

# MINUTES

## Clark County District Board of Health Meeting

625 Shadow Lane

Las Vegas, Nevada 89106

Clemens Room - 8:00 A.M.

*Thursday, December 19, 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

Sherry Colquitt, RN

Susan Crowley

Erin Kenny

Mary Kincaid

Donalene Ravitch, RN

Gary Reese

Chairman, Councilman, Boulder City

Appointee, Las Vegas

Appointee, Henderson

Commissioner, Clark County

Councilman, North Las Vegas

Appointee, Boulder City

Councilman, Las Vegas

### Absent:

Kirk Cammack, MD

Amanda Cyphers

William Robinson

Bruce Woodbury

Physician Member At Large

Councilman, Henderson

Councilman, North Las Vegas

Commissioner, Clark County

### Executive Secretary:

Otto Ravenholt, MD, MPH

### Legal Counsel:

Ian Ross, Esquire

Staff: Clare Schmutz; David Rowles; Mike Naylor; Fran Courtney, RN.; Ed Wojcik; Vic Skaar; Karl Munninger; Philippa Pointon; Jeanne Palmer and Recording Secretaries Diana Lindquist and Montana Garcia

**PUBLIC ATTENDANCE:**

<b><u>NAME</u></b>	<b><u>REPRESENTING</u></b>
Bernie Farr	Self
Mary Shope-Wiles	Self
John F. Wiles	Self
Mike DeFloria	Self
Ann Zorn	Self and APC Hearing Board
Stan Jones	City of Henderson
Lori Wohletz	City of Las Vegas
Leslie Long	City of North Las Vegas
Will Cates	Clark County Comprehensive Planning
Rick Nielsen	Clean Air Alliance
Denise Brodsky	Clean Air Task Force
William E. Poole	CSR West
Greg Walch	Driggs & Walch
Joe Pessin	Gerald Peterson
Edward Martinez	Harding Lawson Associates
David J. Merrill	Lionel, Sawyer & Collins
Michael Kane	(MK) <sup>2</sup>
Michele Kane	(MK) <sup>2</sup>
Robert Combs	R.C. Farms
Charlotte Huff	Review Journal
Scott Perrine	Southern Nevada Building Materials Assoc.
Ed Lubbens	Southern Nevada Home Builders

**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 Reese moved to approve the Consent Agenda. Motion was seconded by Member Ravitch and carried unanimously approving the following Consent Agenda:*

- 1. Minutes/Board of Health Meeting - 11/21/96**
- 2. Payroll/Overtime for Periods of 10/19/96 - 11/01/96 & 11/02/96 - 11/15/96**
- 3. Claims Register - #700, 11/12/96 - 11/21/96 & #701, 11/22/96 - 12/5/96**

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

- 1. Variance Request - To Construct an Individual Sewage Disposal System on an Undersized Lot Served by a Public Water System. **Petitioner:** Joe Pessin on behalf of Gerald Peterson**

Chairman Ferraro opened the public hearing.

Clare Schmutz explained that Mr. Joe Pessin, on behalf of Gerald H. Peterson, owner, is requesting a Variance to install an individual sewage disposal system (ISDS) on an undersized lot served by a public water supply. The lot is 6,250 square feet in size including street easements and is located

on Patterson Avenue 100 ft. East of Carillo Street in Vegas Manor Tract 2. Legal description: Lot 22, Block 39, Vegas Manor Tract 2, SE 1/4 SW 1/4, Sec. 5, T21S, R62E, Clark County, Nevada.

Section X.10.b. of the District Board of Health Regulations Governing Individual Sewage Disposal Systems and Liquid Waste Management requires a minimum of one-quarter (1/4) acre (10,900 sq. Ft.) when offsite water is available.

Vegas Manor Subdivision was subdivided in 1928 into 1,046 lots 50 ft. X 100 ft., which are much smaller lots than are now permitted for an individual sewage disposal system with an offsite water supply. Public sewer is available to approximately one-half of the subdivision and is located on Boston St. 550 ft. east of Arden which is about 1,500 ft. from the property in question.

