services;
  - e. one (1) recommended, on a rotating basis, by Ogden Regional Hospital and McKay-Dee Hospital;
  - f. one (1) recommended by Midtown Community Health Center in Ogden representing at-risk populations; and
  - g. two (2) to represent the following interests in at-large capacities: one (1) environmental and one (1) local business.

B. All Board members shall reside in either Weber County or Morgan County.

C. The thirteen (13) appointed members should be selected and appointed on the basis of their interest and/or experience in public health matters.

D. The length of an appointee's term shall be as follows: all appointments shall be for three (3) years unless an appointee is filling the unexpired term of another member.

**2. VACANCIES**

A. Vacancies occurring in a member positions shall be filled pursuant to the process specified in Article V, Section 1.

B. On or about October 1<sup>st</sup> of each year, Health Department administration will notify the appointing/recommending agencies of Board member terms that will expire that year in order to allow sufficient time for a replacement to be made when the member position becomes vacant.

**3. REMOVAL**

A. Except for the Weber County commissioner and the Morgan County council member who serve by virtue of their election to county office, removal of any Board member shall only be for cause and shall be made by the appointing authority upon its own motion or considered upon the request of the Board.

B. Cause shall be defined as: (a) an act which brings disrepute to the Board; (b) an act or behavior which is inimical to service on the Board; (c) failure to attend at least 50% of all Board meetings in a calendar year; and (d) an appointed representative of a municipality no longer holds the elected or appointed position with that municipality, which was held by the representative at the time of appointment to the Board.

C. Any Board member removed for cause may request and receive a hearing before the county legislative body that appointed the member. A request for a hearing shall be made prior to the effective date for removal. Utah Code Ann. § 26A-1-109(2)(c).

**4. BOARD OFFICERS/COMMITTEES**

A. The officers of the Board shall consist of a chairperson, a vice chairperson, secretary, and such other officers as the Board may authorize all of whom shall be elected or appointed by the Board from its own membership.

i. Chairperson. The chairperson of the Board shall call and preside at all meetings of the Board and shall be an ex-officio member of all committees.

He/she shall be responsible for reporting committee actions/discussions to the Board. He/she shall make an annual report to the Board at its annual meeting. He/she shall prepare the order of business for all meetings with due regard to expediting the business of the meeting and including therein any matters which may be ordered from time to time by the Board.

- ii. Vice-chairperson. The vice-chairperson shall perform the duties and exercise the powers of the chairperson during the absence or inability of the chairperson to act, and shall have such further duties as may be prescribed from time to time by the Board.
  - iii. Secretary. The health officer shall serve as secretary to the Board. The health officer, or his/her designee, shall be responsible for the recording of all meetings and the preparation of minutes.
  - iv. Treasurer. As provided in Utah Code Ann. § 26A-1-118, the Weber County Treasurer shall serve as the treasurer of the Department. The Weber County Commission shall negotiate an equitable reimbursement to Weber County for the services of the treasurer.
  - v. Legal Counsel. The Weber County Attorney's Office shall serve as legal advisor to the Department in all civil matters involving the Department. Utah Code Ann. § 26A-1-120.
  - vi. Committees. The Board may establish any standing and/or special committees it deems appropriate in carrying out the business of the Department.
- B. Officers of the Board shall serve for two years, or until successors have been duly elected/appointed and qualified. The election or appointment of officers will take place at the next regular meeting following the expiration of the sitting officer's term. In the event of a mid-term vacancy in a Board officer position, the Board shall select a Board member to fill the remainder of the term. Mid-term vacancies shall be filled at the next regular meeting following the creation of the mid-term vacancy.

## **5. COMPENSATION OF OFFICERS**

Officers and members of the Board shall not receive any compensation for services rendered in their official capacity. They may, however, be reimbursed for actual and necessary traveling and subsistence expenses when absent from their place of residence in attendance at authorized meetings. Utah Code Ann. § 26A-1-109(5)(c).

