

MINUTES

Clark County District Board of Health Meeting

625 Shadow Lane
Las Vegas, Nevada 89106
Clemens Room - 8:00 A.M.
Thursday, May 23, 1996

The regularly scheduled meeting of the District Board of Health was called to order at 8:00 A.M. by Chairman Ferraro and the Pledge of Allegiance was held. Chairman Ferraro noted that he had been provided with Affidavit of Posting of Agenda and the public notice, as required by Nevada's Open Meeting Law. The Affidavit will be incorporated into the Official Minutes.

Present:

Robert Ferraro	Chairman, Councilman, Boulder City
Sherry Colquitt, RN	Appointee, Las Vegas
Donalene Ravitch, RN	Appointee, Boulder City
Kirk Cammack, M.D.	Physician Member At Large
Susan Crowley	Appointee, Henderson
Erin Kenny	Commissioner, Clark County
Bruce Woodbury	Commissioner, Clark County

Absent:

Amanda Cyphers	Councilman, Henderson
Mary Kincaid	Councilman, North Las Vegas
Gary Reese	Councilman, Las Vegas
William Robinson	Councilman, North Las Vegas

Executive Secretary:

Otto Ravenholt, MD, MPH

Legal Counsel:

Ian Ross, Esquire

Staff: Clare Schmutz; David Rowles; Mike Naylor; Fran Courtney, RN.; Roy Soffe; Karl Munninger; Ed Wojcik; Roy Soffe; Curt Taipale; David Lee; Daniel Maxson; Paul Klouse; Julian Davis; Mary Ellen Harrell; Alice Costello; Carol Stewart; Sue Kolrep; Marge Mouer; Arlene Carter; Ann Markle; Harold Glasser; Maria Kallai; Betty Teh; Angie Negrete and Recording Secretaries Diana Lindquist and Montana Garcia

PUBLIC ATTENDANCE:

<u>NAME</u>	<u>REPRESENTING:</u>
Chuck Jenner	Clark County
Lori Wohletz	City of Las Vegas
Helen Foley	Regent - DRGM Adv.
Russ Morrissey	Self
Scott Wade	Self
Russ Wilde	Nev. Div. Of Env. Protection - Carson City
Jennifer Fox	U.S. Environmental Protection Agency
Wayne Stewart	Carol Stewart
Greg Sanks	Nevada Power Company / CORI
Jeff Craig	Diamond Construction / Warren Anderson
Chuck Jenner	Clark County Public Works
Alan J. Gaddy	Environmental Technologies
Tammi Gaudet	JW Zunino & Associates
Doug Vind	Regent International
Helen Foley	Regent - DRGM Adv.
David Kornbluth	Potlatch Corporation
Cindy Hasenjager	Regent International
Lori Wohletz	City of Las Vegas
Will Cates	Clark Co. Comprehensive Planning
Leslie Long	City of North Las Vegas
Dick Serdoz	Nev. Div. Of Env. Protection - Las Vegas

OATH OF OFFICE:

Ian Ross, District Legal Counsel administered the Oath of Office to newly appointed Henderson citizen representative Member Susan Crowley.

PRESENTATION OF PLAQUE

Chairman Ferraro on behalf of the Board and Staff presented plaques to Warren Anderson, retiring Member APC Hearing Board; and retiring employees Julian Davis, Environmental Health Sanitarian and Carol Stewart, RN, Clinics and Nursing Supervisor for their support and contribution to the public health of Clark County citizens and visitors.

I. CONSENT AGENDA:

These are matters considered to be routine by the District Board of Health and which may be enacted by one motion. Any item, however, may be discussed separately per Board Member request.

Member Colquitt moved to approve the Consent Agenda. Motion was seconded by Member Kenny and carried unanimously approving the following Consent Agenda:

- 1. Minutes/Board of Health Meeting** - 04/25/96
- 2. Payroll/Overtime** for Periods of 04/06/96-04/19/96 & 04/20/96-05/03/96

3. **Claims Register** - #687, 04/19/96-05/02/96; #688, 05/03/96-05/16/96
4. **Petition #25-96** - Cooperative Agreement with Clark County Social Service: Home Health Services to Social Services Clients (***Annual Renewal***)
5. **Petition #26-96** - Cooperative Agreement with Clark County Social Service: HIV/AIDS Evaluation Services to Social Services Clients (***Annual Renewal***)
6. **Petition #27-96** - Agreement with Clark County Social Service: Social Worker/Case Manager for CCHD's HIV Positive Clients
7. **Petition #28-96** - Home Health Writeoff

II. **PUBLIC HEARING/POSSIBLE ACTION (Approximately 8 A.M.)**

1. **Variance Request** - To Install an Individual Sewage Disposal System on a Lot Within 400 Feet of a Public Sewer Line. **Petitioners:** Russell & Eva Morrissey

Chairman Ferraro opened the public hearing.

