



Mission: To protect and promote the health, the environment and the well-being of Clark County residents and visitors.

MINUTES

Clark County District Board of Health
625 Shadow Lane
Las Vegas, Nevada 89106
Clemens Room
Thursday, February 25, 1999

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

Present:

Sherry Colquitt, RN
Paula Brown
Donalene Ravitch, RN
Jim Christensen, MD
Amanda Cyphers
Robert Ferraro
Alice Fessenden
Paul Henderson
Erin Kenny
Gary Reese
Stephanie Smith

Chairman, Appointee, Las Vegas
V-Chair Councilman, North Las Vegas
Secretary, Appointee, Boulder City
Physician Member At-Large
Councilman, Henderson
Mayor, Boulder City
Councilwoman, Mesquite
Councilman, Mesquite
Commissioner, Clark County
Councilman, Las Vegas
Councilwoman, North Las Vegas

Absent:

Susan Crowley
Mary Kincaid

Appointee, Henderson
Commissioner, Clark County

Executive Secretary:

Donald S. Kwalick, MD, MPH

Legal Counsel:

Ian Ross, Esquire

Staff: Fran Courtney, RN; Michael Naylor; David Rowles; Clare Schmutz; Rose Bell, PhD; Karl Munninger; Mike Sword; Ed Wojcik; Jennifer Sizemore; Mary Hahn; Glen Savage; Cheri Foster; Carla Freeman; recording secretaries, Diana Lindquist and Montana Garcia

PUBLIC ATTENDANCE:

<u>NAME</u>	<u>REPRESENTING</u>
Mary Shope-Wiles	Self
Kathy Kerfoot	Henry Kerfoot
Richard Neilson	Self
Lori Wohletz	City of Las Vegas
Debbie Worthen	News 3
John Ellerton, M.D.	American College of Physicians
Paul Fransioli	PM Research Advisory Committee
Dick Serdoz	Environmental Protection (Las Vegas)
Craig A. Ruark	Terracon
Rodney Langston	Clark County Comprehensive Planning
Scott Mackie	KTNV-TV News 13
Robert Steelman	Southern Nevada Health Care Journal

ELECTION/APPOINTMENT/OATH of Office for Board of Health Officers for Calendar Year 1999

Chairman Colquitt explained that the following nominations had been made for calendar year 1999 officers:

Chairman: Sherry Colquitt, RN
Vice-Chairman: Paula Brown
Secretary: Donalene Ravitch, RN

Member Kenny moved to accept the nominations for Board of Health Officers for 1999. The motion was seconded by Member Smith and carried unanimously.

Ian Ross, Board Legal Counsel administered the Oath of Office to the above named officers.

Chairman Colquitt on behalf of the Board Members welcomed new Members Fessenden and Henderson to the Board of Health.

RECOGNITION of Henry Kerfoot, Air Pollution Control Hearing Board Member

Chairman Colquitt on behalf of the Board Members and District Staff presented a plaque to Mrs. Kerfoot on behalf of her husband Henry Kerfoot. Chairman Colquitt expressed appreciation for Henry Kerfoot's seven and half years of dedicated service as a Member and Vice-Chairman of the Clark County Air Pollution Control Hearing Board; also, for his untiring efforts and devotion to clean air and to improve the quality of life of the citizens of Clark County Nevada from July 1991 to January 1999. Mrs. Kerfoot thanked the Board and Staff for the plaque.

- 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 before action. Any exceptions to the Consent Agenda must be stated prior to approval.

