



MEMORANDUM

Date: June 28, 2013

To: The Honorable Chairman and Members
Pima County Board of Supervisors

From: C.H. Huckelberry
County Administrator 

Re: **Subsidizing Public and Semi-Public Pool Safety Compliance**

Based on an article in the *Arizona Daily Star*, I asked staff to review the number of public and semi-public pools regulated by the County and to determine the costs and fees recovered through their operation.

The attached June 20, 2013 memorandum from Deputy County Administrator for Medical and Health Services Jan Leshar indicates that the County is now subsidizing public and semi-public pool operations by nearly \$123,000 annually from our General Fund.

Public and semi-public pools are often operated by for-profit entities such as apartment complexes, or through common areas of most homeowner associations. These services should not be subsidized by the General Fund.

I have asked Ms. Leshar to initiate a process for an out-of-cycle fee increase to recover the full cost for providing these services. There is absolutely no justification for a General Fund subsidy of these public and semi-public pool health and safety compliance requirements.

CHH/dph

Attachment

c: Jan Leshar, Deputy County Administrator for Medical and Health Services
Dr. Francisco Garcia, Director, Health Department



MEMORANDUM

Date: June 20, 2013

To: C.H. Huckelberry
County Administrator

From: Jan Leshner 
Deputy County Administrator
Medical and Health Services

Re: **Pool Inspections and the *Arizona Daily Star's* June 2, 2013 Article**

I am forwarding the attached memorandum in response to your request for additional information regarding the Health Department's budget and fee structure for pool inspections.

Currently, the Health Department is responsible for construction plan reviews, licensing and periodic inspection of 2,518 semi-public and public pools in Pima County through delegation agreements with the Arizona Department of Health Services and the Arizona Department of Environmental Quality. Consumer Health and Food Safety also conducts pool certification classes to train operators.

The FY 2012/13 Health Department budget allocated approximately \$400,000 to pool inspections, with projected annual revenue of \$277,000. The approximate \$123,000 deficit is met with General Fund dollars.

Current fees are detailed in the attached memorandum. At present, the Health Department plans a fee review, together with improved technology and adoption of the 2013 Food Code, to be effective for FY 2014/15. At that time, it is anticipated that the pool program will come much closer to supporting itself.

JKL/slg

Enclosure

c: Dr. Francisco Garcia, Director, Pima County Health Department



MEMORANDUM

Date: June 18, 2013

To: C.H. Huckelberry
County Administrator

From: Marcy Flanagan
Health Department Deputy Director

OK
Via: Jan Leshar
Deputy County Administrator for Medical and Health Services

Re: Pool Inspections and the Arizona Daily Star's June 2, 2013 Article

This serves as an update to the questions and concerns brought to our attention regarding pool inspections conducted by the Consumer Health and Food Safety Program of the Health Department.

Background

The Pima County Health Department is responsible for construction plan reviews and inspections of semi-public and public pools and spas in Pima County through a delegation agreement with both Arizona Department of Health Services (ADHS) and Arizona Department of Environmental Quality (ADEQ) under the authority of Arizona Revised Statute (A.R.S.) §36-136 (A)(12) and (A.R.S.) §36-136 (D) in addition to A.A.C. Title 9, Chapter 8, Article 8.

Currently, there are 2,518 semi-public and public pools that we license in Pima County.

Budget, Fees, and Cost Recovery

The Consumer Health and Food Safety (CHFS) budget is approximately \$1.6 million, with 25% (\$400,000) of this budget allocated to pool inspections. CHFS is projected to make \$1.2 million in revenue annually, of which \$277,000 or 23% is generated from the license fees of regulated pools in Pima County.

This would conclude that CHFS is currently recovering 75% of the costs associated with conducting consumer health and food safety inspections in Pima County and 69% of the costs associated with pool inspections and licensing.

The fees set forth for semi-public and public pools have been unchanged since 2009. There are not any fees associated with failed inspections as violations are typically fixed at the time of inspection. The current fee structure is outlined as follows:

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License Type	Fee
Semi-public pool	\$114.00
Semi-public spa	\$100.00
Public pool	\$140.00
Public wading pool	\$120.00

In addition, CHFS charges for pool construction plan reviews at \$66.00.

Recommendation

The Consumer Health and Food Safety program has been undergoing training and certification to conduct risk-based inspections under the recommendations of the FDA and USDA. In addition, the program is preparing to implement and participate in phase 2 of the LPM (Land and Permit Management) Accela Project allowing for electronic inspections, licensing, and fee collection.

As these projects and programs advance CHFS into the latest technology and best practices, it is the intent of the program to adopt the 2013 FDA Food Code. In addition, CHFS has already reached out to the City of Tucson and Joe Barr with Pima County NPRP to analyze and update the pool codes and ordinances in Pima County. As part of these updates, the Department will revisit the fee structures to ensure the most effective cost recovery plan is executed.

The CHFS program plans to begin the code revision and adoption process this fall, with the expectation that the new code and fee structure will be in place for FY 2014-2015. The Department respectfully requests County Administration support for this plan.



MEMORANDUM

Date: June 4, 2013

To: Jan Leshner
Deputy County Administrator
for Medical and Health Services

From: C.H. Huckelberry
County Administrator 

Re: Pool Inspections and the *Arizona Daily Star's* June 2, 2013 Article

The *Arizona Daily Star* article on June 2, 2013 stated a fact I had not realized; there are 2,500 pools in the County over which we have some type of Health Department jurisdiction. Is this number accurate? If so, what is our budget expenditure to provide this service for the owners of the 2,500 pools? Is our fee structure appropriate and reasonable for cost recovery, or is this a function subsidized by the General Fund? Are there fee penalties to re-inspect a failed pool?