Clare Schmutz explained that Mr. and Mrs. Morrissey, owners, are requesting a Variance to install an individual sewage disposal system (ISDS) on a lot which is 28,076 square feet in size and served by a public water supply that is within four hundred (400) feet of a public sewer line. [Section IV.4(b) of the District Board of Health's Regulations governing Individual Sewage Disposal System and Liquid Waste Management requires hookup to public sewer when it is available within four hundred (400) feet of the nearest property line and can be accessed by a gravity flow line.]

The lot is located off Fogg Street near Stewart Avenue, Las Vegas, Clark County Nevada. Legal description: SW 1/4 NE 1/4, Section 34, T20S, R62E, MDM, Lot 1 of APN 140-34-601-004.

The Clark County Sanitation District confirms by letter of April 26, 1996 that public sewer is available on Fogg Street.

The parcel map creating the lot owned by Mr. and Mrs. Morrissey was developed in 1986 at which time no public sewer was available. The sewer line was installed in Fogg Street when the Kirk Adams Elementary School opened for the 1991-1992 school year.

In order for the owners to connect to the public sewer, they would have to extend an 8-inch sewer line from Fogg Street in the private street into the cul-de-sac of the parcel map approximately 530 ft. even though their nearest property line is 300 ft. from the sewer main in Fogg Street.

Affleck Enterprises, an engineering firm, has estimated a cost of \$21,909.00 to extend the sewer line plus 44,000.00 to install 85 feet of lateral line and connection fees for a total of approximately \$25,100.00.

During a Public Hearing in March 1993 the Board of Health approved a Variance for the owner of the lot across the street from Mr. and Mrs. Morrissey's property.

Staff has reviewed this application for Variance and feels that there is a hardship on the owners if they have to connect to the public sewer. Staff does not feel that a public health hazard would be created by granting a Variance on this 2 acre of land served by a public water supply provided the

following conditions are met:

- a. The system be installed to comply with all other requirements of the Individual Sewage Disposal System and Liquid Waste Management Regulations.
- b. Construction of the ISDS must be commenced within one (1) year of the date hereof. If the construction has not been commenced within that period of time, this Variance shall expire and be of no further force and effect, unless application is made for an extension of time prior to the expiration date by the Applicant or the Applicant's successor(s) in interest.
- c. The applicant and his successor(s) in interest shall abide by all local governmental regulations requiring connection to community sewage systems. Use of the ISDS shall be discontinued and the structure it serves shall be discontinued and the structure it serves shall be connected to any community sewage system when gravity flow is available at the Applicant's property line when the owners are notified and legally required to do so.
- d. When public sewer is extended from Fogg Street into the cul-de-sac, the individual sewage disposal system will be disconnected and connection to the sewer line will be made.

Ian Ross asked Mr. Morrissey if he understood and agreed with the conditions outlined by Staff. Mr. Morrissey stated yes and he agreed with the conditions.

There being no further testimony, Chairman Ferraro closed the public hearing. Member Woodbury moved for approval finding that there are circumstances or conditions which are unique to the applicant that do not generally affect other persons subject to the regulations. Also, that there are circumstances which make compliance with the regulations unduly burdensome; and would cause a hardship to and abridge a substantial property right of the applicant. Granting the Variance is necessary to render substantial justice to the applicant and enable him to preserve and enjoy his property right; and will not be detrimental or pose a danger to public health and safety. Motion was seconded by Member Ravitch and carried unanimously.

2. Memorandum #10-96- Public Hearing - Amendments to Sections 0 and 12 Preconstruction Review of New or Modified Stationary Sources of the Air Pollution Control Regulations

Michael Naylor remarked that the District Board of Health was conducting a public hearing on the third installment of a comprehensive package of proposed amendments to the Regulations that will be submitted to the EPA as the updated New Source Review Implementation Plan for Clark County. He introduced a representative from EPA Region IX, Jennifer Fox. The EPA has submitted written documentation on the proposed changes to Staff which have been incorporated into the regulations with the exception of the definition of the 'administrative modification.'

Associated with the need for a comprehensive regulatory package, staff anticipates that a fourth installment to the regulations will be recommended at the June Board meeting with a request to schedule a public hearing for the August meeting. The fourth installment is intended to address additional definitions and existing subsections of Section 12 that were not addressed in the past three installments, including additional requirements for carbon monoxide control.