Member Ferraro moved for approval of the following Consent Agenda. Member Brown seconded the motion which carried unanimously:

1. **Minutes/Board of Health Meeting** - 01/28/99
2. **Payroll/Overtime** for Periods of: 12/12/98-12/25/98 & 12/26/98-01/08/99
3. **Accounts Payable Register** - **#751:** 12/19/98 - 01/07/99, **#752:** 01/08/99 - 01/22/99

4. **Petition #10-99** - Recommendations for Appointment of Members to the Family Planning Advisory Council. Advisory Council members are appointed by the Board of Health as required by the Title X Guidelines designating the District as the lead agency for local distribution of federal family planning funds.
5. **Petition #11-99** - Annual Home Health Program Review Fiscal Year 1997-1998. Health District Policy Requires an Evaluation Process by the Governing Body. The Evaluation Assesses the Extent to Which the Agency's Program is Appropriate and Effective.
6. **Petition #12-99** - Request to Set a Public Hearing Date for April 22, 1999 to Amend Certain Sections of the Regulations, 1996 Governing the Sanitation of Food Establishments (last amended June 27, 1996)
7. **Petition #13-99** - Amendment One to the Interlocal Agreement - Lowden Center. The Amendment Allows the District to Relocate from the former Lowden Building into the Newly Reconstructed Cambridge Center. To Simplify Administrative Overhead the County has Elected to Amend our Existing Agreement Rather than Draft a New Agreement.
8. **Petition #16-99** - Revised Project with Terracon Western, Incorporated for the Provision of a Small Business Assistance Program Needs Assessment Survey for the District's Air Pollution Control Division for the Reduced Amount of \$32,000

II. PUBLIC HEARING/ACTION (Approximately 8:30 A.M.)

NO PUBLIC HEARINGS

Chairman Colquitt explained that there were no public hearings scheduled for February. However, she asked the Board Members to keep their calendars cleared for the public hearings that are scheduled for March and April.

III. REPORT/DISCUSSION/ACTION

1. **Petition #15-99**, Adoption of **Resolution #01-99** - Proposed Amendment to Nevada Revised Statutes To Allow More Stringent Local Control on the Regulation of Tobacco Products. (Member Kenny Requested Item)

Member Kenny explained that the final resolution was approved by the Clark County Board of County Commissioners. The resolution was drafted because of the impact smoking and tobacco products are having on the community as a whole.

One of the most staggering is that in the State of Nevada 72% of the people do not smoke, yet, the controls on those issues are all at the State level and not at the local level. The resolution would take the state control of smoking and tobacco related regulations and bring them to the local level. Some things to consider when debating this resolution is that in 1998, University Medical Center spent an excess of 12 million dollars in total uncompensated cost for tobacco related patient care. Therefore, this is also a fiscal issue as taxpayers are ultimately footing the cost. Additionally in 1997, Nevada was the fourth highest state in cigarette use by adults, with 27.7% of Nevada adults smoking compared with the National median of 23.2%. Since 1990, one in five deaths in Nevada were directly attributable to smoking. Although overall youth smoking has decreased, approximately 30% of Nevada's youth still smoke on a regular basis. The Board of Health

represents the public safety and health aspect of the entire community of the 1.3 million people. We are working with other counties across the State in order to send the message to the State that this is a local control issue. She thanked Staff for their support on this issue.

Member Fessenden explained that she opposed the resolution as it would be sending the wrong message to kids as the implication is that it is all right to send your children out to run before bulls, or jump over 27 cars but they could not smoke. Also, she expressed concern about getting into the mode of denying any smoking in public places. It would damage casinos, especially in the Mesquite area.

After brief discussion by the Board Members concerning the controls on smoking and tobacco should be handled at the local levels throughout the State, Member Ferraro moved for approval of the revised resolution. Motion was seconded by Member Smith and carried by roll call vote 10 to 1 with Member Fessenden voting nay.

2. Petition #09-99 - Approval of Funding for Three Projects Recommended by Particulate Matter (PM) Emissions Control Research Advisory Committee

Mike Sword explained that there were two recommendations with three different proposals from the PM10 Committee and endorsed by Staff:

The first issue has to do with Pass through Screening at a Construction Site. The proposal basically is to test a grizzly screen that was created at this Board's approval last fiscal year. This screen contains some passive controls. Screening at construction sites is an everyday event. Historically, the screening operation itself contributes significantly to dust in the air and the only way to control the problem is to apply water to it. This screen has passive controls which are basically a flexible cover that allows the screening operation to continue but also provides a type of cover which in theory contains the dust and keeps the dust from becoming more airborne. The proposal is a joint venture between Terracon and Las Vegas Paving intended to compare the conventional method of screening with the new-covered screen.