## **6. MEMBER CONDUCT**

Board members shall familiarize themselves with and adhere to the provisions set forth in the Utah Public Officers and Employees' Ethics Act. Utah Code Ann. § 67-16-1 *et al.*

### **ARTICLE VI** **MEETINGS**

All meetings of the Board shall conform to the requirements set forth in Utah's Open and Public Meetings Act. Utah Code Ann. § 52-4-101 *et seq.*

Every Board member is expected to attend scheduled meetings unless duly excused, or unable to attend because of extenuating circumstances. Any member desiring to be excused shall promptly notify the health officer (or his/her designee for the handling of such matters).

Participation in meetings may take place through ~~telephonic and other~~ electronic means provided that the ~~notice~~ requirements of Utah's Open and Public Meetings Act are satisfied ~~and that a quorum of the Board members are physically present at the meeting.~~ ~~All members, whether present in person or who are~~ participating via electronic means, shall be counted towards calculating a quorum and able to participate in the proceedings and vote on any motion presented to the Board for action. All votes from members who are attending through electronic means must be taken by roll call.

Records of the Board shall be kept, managed, classified, and disclosed of in accordance with state and local law, including Utah's Government Records Access and Management Act.

#### **1. ANNUAL MEETING**

The annual meeting of the Board shall be held in April of each year, except the annual meeting may be held in a different month with the chairperson's approval and if properly noticed in accordance with Utah's Open and Public Meetings Act. Proceedings of this meeting shall include ~~annual~~ reports from officers and committees relating to the previous year's operations. The Board shall also receive training ~~from legal counsel regarding Utah's Open and Public Meetings Act during the annual meeting, in addition to any other training~~ deemed necessary by the Board, chairperson, and the health officer.

#### **2. REGULAR MEETINGS**

Regular meetings of the Board shall be held approximately every month at a regularly specified date and time (in no event shall the Board go more than three months without

convening a regular meeting). *Id.* at § 26A-1-109(5)(a)(i). Board members will be notified of regular meetings at least five (5) days in advance. Agendas will be made available to the public in accordance with Utah’s Open and Public Meetings Act.

### **3. SPECIAL AND EMERGENCY MEETINGS**

Special meetings of the Board may be held at any time at the call of the chairperson, the health officer, or seven or more of the Board members. Notices for special meetings shall be sent in writing by mail and email not less than three (3) days in advance of the date for which the special meeting is called, and shall state the purpose for which the special meeting is called. No business shall be transacted at a special meeting except as stated in the notice calling the special meeting.

In case of a public health emergency, or to address public health matters that are of an urgent nature, an emergency meeting may be held. Notice of emergency meetings shall be provided to all Board members as soon as reasonably practicable by telephone, facsimile, or e-mail. Emergency meetings may not be held unless a majority of the Board approves the holding of an emergency meeting. The Board shall provide notice to the public as soon as reasonably practicable of the time and place of the emergency meeting and the topics to be considered at the emergency meeting. No business shall be transacted at an emergency meeting except as stated in the notice calling the emergency meeting. *See Id.* at §§ 26A-1-109(5)(a) and 52-4-202(5).

### **4. QUORUM**

A quorum for the transaction of business at any meeting shall consist of not less than seven Board members. The action of a majority of Board members present at a convened meeting shall constitute an action of the entire Board.

### **5. ORDER OF BUSINESS**

Agendas for meetings of the Board shall be organized as follows:

#### **A. ANNUAL MEETINGS**

- i. Call to order;
- ii. Presentation of an annual report by the chairperson, standing and special committees, and the health officer;
- iii. Transaction of other business that may properly be brought before the Board;

- iv. Training;
- v. Adjournment.

**B. REGULAR MEETINGS**

- i. Call to order;
- ii. Presentation and approval of minutes of the last regular meeting and any special meetings;
- iii. Reports of standing and special committees;
- iv. Unfinished business;
- v. New business;
- vi. Public comment;
- vii. Adjournment.