Mr. Peterson purchased the property in June 1978 and intended to move to Las Vegas and build a home on the property. However, due to circumstances beyond his control, he is unable to move to Las Vegas and wishes to sell the property. Also, one letter in protest has been received. The objection is to a house being built on only a 50 foot lot at present. Staff has visited the lot and has determined if conditions are complied with a septic system can be used. Also, Staff has determined that there is no public health problem related to the granting of this Variance and recommends approval with the following conditions:

- a. That it be made a part of the final escrow closing that the buyer of the property will comply with all of the conditions.
- b. The septic system be limited to a 1,000 gallon tank and 775 sq. ft. of leach area.
- c. The septic system be installed to comply with all other requirements of the Individual Sewage Disposal System and Liquid Waste Management Regulations.
- d. No paving or vehicular traffic will occur over the septic system.
- e. 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.
- f. 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 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.

After brief discussion between the Board with Mr. Pessi on behalf of Mr, Peterson, Chairman Ferraro asked if he agreed with the conditions outlined by Staff. Mr. Pessi stated, "Yes" and he added that he would also provide a copy of the conditions to the buyer of the property. There being no further comment, Chairman Ferraro closed the public hearing.

*Member Kenny moved to approve with the conditions outlined by Staff, the Variance Request To Construct an Individual Sewage Disposal System on an Undersized Lot Served by a Public Water System, Petitioner, Joe Pessin on behalf of Gerald Peterson. Finding that there are circumstances or conditions which are unique to the applicant that does not generally affect other persons subject to the regulations. Compliance with the regulations would be unduly burdensome and 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 and will not be detrimental or pose a danger to public health and safety. Motion was seconded by Member Crowley and carried unanimously.*

**2. Memorandum #22-96 - Public Hearing to Amend Air Pollution Control Regulations to Establish a Hearing Officer Process**

Michael Naylor remarked that because of increased air pollution control enforcement activity and larger penalties, there are more contested cases and our existing Hearing Board process has become too cumbersome.

Members of the Board of Health have expressed an interest in a Hearing Officer process to aid the APC Hearing Board in resolving Notices of Violations and Corrective Action Orders. A Hearing Officer would preside over enforcement actions brought forth by the control Officer and/or his field enforcement officers and would render decisions regarding submitted cases. The Hearing Officer will only deal with civil penalties.

Though the conceptual establishment of a Hearing Officer process is simple, its realization requires thorough modification and restructuring of 11 sections of the current APC regulations. Development of a Hearing Officer process, as proposed by Member Woodbury at the September Board meeting, is in order to manage the expanding workload of the Hearing Board. Significant time of either a Hearing Officer or the Hearing Board is needed for those cases which are contested and for which agreement cannot be reached between the Control Officer and the alleged violator prior to appearance.

The District has queried eighteen (18) western regional regulatory (including 16 air quality) agencies about their use or nonuse of a Hearing Officer procedure. Twelve agencies surveyed use a hearing board, two use a mutual settlement group prior to the Hearing Board, two agencies use designated hearing officers and three agencies use neither a hearing board nor a hearing officer (they resolve disputes solely by agency personnel prior to judicial settlement). The number of enforcement officers in those areas queried vary depending on the size of the agency, ranging between 5 and 12.

In consideration of the increased growth of local dust-emitting industries and construction sites and the need to process the increase in Notices of Violation, a Hearing Officer process is needed and justified.

The proposed regulations anticipate that some decisions of the Hearing Officer will be appealed on the APC Hearing Board by the violator or possibly the Control Officer. If alleged violators are aggrieved with a decision of the APC Hearing Board for further appellate action, they must appeal directly to the District Court judicial system. He reviewed with the Board Members proposed changes on the regulations.

Dr. Ravenholt added that the Board may need to revisit the Hearing Officer process after some 6 months of experience with it.

Chairman Ferraro opened the public hearing.

Edward Lubber, representing the Southern Nevada Home Builders Association, expressed concern about Subsection 4.7.2.1 as they felt the corrective action order issued pursuant to Subsection 4.7.2 becomes final unless appealed to the Hearing Board. Ian Ross remarked that this is only what present language of the regulations state.