The EPA interim approval of Sections 0 and 12 of the APC regulations expired in January 1996. EPA has advised that they will not publish a notice of disapproval as long as the final (fourth) installment is scheduled in June for Public Hearing on August 22, 1996.

He explained that the third installment addresses the general application requirements for all sources, the Prevention of Significant Deterioration (PSD) requirements for most criteria pollutants, the air quality modeling requirements, the pre and post construction ambient air monitoring

requirements, the Authority to Construct Issuance requirements and some changes to the definitions. One of the proposed definition changes would include "administrative modification" which would allow sources "de minimus net emissions increases" without triggering the need for Authority to Construct application. This proposal would in such cases avoid the time-consuming Authority to Construct process of Section 12. The District would review and ensure that any such proposed emission increase would be below the de minimus threshold.

Chairman Ferraro opened the public hearing.

Greg Sanks of Nevada Power representing the Coalition of Regulated Industries (CORI) remarked that the CORI supported the adoption of the recommendation by Staff with one exception. The exception concerned the definition of "Administrative Modification". Staff has reviewed comments submitted by CORI and both parties have agreed to address the remaining issue as part of the fourth installment of the comprehensive package to be scheduled for hearing in August 1996.

Jennifer Fox, representing Region IX EPA remarked that their concern was that with staged adoption of changes to the District rules, proposed changes may be inconsistent with later changes and approve ability issues will fail to be resolved. Therefore, all actions described in the July 28, 1995 Federal Register process are needed to ensure EPA approval of this rule. She commented that she had just received the proposed recommendations from CORI and felt at this time they did not meet federal guidelines.

After brief discussion by the Board, Member Colquitt moved to accept the proposed amendments to 'Sections 0' with the exception of the Administrative Modification Definition. Motion was seconded by Member Crowley and carried unanimously.

Member Woodbury moved for approval of proposed amendments to 'Sections 12' Motion was seconded by Member Kenny and carried unanimously.

III. REPORT/DISCUSSION/POSSIBLE ACTION:

1. Nominating Committee Report/Possible Election of Air Pollution Control Hearing Board Member

Member Woodbury stated to solicit nominations for the Hearing Board position, recently vacated by the resignation of Member Warren Anderson, a notice was published in the review Journal on Sunday, April 28. It generated eleven (11) responses. Committee members narrowed their choices to four (4) persons. The four individuals were interviewed on Monday, May 13. All four candidates appear to be well qualified. The committee recommended Mr. Scott Wade. Scott is an employee of the United States Department of Energy and a life-long resident of Southern Nevada. He appears to have considerable experience in environmental affairs.

At this time, Member Woodbury moved to appoint Scott Wade to the Air Pollution Control Hearing Board. Motion was seconded by Member Colquitt and carried unanimously.

2. Petition #29-96 - Request to Set a Public Hearing Date to Consider/Adopt Revisions to the Emergency Medical Services Regulations

David Rowles asked that the Board set a public hearing date on June 27, 1996 at 8 a.m. to consider/adopt amendments to District Emergency Medical Services regulations. The amendments have been reviewed and recommended by the Medical Advisory Board. The amendments will give some financial relief to the hospitals by no longer requiring them to

transcribe each transmission between the hospital and ambulance attendants regarding patient care, however the hospitals will still be required to record each transmission. No additional District funding is required to accomplish this action.

Member Kenny moved for approval of Petition #29-96, request to set a public hearing date of June 27, 1996 at approximately 8 a.m. to consider/adopt revisions to the Emergency Medical Services regulations. Motion was seconded by Member Colquitt and carried unanimously.

3. Petition #30-96 - Award of Bid for Front Landscaping Retrofit

David Rowles remarked that as authorized by the Board, bid specifications for the Frontage Landscape Retrofit were published in local newspapers and the Construction Notebook. Subsequent to the publishing of bid specifications, District staff and Jack Zunino, project architect, conducted a pre-bid conference on May 1st. Approximately six firms purchased sets of blueprints and project specifications.

Early in the bid process the architect, in consultation with staff, published two bid addendums which were sent to all known interested parties. Addendum **#1** provided an alternative for upgrading the size of the Heritage Oak sidewalk trees from 24" boxes to 36" boxes; Deductive alternate **#2** would allow the provision of tree grates without color finish for a reduction in the total project cost. Additive **#3** provides a cost option for finishing the total project in 90 days rather than 120 days.

Three companies submitted bids: Cedco Landscape Incorporated, Valley Crest Landscape and Las Vegas Paving. Staff recommended Las Vegas Paving as the lowest responsive and responsible bidder for the District's Frontage Landscape Retrofit project to include the addendum #1, deductive alternate #2 and additive alternate #3.

