

Item A-7

SALT LAKE CITY COUNCIL STAFF REPORT

DATE: July 3, 2003
SUBJECT: Update of the City's Health Ordinance
AFFECTED COUNCIL DISTRICTS: Citywide
STAFF REPORT BY: Gary Mumford
ADMINISTRATIVE DEPT. AND CONTACT PERSON: City Attorney's Office
Greg Hawkins, Assistant City Attorney

KEY ELEMENTS:

The City Attorney's Office has noted some updates to the City's Code relating to the County Health Department. The proposed amendment will:

- Reflect the name change of the Health Department
- Clarify that the rules and regulations of the Health Department are the health ordinances of Salt Lake City
- Prescribe the penalties for violation to be a Class C misdemeanor

MATTERS AT ISSUE AND QUESTIONS FOR THE ADMINISTRATION:

The 2002 State Legislature gave all health department operations to counties. The County changed the name of the Health Department from Salt Lake City-County Health Department to Salt Lake Valley Health Department. The proposed amendment stipulates that the rules and regulations of the Salt Lake Valley Health Department are the health ordinances of Salt Lake City. The City can criminally prosecute health ordinance violations of Health Department rules and regulations that occur in the City if the City adopts the health department rules as City ordinances. The amendment provides the criminal classification for violations of Health Department regulations. Violations that don't identify a specific penalty will be Class C misdemeanors. A defendant is not allowed to request a jury trial when charged with a Class C misdemeanor.

At the briefing Council Members may wish to ask about the coordination and cooperation of the Health Department and whether there are any practical problems relating to enforcement or prosecution of Health Department rules and regulations.

OPTIONS:

1. Forward the ordinance to a future Council meeting for consideration.
2. Request additional written information or refer to a work session for further discussion.
3. Do not advance the ordinance.

BACKGROUND:

Salt Lake City and Salt Lake County entered into an agreement in August 1969 to consolidate the City and County's health departments. The joint health department was known as the Salt Lake City-County Health Department. The City appoints four board members. Three of the board members are recommended by the Mayor with approval of the City Council. The fourth board member is the Mayor or the Mayor's designee.

The combined Health Department acted as the City's instrument for specifying and solving health issues. Health Department employees are the City's enforcement officers, but the City has no direct control over Health Department employees. Both the City and the County have operated under that agreement and its amendments for over 30 years. In 2002, the State Legislature removed the requirement that municipalities join with counties to create local health departments. The legislation requires county governments to create health departments to serve both incorporated and unincorporated areas. Because of the 1969 interlocal agreement, the County recently informally agreed that the City will retain the power to appoint 4 of the 15 members of the board of directors through the end of the 50-year contract period. The City doesn't have any other control over the Health Department.

CC: Rocky Fluhart, David Nimkin, Ed Rutan, Greg Hawkins, JD Baxter