Will Cates, of Clark County Comprehensive Planning, remarked that they were in support of the hearing officer process. However, recommended that the proposed definition for Aggrieved Party in Section) be modified to allow appeals from any party and/or individual who has an interest in the action under consideration. Also, that the Hearing Officer be provided staff support to ensure that an accurate record of administrative proceedings is maintained in the event of appeals to the Hearing Board or the District Court.

Ian Ross explained that staff is proposing that the Aggrieved Party in Section 0 would mean only the Health District or the alleged violator (the two parties that are involved in the process). Allowing any member of the public to appeal the Hearing Officer decision would place an undue burden and exposure to the parties that are litigating. It is contemplated that the hearings that go before the hearing board will be denovo or a complete new hearing. The purpose is so that individuals will have a full hearing and to resolve the problem. The Hearing Officer may have a tape recorder for their own convenience but then we have eliminated the necessity of having transcripts and having the Hearing Board read over them. In many cases it is better to have the case heard over again. Also, by having it tried over the issues are more narrowed down to what really is in dispute and will make a more efficient hearing. This will give the Hearing Board the opportunity to directly evaluate the credibility of the various witnesses which would not be possible in a transcript.

Ann Zorn, Chairman of the APC Hearing Board, stated that she agreed with Mr. Lubber as regards Subsection 4.7.2.1 that corrective action orders should not be heard by the Hearing Officer. She suggested adding that the words "and be consistent with Hearing Board procedures" on Subsection 7.13.5. Also, on Subsection 7.14.1 that the Hearing Officer is not going to vote on anything but act upon an item. Hearing Officer activities should come back to the Hearing Board as an agendized informational item. The actions will then become a matter of public record.

Staff agreed with these suggestions and recommended deleting the words "vote upon" in Subsections 7.14.1 and 2 and adding the word "consider".

Mary Shope, citizen, expressed concern that the regulations by limiting appeals to only the two parties involved would eliminate any citizen participation on this issue.

Ian Ross, Legal Counsel, commented that there was nothing in the proposed changes that precluded any member of the public from appearing at the hearing with the Hearing Officer. The Hearing Officer will have the discretion for citizen participation in the hearing process.

Lori Wohletz, representing the Clean Air Task Force II, read a letter into the record. The Task Force supported the concept of a Hearing Officer however, suggested that proposed amendments be modified to allow appeals from concerned citizens; also that the selection of the Hearing Officer be carefully considered to avoid the appearance of a conflict of interest.

Rick Neilson, representing the Clean Air Alliance, asked if when negotiations take place between Staff and the alleged violator and end on the agenda for the Hearing Board will there be a agenda or a meeting scheduled for public notice and will the Hearing Officer hear all the evidence on contested cases.

Ian Ross, Legal Counsel, stated that it is anticipated that there will be some flexibility for convenience to the public and various parties. Notice of the meetings will comply with the Nevada open meeting laws. There will be a schedule of cases that will be heard. Also, we will be exploring having meetings at various times of the day and week based on volume. The Hearing Officer will hear all the evidence on the cases presented.

There being no further comment Chairman Ferraro closed the public hearing.

Michael Naylor reviewed the following suggested changes to the APC regulations with the Board:

Subsection 4.7.2.1-3	Delete the reference to "Hearing Officer and add "Hearing Board".
Subsection 7.3	The reference to Contract Hearing Officer Delete the word "Contract".
Subsection 7.13.3	Add the words "or Control Officer" after the word Violator.
Subsection 7.13.5	Add the following words to the end of the statement: "and consistent with the Hearing Board procedures and policies."
Subsection 7.14.1,2	Delete the words "vote upon" and add the word "consider".
Section 10	The present language will remain in effect.
Subsection 16.3	Delete reference to "Hearing Officer"

Ian Ross, Legal Counsel asked that the Board in making a motion, include that Staff and Legal Counsel be authorized to make the changes that are consistent with what has been presented by Staff and Counsel.

David Rowles remarked that the source of funds for the Hearing Officer will come out of the general fund and part of the fees that are collected through Air Pollution Control.

Discussion followed between Board and Staff concerning the public perception of exclusion of the public from the appeal process but noting that opening every decision of the Hearing Officer to being appealed by any member of the public to a new trial by Hearing Board could cancel the benefit of a Hearing Officer process. There was also discussion of the type of record of the meetings that would be kept and of having no conflict of interest by the Hearing Officer.