After brief discussion by the Board on the ability of Las Vegas Paving to have the project completed in 90 days, Member Kenny moved to approve Las Vegas Paving as the lowest responsive and responsible bidder. Motion was seconded by Member Crowley and carried unanimously.

4. Petition #31-96 - Permission to Solicit Bids for the Influenza Vaccine

David Rowles asked that the Board approve solicitation of bids for flu vaccine for the fiscal year 1996-1997. Purchase of sufficient vaccine to meet the needs of the community during the 1996-1997 flu season is anticipated to exceed \$25,000. Funds are available in the general Nursing budget to purchase the bid item. District costs will be retrieved through fees charged for administration of flu vaccine.

Fran Courtney, R.N. added that last year the District administered 27,000 vaccines however more vaccines are being administered by managed care organizations.

Member Woodbury moved to approve, Petition #31-96 - Permission to Solicit Bids for the Influenza Vaccine. Motion was seconded by Member Ravitch and carried unanimously.

IV. STAFF REPORTS

Environmental Health

Clare Schmutz remarked that Environmental Health staff continues to inspect the rooms at the Queen

of Hearts Hotel, 22 out of 100 rooms are still unoccupied.

Dan Maxson assisted by Paul Klouse gave a brief overview of the Hantavirus report. Cactus, Deer and Canyon Mice have been found positive for the virus while larger animals as well as the Desert Wood rat have been negative. Over the last 3 years we have tested over 1,069 Deer mice and their relatives. Staff will continue to monitor the animals for the disease and will keep the Board apprised. Clare Schmutz commented that the District would be hosting workshops on the food regulations and staff will keep the Board Members apprised.

Administration

David Rowles remarked that staff had been reviewing the State of California Education Now and Baby Later (ENABL) Program. The program was targeted to Jr. High and High School teenagers. The duration of the program was 3 months. Unfortunately after 17 months, they were not able to distinguish the difference between those who had went through the program and those who had not. We feel that some of the lessons that our sister state has learned will be valuable in restructuring a program.

Health Cards section continues to be brisk. In April, 1996 10,155 health cards were processed 6,000 of those were new applicants and 3,566 were renewals. Also, in the Vital Records section, staff processed 1,258 births and 791 deaths.

Clinics & Nursing

Fran Courtney, RN, stated that the State of Nevada Health Division had sent out two (2) new releases related to measles because there had been reported cases in the St. George area of the State of Utah. Two of those cases literally drove through Nevada. At this point in time, there have had been no reported cases in Nevada. However, staff will continue to provide surveillance. Alerts have gone out to the medical clinics and hospitals and we have had not telephone calls related to the releases.

Air Pollution Control

Michael Naylor stated that the penalties being imposed by the Air Pollution Control Hearing Board been increasing substantially.

The new East Charleston neighborhood station should be on line by this time next month. We have had delays in getting telephone lines installed.

A new enforcement officer will be added to the Air Pollution Control staff at the end of July, 1996.

V. CITIZEN PARTICIPATION

The Board of Health cannot act upon items raised under this portion of the Agenda until notice provisions of Nevada's Open Meeting Law have been complied with. Therefore, any actions on such items are considered at a later meeting.

Member Kenny requested that an agenda item to set a public hearing be added to the June agenda that would ask for the extension of the mandatory oxygenated fuels season to cover the entire month of March. Also, that the Board review the possibility of increasing the minimum oxygen content to 3.5% for ethanol blends and 2.7% for MTBE during the season.

VI. INFORMATIONAL ITEMS

1. Financial Data
2. Emergency Medical Services Advisory Board Meeting Minutes and Annotated Agenda, 04/03/96
3. Listing of Food Establishments in Plan Review for the Period of 04/01/96 to 04/3/96 Environmental Health Division
4. Air Pollution Control Hearing Board Annotated Agenda, 5/2/96
5. Home Health Service/Hospice Advisory Board Meeting Minutes 04/25/96
6. Letter From City of Henderson Regarding Appointment of Susan Crowley to the District Board of Health
7. Memorandum From Environmental Health Staff Regarding New Computer Systems Upgrades and Appreciation of Data Processing Staff: Rocky Gerzel & Jon Reed

VII. ADJOURNMENT

There being no further business to come before the Board, Chairman Ferraro adjourned the meeting at 9:25 A.M.

SUBMITTED FOR BOARD APPROVAL

Otto Ravenholt, MD, Chief Health Officer
Executive Secretary

/mlg