

TOOELE COUNTY BOARD OF HEALTH MEETING

May 27, 2020

151 N. Main Street Tooele, Utah

PRESENT:

Board: Brent Marshall, Anthony Howes, Tom Tripp, Kyle Memmott, Linda McBeth, Brian Johnson, Pam Bennett, Devan Clevenger (phone), Michael Wells

Absent: None

Staff: Jeff Coombs, Ericka Jordt, John Contreras, Tracy Frailey, Amy Bate, Bryan Slade, Tooele County Attorney Gary Searle

Public: None

TOPIC	DISCUSSION/FINDINGS	RECOMMENDATIONS/ ACTIONS
<p>Welcome- Vote to issue Public Health Order Prohibiting Mass Gathering Event at Studio Ranch in Grantsville, Utah (Action Item) <i>Chair</i></p>	<p>Brent Marshall called the Emergency Meeting to order at 9:00 a.m. and roll call was taken. Brent explained that the meeting was called to discuss agenda item of voting to issue a Public Health Order prohibiting a Temporary Mass Gathering event at Studio Ranch in Grantsville, Utah in Box Elder Canyon on May 30, 2020.</p> <p>Jeff provided some background on what has led up to today’s meeting. He explained that a concert was planned and promoted by Eric Moutsos with Utah Business Revival to be held in Kaysville, Utah. The Mayor of Kaysville approved the event, but the city council was not aware of the approval. The decision to issue a permit for the event was declined after a vote by the city council. Deseret Peak was then approached about hosting the concert, Deseret Peak declined noting there was not enough time to plan such an event that was advertised as 10,000 people to attend.</p> <p>He pointed out two issues for an event of this size with the first issue being that Utah State Rule R392-400 Temporary Mass Gatherings Sanitation regulates events over 1,000 people at facilities not designed to accommodate that amount of people. This type of permit may not be needed if the facility has the required number of bathrooms, concessions, parking etc. However, this event was being advertised to be held at a property in Grantsville that is not designed to accommodate 1,000 or more people thus a Temporary Mass Gathering Permit is required. The Studio Ranch in Grantsville has no permanent restrooms on site or adequate water for handwashing. The permitting process requires submission of an application at least 15 days before advertising the event. The process also requires a plan showing how</p>	<p>Tom moved to approve issuing the presented Public Health Order regarding Jason Manning at Studio Ranch, Box Elder Canyon in Tooele County Utah. Brian Johnson seconded the motion; all were in favor and motion carries.</p>

they will provide adequate restrooms, parking, wastewater disposal, traffic, handwashing, emergency services, lighting etc. Multiple agencies besides the health department such as the fire department, police department, planning and zoning also review the application for permit which takes time to do. Jeff explained that events like Country Fan Fest usually start their permitting process about 3 months before the event.

The second issue is that under Governor's Herbert's Executive Order issued on May 15, 2020 Tooele County (as well as other counties in the state) was designated as a Public Health Risk Status of Yellow (Low Risk) and shall comply with the Yellow (Low Risk) provisions of the Phased Guidelines version 4.4 which prohibits Temporary Mass Gatherings as defined in R392-400.

Attorney Searle clarified that the rule doesn't state that you have to actually have 1,000 or more in attendance it states if an actual or reasonably anticipated assembly of 1,000 or more people in attendance you must acquire a Temporary Mass Gathering Permit.

R392-400-3 Definitions:

(14) "Temporary Mass Gathering" or "Gathering" means an actual or reasonably anticipated assembly of 1000 or more people, which continues or can reasonably be expected to continue for two or more hours per day, at a site or sites for a purpose different from the designed use and usual type of occupancy. A temporary mass gathering does not include an assembly of people at a location with permanent facilities designed for that specific assembly, unless the designed occupancy levels are exceeded.

Jeff added that as per a conversation with the Sheriff's office the event organizer claimed to only expect 3,000-5,000 people, which still would be defined as a temporary mass gathering.