Ian Ross recommended because of the nature of the process and a balanced approach to all parties concerned that the system be tried for a while and come back to the Board 6 months for review. The meetings will be posted and public notices following the procedures of the Open Meeting Law. He clarified that the public may give testimony to the Hearing Officer and to the Hearing Board when the case is heard and if the Hearing Officer is not adequately performing the job Staff will appeal to the Hearing Board on behalf of the public. He volunteered that any member of the public who is dissatisfied with a decision of the Hearing Board they can request directly to Staff or Legal Counsel that an appeal be taken to the Hearing Board. If after review the appeal is not taken to the Hearing Board, he would provide a letter explaining why an appeal was not taken to the Hearing Board.

*Member Kincaid moved for approval of Staff's recommendations for the establishment of an Hearing Officer Process with the additions of the suggested changes on Sections 4.7.2.1-3; 7.3; 7.13.3; 7.13.5; 7.14.1,2;16.3; not take any action on Section 10. Also Staff and Legal Counsel are authorized to make changes consistent with the Hearing Officer function will be. This process will be reviewed 6 months after the Hearing Officer process begins. Motion was seconded by Member Colquitt and carried with Member Kenny voting Nay.*

Member Kenny remarked that she supported the establishment of a Hearing Officer process but would not support the motion as she felt there should be a public appeal process and was concerned of anything that may give the perception of conflict of interest in criteria selecting applicants for the Hearing Officer position(s).

Ian Ross, Legal Counsel, recommended that Staff will present comprehensive resumes on each of the applicants for the position.

### **III. REPORT/DISCUSSION/POSSIBLE ACTION:**

#### **1. Nominating Committee Report for Calendar Year 1997 Board of Health Officers**

Member Colquitt, Committee Chairman remarked that the Nominating Committee had met and recommended that the current officers be retained for the 1997 calendar year: Chairman, Member Ferraro; Vice-Chairman, Member Colquitt and Secretary, Member Ravitch

*Member Kenny moved to approve the recommendations from the Nominating Committee. Motion was seconded by Member Crowley and carried unanimously.*

#### **2. Report from Search Committee for Assistant Health Officer Position**

Member Colquitt stated that the Search Committee had met twice. The first meeting was to go over the applications that were submitted for the Assistant Health Officer position. The second meeting was to interview applicants for the position. The Committee unanimously recommends Dr. Donald Kwalick for the position. Dr. Kwalick has been employed as the Nevada State Health Officer since 1990. He has full credentials including his Medical Degree and Masters in Public Health and has been employed in Public Health positions since 1973 including ten years as local Health Officer in Tampa, Florida.

Chairman Ferraro commented that Dr. Kwalick in the interview process was the one who most thoroughly answered the questions in regards to the various disciplines related to the Clark County Health District programs.

*After discussion, Member Colquitt moved to approve the hiring of Dr. Kwalick for the position of Assistant Health Officer. His employment package would include an annual salary of \$120,000, plus an auto allowance of \$400 per month, employment to commence before January 30, 1997. The Health District will provide medical insurance for Dr. Kwalick and his spouse, pay for medical licensure and professional dues and reimburse up to \$2,500 in moving expenses. Dr. Kwalick may transfer up to 75 days of accumulated sick leave from the State of Nevada to the Clark County Health District. Also, it was recommended that Staff develop an employment contract similar to the one with the Chief Health Officer.*

*Ian Ross remarked that the motion would constitute approval of the contract and it would not be necessary to have the formal contract resubmitted to the Board. The Board agreed. The motion was seconded by Member Kincaid and carried unanimously.*

Member Colquitt added that Dr. Kwalick recognizes that he is being hired with no guarantee that he will become the Chief Health Officer.