The second issue is a comprehensive inventory of disturbed vacant land. Historically, there are three major contributors of dust in the air: construction, unpaved roads and disturbed vacant lands that are not under construction. In the last several years, there has been significant progress related to controls at construction site and unpaved roads. Disturbed vacant land contributes to about 30% of the problem in the valley. In 1995 Comprehensive Planning estimated the number of undeveloped disturbed vacant land acres and the contribution to the dust in the air. It was determined that there are approximately 22,000 acres that contributed to about 30% of the dust problem.

Initially there is a need to find the number of acres, locations, nature of the soil involved, exposure of the soil to wind, and erosion ability, in order to develop appropriate controls. There are some overlapping benefits to doing the study. One is best available control measures (BACM) which is important to the State Implementation Plan. Also, it is an important requirement related to the Natural Events policy of the EPA. If there is a regional natural event and the monitors go off the scale with PM10, Staff can ask EPA to exclude that day from evaluating toward nonattainment; on the basis of there being a natural event. However, the best available control measure has to be in place and we are not sure that we have BACM. One of the other areas of overlap has to do with construction. This study will have a benefit to the construction industry in that the construction industry pays each year because of difficulties controlling dust. The study will provide information to allow more applicable control measures to the types of soils and can technically be incorporated into the dust permits. The approximate total cost of both pilot studies is \$15,000 or 10% of the projected cost for the complete Las Vegas Valley. The Committee and staff recommended approval

of all three projects whose combined cost is \$25, 390. Further approval of these two studies would mean that in the not to distant future a comprehensive study of the soils in the Las Vegas Valley would be performed at an estimated cost of approximately \$150,000 over a two-year period.

Paul Fransioli, Committee Chairman, remarked that the two proposals were similar in purpose but with different technology. The Committee agreed that each one had potential benefits and that it would be worthwhile to do them both as different pilots for comparison instead of spending a lot of money on either or the other of the valley-wide study. Initially two small plots of land will be studied, one between Jones and Decatur and the other between Tropicana and Sunset. This particular plot was chosen at the recommendation of the District personnel as it is representative of a number of the different soil types and land uses. This will allow an in depth collection of comparative information.

Member Ferraro moved for approval of Petition #09-99. Motion was seconded by Member Henderson and carried unanimously.

- 3. Petition #14-99** - Request to Set a Public Hearing for April 22, 1999 to Consider Proposed Changes to Section 14 (New Source Performance Standards), Section 43 (Odors in the Ambient Air), Section 52 (Gasoline Dispensing Facilities) of the Air Pollution Control Regulations.

Michael Naylor commented that the proposed changes to three sections of the APC regulations are basically housekeeping and intended to either clarify current practice or make regulations more readable especially in the case of Section 43 (odors in the Ambient Air). Staff requires performance testing of those sources that are subject to federal resources performance standards. There is a need to have protocols for performance testing spelled out or approved before those performance tests are done. Staff has a policy in practice on how it is handled but it is not specified in the regulations. The intent is to put that policy into the regulations so there is no confusion with permittees.

In the case of gasoline dispensing facilities, it involves updating disbursement of reports. For example, the regulations state that reports should be sent to the Assistant Director, Mike Sword. However, the APCD now has a compliance section which has a supervisor and these reports should go to the compliance section.

Likewise on odor, the content of what the elements are that it takes to prove an odor violation are not worded very well and there has been some confusion on some interpretation on what it takes to prove an odor. Therefore the regulations spell out the step-by-step process establishing what constitutes an odor violation. There have been several workshops on all these issues. The only remaining area of debate is how much time should be allotted for the testing: 30 or 60 days. He asked that the Board accept Petition #14-99 and set the public hearing for April 22, 1999.

At this time, Member Reese moved to follow Staff's recommendation and set the public hearing for April 22, 1999. Motion was seconded by Member Kenny and carried unanimously.

- 4. Memorandum #02-99** - Review, Discussion and Possible Action Regarding the Criterion for Selection of a Public Health Facility Located in North Las Vegas or North of Las Vegas.