Pam asked under the Governor's Executive Order would any event over 1,000 in attendance be allowed. Jeff answered yes but only if the event is not a temporary mass gathering and is held at a facility that can allow for meeting all of the standards of the guidelines such as record of attendees, questioning health status/temperature checks, social distancing. If a plan was submitted showing how these standards could be met approval of the event is possible, and it would also be considered a planned event not a temporary mass gathering.

Tooele County and Tooele County Health Department have received a lot of concern from citizens about this event that many attendees and vendors may not be from Tooele County. With the COVID-19 pandemic, this brings concern that a large group of people coming in from outside of the county could potentially increase the risk of spreading the virus.

Jeff asked the board to support issuing the order to the property owner. Linda asked what the difference is of Jeff issuing the Public Health Order without support from the board and with the board supporting the order? Jeff answered that the property owner can file an appeal to repeal the order which would then be brought before the board. If the Tooele County Health Department, Tooele County Board of Health and the Tooele County Commissioner's support issuing the order it will present a unified approach.

Brent noted he was unaware of the concert being moved to Grantsville until he was saw it on the news as neither Tooele County nor Grantsville City had been approached about it. He added that there has been some dissention from the people in the community feeling like it is their constitutional right to attend the event. He has noticed an increase of the number of people camping and the length of time they are staying- it's not just for a weekend like before and this could be due to possibly people losing their jobs, so they don't have to leave to return to work. Tom Tripp added there are several areas in the county that have been posted no camping, private property, stay on the road and it was occupied by 15 or so camps.

Tom noted that Tooele did not seek out this concert, did not get consulted on it and we will have consequences no matter the decision made whether it is people feeling we have overreached or those saying why wasn't the event shut down like graduation ceremonies and 4th of July activities. Tom felt it is a simple order and a tool that can be used in other arenas.

Gary Searle reported he attended a legal strategy meeting yesterday and it was decided that a temporary restraining order and injunction would be filed with district court. The judge will have to hold a hearing no later than May 29th and rule on the request for the temporary restraining order. The temporary restraining order will be based upon the facts that no permits were obtained, and the event would be in violation of the Governor's Executive Order covering both the health and permit portions. He added that the Sheriff's Department has stated they will not send officers to the event. There is no traffic plan and no evacuation

	<p>plan in place if a fire breaks out which could lead to irreparable harm if they proceed with the event.</p> <p>Brent requested that the Public Health Order includes a copy of the Utah Leads Together 2.0 to provide reference material as to what the order refers to. He added that they received notice from the state tax commission for special events that they did not file for a license for someone from the tax commission to be there for the vendors. Grantsville Police Chief has been in communication with the Tooele County Sheriff and are willing to help in any way they possibly can. A press release was put out stating that the property was not in Grantsville City, it is in Tooele County. He has been in discussion with many surrounding property owners who are not in favor of the event.</p> <p>Tom moved to approve the presented Public Health Order regarding Jason Manning at Studio Ranch, Box Elder Canyon in Tooele County Utah. Brian Johnson seconded the motion. Linda asked if any significant changes had been made since the order was sent electronically to the board? Brent made some changes that were incorporated which only included that when the order is delivered to Jason Manning version 4.4 of the Phased Guidelines should be attached to ensure documentation for reference. Jeff stated no substantive changes were made. Tom asked if it was intentional that the event organizer and advertised performer were not named in the public health order. Gary replied that they will be named in the temporary restraining order. Brent asked how the state made the order but is not involved in the game? Gary stated it is an executive order not a directive and it states that counties shall comply with their designated colored risk guidelines. Jeff added that when Governor Herbert was asked about the event being held in Kaysville on the news, he responded specifically that it is the responsibility of the county and health department to address. Jeff read from the Executive Order that Utah Code 53-2a-2041(1)(b) authorizes the governor to employ measures and give direction to state and local officers and agencies that are reasonable and necessary for the purpose of securing compliance with orders made pursuant to the Disaster Response Recover Act.</p>	
Meeting Adjourn	Tom Tripp motioned to adjourn the meeting at 9:31am, Kyle Memmott seconded the motion, all were in favor.	

Attachments: Governor Herbert Executive Order, Public Health Order by Tooele County Health Department to Jason Manning