#### **3. Petition #57-96 - Request to Set a Public Hearing on Suggested Amendments Which Require**

Informational Signs at Construction Activity Projects, Clarify Permitting Procedures for Construction Activity and Address Related Topics (*Tabled from the November Meeting - **Memorandum #19-96** - Update Suggested Amendments to Section 17, Construction Activities of the Air Pollution Control Regulations*)

*Member Kenny moved to set the public hearing for January 23, 1997 at approximately 8 a.m. to consider draft amendments to Section 17 of the Air Pollution Control regulations. Motion was seconded by Member Crowley and carried unanimously.*

Ian Ross, District Legal Counsel, mentioned that if there were any member of the public who have any suggested changes to the proposed regulations should contact Air Pollution Control Staff. Staff can add those changes to the public notice or present to the Board as a suggestion made by a member of the public.

**4. Petition #62-96 - Approval of Henderson Landfill Revised Response Agreement**

Dr. Ravenholt that this a project undertaken by the City of Henderson, the Health District and the Nevada Department of Environmental Protection (NDEP) and agencies of the federal government to resolve the issue of the Henderson Landfill. We anticipate that this acquisition of land by the City of Henderson and related remedial actions by the City and its contractors through oversight and control of the NDEP may achieve a constructive resolution. The District becomes a facilitating partner in the process and a participant in resolution of any disagreements in final closure action.

Mr. John Rinaldi, City of Henderson representative, stated that this has been ongoing project. This landfill situated on federal land has been operated by the City of Henderson from the 1950's to the 1970's which has never been formally closed. In 1990, the federal government Bureau of Land Management initiated some assessment of their landfills on public lands and it was decided that this landfill had to be closed. The City of Henderson has undergone a process to seek patent of that property and coupled with that, we have entered into an agreement with NDEP and the Clark County Health District to outline the process and obtain the various commitments for final closure of the landfill. The agreement has been approved by NDEP and the Henderson City Counsel.

Ian Ross, Legal Counsel, called attention to page 7 of the agreement, paragraph 28, line 5 as there was a redundancy in the name of the District and the Clark County District Board of Health. In the definitions the word District includes the concept of the Board of Health and requested that the words Clark County District Board of Health be stricken from the agreement. This has been discussed with the City of Henderson's Attorney and he agrees and the City of Henderson has already approved it and given their attorney the authority to make such a technical change therefore it will not be necessary to go back to them for review.

*At this time, Member Kincaid moved for approval of Henderson Landfill Revised Response Agreement, Petition #62-96 with the suggested change. Motion was seconded by Member Colquitt and carried unanimously.*

**5. Memorandum #18-96 Tabled from the November Meeting - Suggested Regulatory Initiatives, Air Quality (Member Kenny Requested Item )**

Member Kenny stated as this has already been addressed there is no reason to bring this off the table.

**6. Petition #58-96 - Request to Set a Public Hearing on Suggested Amendments to New Source**

### Performance Standards and Emission Standards for Hazard Air Pollutants

Over the past year, several new or amended standards have been promulgated by the EPA for categories covered by Section 14 (New Source Performance Standards) and categories covered by Section 20 (Emission Standards for Hazardous Air Pollutants for Source Categories).

The federal New Source Performance Standards address approximately one hundred types of stationary sources, including categories such as institutional steam generating units, Portland cement plants, coal preparation plants, grain elevators, automobile/truck surface coating, bulk gasoline terminals, non-metallic mineral processing plants, and many others. The Standards limit emissions of the criteria pollutants, such as particulate matter and sulfur dioxide, and also limit visible emissions, and other parameters indicating compliance.

Under a separate part of the Federal Code, EPA has established emission standards for Hazardous Air Pollutants. The Hazardous Air Pollutants are those for which there is no air quality standards set by EPA, but EPA has regulated the emissions of that pollutant because it has been deemed hazardous. Benzene, Chlorine, Toluene, and Asbestos are examples of Hazardous Air Pollutants. During the last year, EPA has promulgated additional standards.

*Member Colquitt moved to set a public hearing on January 23, 1997 at approximately 8 a.m. Motion was seconded by Member Ravitch and carried unanimously.*

7. **7. Petition #59-96** - Request to Set a Public Hearing Date to Amend the Clark County Health District Regulations Governing the Sanitation of Tattoo and Permanent Makeup Establishment and to Adopt Regulations Governing the Sanitation of Body Piercing Establishments

Clare Schmutz commented that this was a request to set a public hearing for February 27, 1997 on proposed amendments to the present Health District regulations governing the Sanitation of Tattoo and Permanent Makeup Establishments and to adopt regulations governing the Sanitation of Body Piercing Establishments.