Please provide me with more detailed information regarding this program of the Health Department, including the cost and cost recovery percentage through fees assessed.

CHH/dph

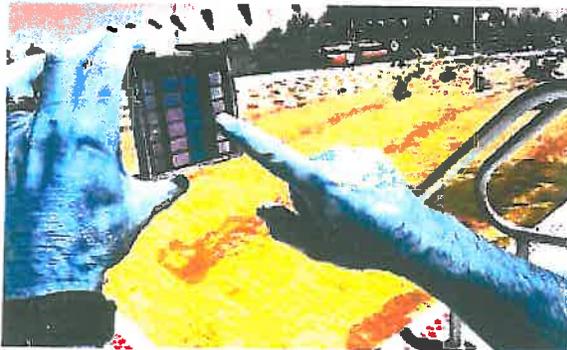
Attachment

c: Dr. Francisco Garcia, Director, Health Department

6/3/2013 10:00 AM

Pima County inspectors work to keep pools clean for summer

In Pima County, 7% of inspections of semi-public, public facilities lead to closures



JUNE 02, 2013 12:00 AM • BECKY PALLACK ARIZONA DAILY STAR

Looking at a swimming pool in your neighborhood or at your gym, you can't tell whether you're seeing clean and refreshing water or a reservoir of icky germs.

Pima County Health Department inspectors find a reason to close a public or semi-public pool about 7 percent of the time, usually because of dangerously low or high

chemical levels that could make you sick.

When that happens, it's up to the pool owners to fix the problem and report acceptable chemical levels back to inspectors.

Inspectors check 2,500 local swimming pools at least twice a year. Records show inspectors closed pools 446 times in the past year and a half.

Pools with the most problems in recent months are semi-public - those at hotels, apartment complexes, homeowners' associations and gyms.

The county inspects them twice a year.

Pool operators are supposed to check the chemical levels twice a day. However, often when the pool maintenance is contracted out, the water is checked less regularly, which can lead to a chemical imbalance, said inspector Dave Hansen.

In many pool-closure cases, fixes are made the same day or the next day.

When the county closes a pool, pool operators can call the inspector and read the correct levels over the phone to get the OK to reopen, often the same day, Hansen said.

SOME EXAMPLES

Here are the pools that have failed inspections most often in the past year and a half.

- At JW Marriott Tucson Starr Pass Resort & Spa, 3800 W. Starr Pass Blvd., county health inspectors recorded seven failed inspections during four visits last year, usually because there wasn't enough chlorine.

The resort's engineering director, Mike Hart, said any problems pointed out by inspectors are promptly fixed so facilities are never closed.

The resort passed the most recent inspections in December.

- At Stone Canyon Health & Fitness Club, 14250 N. Hohokam Village Place in Oro Valley, county inspectors recorded seven failed inspections during two visits last year.

In February 2012 the county closed the men's spa, women's spa and lap pool because chlorine levels were too low and pH was too high. And in June 2012 the county closed the men's spa, outdoor spa, lap pool and wading pool because chlorine levels were too high.

Stone Canyon facilities passed their most recent inspections in February.

The club's managers did not return three calls seeking comment.

- At La Vida condo complex, 2601 W. Broadway, county inspectors recorded six failed inspections during four visits last summer and in January because of chlorine levels that were too high or too low.

The complex passed the most recent inspections in January.

The homeowners association board changed its pool maintenance company and has done a lot better since, said Chris Centuori, operations manager and certified pool operator at Arizona Home Owner's Management Experts LLC.

"It's pretty difficult to keep it perfect, and I think they (the Health Department) realize that," he said. "With the heat in the summertime, depending on the usage, I've seen the chlorine go from five to zero in one day."

More enforcement is a good thing, Centuori said, and he credits the county inspectors for good communication with pool operators.

PUBLIC POOLS

The county inspects public pools monthly during swim season, and pool staff check the water hourly.

Inspectors found a reason to close a public pool only four times in 181 inspections over the past 18 months.

These pools were briefly closed but reopened the same day or the next day.

- Archer Pool, 1665 S. La Cholla Blvd., July 2012.
- Clements Pool, 8155 E. Poinciana Drive, March 2012.
- Palo Verde Pool, 300 S. Mann Ave., two closures in May 2012.

On StarNet: Go to azstarnet.com/databases to find out whether your neighborhood pool passed or failed inspections.

Germs in the pool

A new study of public pools from the Centers for Disease Control and Prevention found some yucky numbers:

- **59: Percentage of water samples with pseudomonas aeruginosa, which can cause skin rashes and ear infections.**
- **58: Percentage of water samples with E. coli, a marker for fecal contamination.**
- **2: Percentage of water samples with cryptosporidium and giardia, which can cause diarrhea.**

"Chlorine and other disinfectants don't kill germs instantly," Michele Hlavsa, chief of the CDC's Healthy Swimming Program, said in a press release.

"That's why it's important for swimmers to protect themselves by not swallowing the water they swim in and to protect others by keeping feces and germs out of the pool by taking a pre-swim shower and not swimming when ill with diarrhea."

Be a pool inspector

Here's what you should check before you and your family take a dip in a public or semi-public pool. Make sure:

- **Gates are self-closing and never propped open.**
- **A ring buoy and shepherd's crook are easily accessible.**
- **Water is clear, not green or cloudy, and the drain at the bottom is visible.**
- **And look at the other swimmers. Red or irritated eyes could signal a water-quality problem.**
- **To report a problem at a semi-public or public pool, call 243-7908.**

Contact reporter Becky Pallack at bpallack@azstarnet.com or 573-4251. On Twitter [@BeckyPallack](https://twitter.com/BeckyPallack).