**C. SPECIAL AND EMERGENCY MEETINGS**

- i. Call to order;
- ii. Reading of the official call of the meeting;
- iii. Transaction of the business for which the meeting is called;
- iv. Public comment;
- v. Adjournment.

**ARTICLE VII  
COMMITTEES**

The Board may establish any standing and special committees it deems appropriate.

**ARTICLE VIII  
HEALTH OFFICER**

The Board shall select and appoint a health officer of the Weber-Morgan Health Department. The health officer shall serve as the chief administrative officer of the Weber-Morgan Health Department and as the executive secretary to the Board (A statutory list of the health officer's powers and duties may be found in Utah Code Ann. § 26A-1-110). The health officer shall be responsible for the recording and transcription of all meetings and the preparation of minutes. Minutes shall be distributed to Board members within two weeks following a meeting.

**ARTICLE IX  
ROBERT'S RULES OF ORDER**

Robert's Rules of Order (revised) shall be the governing authority for the order of business and conduct of all meetings of the Board when not in conflict with these bylaws.

**ARTICLE X**  
**AMENDMENTS**

These bylaws may be amended at any regular meeting of the Board by a two thirds vote of the members present, provided that a written copy of the proposed amendment has been presented at a previous meeting of the Board to each member or ~~mailed~~ sent via mail or email to those not in attendance at that meeting, and that adoption of amendments be stated in the agenda of the meeting at which the proposed amendments will be voted upon.

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Dr. Frank Brown, Chair.

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Brian Cowan, Director

(Amended May 22, 2006)  
(Amended November 26, 2007)  
(Amended January 28, 2008)  
(Amended October 23, 2017)  
(Amended September 24, 2018)  
(Amended January       , 2023)

**Weber-Morgan Board of Health  
Minutes of Meeting  
November 28, 2022**

The Weber-Morgan Board of Health held its regular meeting on November 28, 2022, in the Health Department Annex conference room at 455 23<sup>rd</sup> Street. The meeting was called to order at 4:00 pm. With Dr. Frank Brown presiding.

**BOARD MEMBERS PRESENT:**

Dr. Frank Brown	Bonnie Wahlen - Virtual	Gage Froerer – Virtual
Ali Martinez	Cheryle Allen - Virtual	Jason Boren - Virtual
Angela Choperka	Jared Anderson	Kevin Eastman - Virtual
Dr. Kenneth Johnson	Dr. Lee Schussman	

**BOARD MEMBERS ABSENT:**

Leonard Call      Dr. Douglas Jacobs

**STAFF MEMBERS PRESENT:**

Brian Cowan	Scott Braeden	Cami Sullenger
Michela Harris	Bryce Sherwood	Kristen Anderson
Lori Buttars	Jarelyn Cox	Sean Hansen
Lekelsi Talbot	Elvira Odeh	Elizabeth Jones

**OTHERS PRESENT:**

Brandan Quinney

**Welcome and Introductions- Dr. Frank Brown**

**Dr. Frank Brown** calls the meeting to order at 4:09 p.m. and welcomes those in attendance.

**Approval of Board of Health Minutes of October 24, 2022      Motion Passes**

A **MOTION** is made by **Dr. Lee Schussman** and **SECONDED** by **Dr. Kenneth Johnson** to approve the minutes as written. The **MOTION** passes unanimously.

**Utah Healthy Places Index Report**

**Information Only**

**Bryce Sherwood/ Elizabeth Jones**

**Bryce Sherwood Bryce Sherwood** introduces The Utah Healthy Place Index and how the Weber-Morgan Health department uses the data to further build capacities internally and externally with our partners. He continues to introduce Elizabeth Jones who has taken the training on how to navigate the Utah Healthy Place Index website. Elizabeth Jones presents the website and explains how this website is a mapping tool that helps community leaders, policymakers, public health professionals, and other state holders get a good sense of their communities by identifying health inequities. It can also help with evaluating needs and applying for grants. Data is collected from US Census with provides a lot of demographic data, CDC has survey data, and EPA

and Weber Human Services are large providers as well. Proceeds to show navigation of the website. Elizabeth Jones talks about how in 2016 Ogden City created a contest to redesign Lester Park and used data from the website. Although the project did not advance it helped look at physical inactivity in the areas surrounding Lester Park. Bryce Sherwood adds that they are working to finish finalizing the Community Health Assessment (CHA) which would lead to our Community Health Improvement Plan (CHIP) that these data will help influence, along with the quality improvement projects that the health department will be doing in February. Kevin Eastman expresses appreciation for the program and states this tool is very helpful to map clinically and his department continues to use it.