There have been two (2) workshops held to date and most of the operators are in agreement with the regulations. Staff is presently reviewing the possibility of approving mobile units for this practice. The emphasis has been placed on the regulation of sanitation and the prevention of disease transmission of the establishments and not the credentialing of the employee.

Ian Ross, Legal Counsel, stated that the Health District's jurisdiction fall under the sanitation aspects. There has been some request that the District act as a governing board so that a license would be given the employee and if they were not properly applying techniques, artful or skilled the employee would not be allowed to practice. This is not the function of the District but would have to be sought through the legislature. For the same reason, Staff on Legal Counsel's recommendation has taken the position that mobiles are too difficult to regulate from a sanitation standpoint. Consequently, we are recommending to the Board that mobile units no be allowed.

*Member Kenny moved to set a public hearing on February 27, 1997. Motion was seconded by Member Kincaid and carried unanimously.*

8. **8. Petition #60-96** - Approval of the First of Three Phases of a Roofing Repair/Replacement Project and Retention of Architectural Services to Provide Appropriate Bid Specifications, Plans and Oversight Through Project Completion

David Rowles stated that early in 1995 after a number of serious interior leaks, including the

dislodging of ceiling tiles into the various workplaces and patient services areas, which occurred during several rain storms, Administrative team members met with Architect, Eric Christensen at the time to address the concerns of the deterioration of the 34 year old roof.

Mr. Christensen brought a locally qualified roofing consultant, Lawrence Roof Consultants, who conducted an extensive inspection of the entire Main Health Center roof. During this inspection 15 core samples were taken to analyze the roof's adhesion integrity. LCR determined that the existing roof of the main building is "poorly drained to sumps and scuppers" and that "ponded water was noted at every location.". Further, they identified that base flashing and counter flashing are... "in poor to failing condition.". Continued extensive repairs to the current polyurethane foam coating applied some eighteen years ago is neither cost effective nor lasting. Nor, would it be effective to completely remove the current roof down to its plywood subfloor in favor of a re-layering of plywood, tar and roofing felt. Therefore, we are concerned with an ongoing or future challenge to not only the safety of staff but to the citizens of Clark County.

Shortly after the inspection, Staff commenced review of alternatives, Eric Christensen found employment with another architectural firm and could no longer continue as the Architect on this assignment. He recommended and introduced Staff to Mr. Gary Carlson, Architect, as one qualified to carry the roof analysis and problem resolution to a successful conclusion.

After extensive review and discussion, Staff suggested the proposed solution to the current roof problem should include a priority driven three-phase project which accomplishes in its first phase in the current fiscal year:

- a. Replacement of all old HVAC air handler units and apparatus along the "old front" portion of the main health center which runs north and south and includes at mid-point the rotunda.
- b. 2. a steel, pitched protective covering over the 25,000 square foot roofing segment and new air handler units.
- c. Interior ceiling retrussing at points of delamination, and
- d. Placement of energy saving skylights in the rotunda area.

Completed Bid specification and a respective request to publish same will be presented for Board approval in the January meeting if the proposed action is approved. The proposed project would change the look of the building and protect the air conditioning units and pipes from the elements.

Also, staff is recommending the retention of Mr. Carlson to prepare the bid specification documents for successful completion of the project. Sufficient funds are budgeted and available in the current budget approved by the Board.

*After brief discussion concerning the maintenance of the air conditioning units, Member Kenny moved to approve Staff's recommendations for Phase I. Motion was seconded by Member Kincaid and carried unanimously.*

9. **Petition #61-96** - Approval to Upgrade the Main Health Center Electrical Service From 1600 to 3000 Amps; Install Emergency Generating Equipment; and Retention of Architectural Services to Provided Appropriate Bid Specifications, Plans and Oversight Through Project Completion to Prepare and Monitor Bid and Monitor Bid and Construction Process

Petition #61-96 asked that the Board of Health approve upgrading the main health center electrical service panel from 1600 to 3000 amps. Further, that the Board retain Mr. Gary Carlson, Architect, to prepare and provide appropriate bid specifications, construction documents and architectural

supervision during the construction. Sufficient funds are budgeted and available in the current budget approved by the Board.

*Member Kenny moved for approval of Petition #61-96. Motion was seconded by Member Ravitch and carried unanimously.*

#### **IV. STAFF REPORTS**

##### **Administration**

Dr. Ravenholt handed out letters and commented on health issues related to on New Year's Eve on the strip. Las Vegas Boulevard South will be closed to vehicles traffic from Tropicana to Spring Mountain for 9 hours on New Year's Eve. The Fremont Street experience is adding 80 portable facilities compared to 40 last year but on the strip there are none and more than 200,000 people. Last year the District received several complaints of women who were unable to find any opportunity to relieve themselves as several hotels reportedly closed their facilities to other than customers. His letters had been delivered to the Nevada Resort Association and to the Nevada Department of Transportation to help alleviate a potentially embarrassing situation for the community. There is no sponsor of the event and therefore no permit was issued for it. The Health District will try to assure access to toilet restroom facilities this year.

##### **Air Pollution Control**

Michael Naylor commented that we have not had an unhealthy day due to dust since October 25, 1996. The weather has been very cooperative on the carbon monoxide front and to date we have not had an unhealthy day at any of the stations. We are finding that readings at the East Charleston and new Sunrise Acres stations are virtually identical.

##### **Clinics & Nursing**

Fran Courtney, RN, stated that we have had one positive report of Influenza A in Clark County. In Nevada there have been approximately 18 reported Influenza A cases reported.

##### **Environmental Health**

Clare Schmutz handed out some materials on permitted food establishments in Clark County. He noted that in Clark County there were approximately 8,000 permitted establishments compared to 2,200 in Washoe County. In the next few months we have 5 hotels scheduled for expansion or opening that will add 250 food establishments and over 10,000 rooms for accommodations. We have more than 500 establishments in construction or remodeling.

#### **V. CITIZEN PARTICIPATION**

Items raised under this portion of the Agenda cannot be acted upon by the Board of Health until the notice provisions of Nevada's Open Meeting Law have been complied with. Therefore, any action on such items will have to be considered at a later meeting.

Mary Shope-Wiles, citizen, expressed concern on what appears to be continued progress for development of a landfill in Boulder City as there is construction at the Eldorado proposed landfill site. She felt that the sand and gravel operation at the site is in preparation for the landfill.

Bernie Farr, citizen, remarked that several months ago he asked the Board to implement a restaurant sanitation tax to help offset hiring new employees to perform inspections. Based upon the information he had collected the District had only performed 210 inspections of food establishments since August 7, 1996.

Dr. Ravenholt explained that the District actually performs more than 2,000 inspections a month. The newspaper only reports the downgraded food establishments. Also, he noted the Health District has no taxing authority but would have to be implemented through the State legislature.

**VI. INFORMATIONAL ITEMS**

**DULY NOTED**

1. Financial Data
2. Emergency Medical Services Advisory Board Meeting Minutes and Annotated Agenda, 11/06/96
3. Listing of Food Establishments in Plan Review for the Period of 11/01/96 - 11/30/96 Environmental Health Division
4. Air Pollution Control Hearing Board Annotated Agenda & Minutes, 11/20/96
5. Air Pollution Control Enforcement Activity Report, November 1996
6. Letter of Appreciation to June Constantino, RN, from the Dorothy Seigle Diagnostic Center
7. U.S. Environmental Protection Agency, Region IX Breathing Easier: 1996 A Report on Air Quality in California, Arizona, Nevada & Hawaii
8. Letter From Southern Nevada Home Builders Association Re: Dust Abatement Measures
9. Letter From Dr. Luther Creed Commending Regina Porter & Jean Beuhler on the very Good Quality of X-ray Films
10. Letters to: Boulder City Council , 12/12/96 & Senator Jon Porter, 11/27/96

**VII. ADJOURNMENT**

There being no further business to come before the Board, Chairman Ferraro adjourned the meeting at 10:45 A.M.

**SUBMITTED FOR BOARD APPROVAL**

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Otto Ravenholt, M.D. Chief Health Officer  
*Executive Secretary*

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