### **Health Officer Annual Performance – Brian Cowan                      Information Only**

**Brian Cowan** expresses gratitude for the opportunity to work with all the staff at the Weber-Morgan Health Department. Continues to talk about the growth of the health department now that the Annex building is complete, and the opportunity to partner with Weber Human Services that was given by Morgan City to have a centralized place to serve Morgan County residents. This partnership will build our presence in Morgan County and provide resources to the residents. Brian speaks about the task the Covid-19 Response Team had, seeing the highest number in the Covid-19 pandemic, while at the same time operating in the most restrictive legislation-created conditions. The team was creative in how they responded to Covid-19 and the messaging put out to the public. The highlighted points were the response to schools, having the ability to build school teams that would monitor cases, and supporting schools and their efforts, as well as keeping case numbers low enough that school closures were kept to a minimum. Another highlight was how the health department created a rubric to establish responses to vaccination events. This will help fill the gaps for services the community cannot provide for themselves considering the limited access to services that some people in the community may have. By creating the rubric for vaccination events we prioritize vaccination outreach. The health department continues to focus on prioritizing schools and underserved populations with assistance in case monitoring, still having active school teams to finish out the school year and maintaining case numbers low. Brian speaks about the efforts through the Monkey-pox response, though it has been a much smaller scale, health department efforts have been successful. Only having 10 positive cases, maintaining numbers low base on case investigation, contact outreach, and vaccination efforts. One hundred fifty-two Monkey-pox vaccinations were administered and 185 have received at least one dose. Brian talks about drafting and presenting to the board of finance the management plan for the health fund and what the plan would be in the event we have to respond to another outbreak but also planning for the upkeep of our facilities. Another highlight is the development of a team that will be focusing on strategic planning. Covid-19 identified a few key positions that were missing in the health department, not having a full-time epidemiologist, public health informaticist, and performance management staff. Website improvements and updates in new medical records and billing systems are in process. Brian identifies some places to improve such as working better with community partners, and insuring responsibilities are delegated to the proper agencies for better efficiency.

**Chairs Report- Dr. Frank Brown**

**Information Only**

Dr. Frank Brown states there is no report.

**Executive Closed Session – Dr. Frank Brown  
Health Officer Evaluation and Compensation**

**Motion Passes**

A **MOTION** is made by **Bonnie Wahlen** and **SECONDED** by **Angela Choperka** to move into an Executive Closed session to discuss the character, professional competence, or physical or health of an individual. Roll call was taken. All vote Aye. The **MOTION** passes unanimously.

**Reconvene Regular Meeting – Dr. Frank Brown**

**Motion Passes**

A **MOTION** is made by **Dr. Kenneth Johnson** and **SECONDED** by **Angela Choperka** to reconvene. Roll call was taken. All vote Aye. The **MOTION** passes unanimously.

**Health Officer Action – Dr. Frank Brown**

**Motion Passes**

**Dr. Frank Brown** reports that the evaluation is complete and thanks Brian Cowan for his work and expresses his appreciation for all the work he has done at the health department. **Dr. Frank Brown** informs Brian Cowan that Ali Martinez and himself will meet with him to review the results of the surveys. A **MOTION** is made by **Dr. Kenneth Johnson** and **SECONDED** by **Angela Choperka** to authorize recommendation as Health Officer's evaluation is satisfactory. A roll call was taken and all voted Aye. The **MOTION** passes unanimously.

**Ali Martinez**

The meeting adjourns at 6:00 pm.