David Rowles handed out a map identifying potential North Las Vegas Public Health Center sites and stated that the current North Las Vegas clinic is approximately 3,000 square feet. It is the product of two smaller offices that were combined approximately 10 years ago to enable the District to provide expanded neighborhood services. However, at present the area has become run down and crime ridden and our clientele has slowly eroded.

Several potential sites have been identified for relocation of the current North Las Vegas Public Health services site on Cheyenne Avenue and North Civic Center drive. The possible new locations will offer greater floor space for additional services similar to the East Las Vegas Public Health Center and hopefully someday soon in Henderson and Mesquite.

Initially, Staff entered into discussion with Terra West Realty Group on a prime site location at the southeast corner of Las Vegas Boulevard North and Cheyenne Avenue. Terra West representatives proposed construction of an 8,000 square foot two-story facility similar in function the East Las Vegas Health Center. Staff had been obtaining additional details on this site including lease terms when we learned that the site is near but not actually within North Las Vegas City limits.

Since that time, several other interested parties have contacted District Staff with possible build-to-suit proposals which are within North Las Vegas city limits.

In order to keep the Board apprised and to obtain appropriate direction, Staff has developed several potential items as selection criteria for an acceptable site:

- a. Low crime, well-lighted, secure business-residential area
- b. Immediate access from public transportation drop-off points
- c. Easy access from the freeway and major thoroughfares
- d. Adequate parking space for CCHD employees and clients
- e. Acceptable build-to-suit lease arrangements and cost per square foot
- f. Preference for locations that are within the North Las Vegas City limits

Mr. Rowles added that based on Board Member direction regarding selection criteria, Staff will evaluate the four proposed sites and bring back analysis and recommendations for Board review and selection. He briefly reviewed the map and discussed locations of the possible sites.

Discussion followed by the Board Members and Staff about the proposed sites. The Board determined it was important to keep the clinic within North Las Vegas City limits. Proposed locations should allow accessibility to the freeway, bus transportation system, proximity to other businesses, and a location that was close to the original clinic. Keeping the location close to the original site will allow current clients to continue receiving service and gain new clients as well.

Member Brown moved to direct Staff to look into proposed site locations #2 and #3 within the North Las Vegas boundaries and negotiate the best price and facility arrangements. Site #2 would seem to be more desirable as it is closer to freeway access, closer to the Community College, the bus passes through the area and it is close enough to the original clinic. Motion was seconded by Member Ferraro and carried unanimously.

IV. HEALTH OFFICER & STAFF REPORTS

Dr. Kwalick explained that Staff would briefly review several legislative issues affecting the District.

- a. Dr. Kwalick briefly commented on Senate Bill #18 dealing with bio-terrorism that he had testified on. He explained that it was purely to address bio-terrorist type activity where biological agents may be used as a weapon in the community. He recommended the inclusion of a penalty for anyone that threatens or alleges that they have a certain biological agent. The proposed penalty would be a Class A felony for actual use of biological weapons which is life imprisonment and for the hoax attempt it would be up to 25 years with potential for parole after 10 years. This is in the right direction in the sense of trying to thwart anyone who might be interested in causing hoaxes, threatening people or causing panic, as in the Anthrax scare in Henderson last year. The bill is coming up again next week and he will be supporting the amended bill with penalties for those

- involved in bio-terrorist acts, threats or hoaxes.
- b. Fran Courtney, RN, stated that the Fluoridation Bill is Assembly Bill #284 and it is a little bit different plan than what had originally begun. The Concerned Citizens for Fluoridation a collaborative group consisting of the Health District, Clark County Dental Society, Nevada Dental Association, Economic Opportunity Board, Community College of Southern Nevada, Dental and Nursing Programs, Community Health Centers of Southern Nevada; and the United Way has been involved periodically. So there is a large group statewide in support of the bill. The bill is asking the State Board of Health to adopt regulations requiring the fluoridation of public water systems in populations more than 100,000. It would essentially give local control to fluoridate waters in the larger communities in the State. It will not require some of the rural counties to fluoridate their water. A joint hearing of the appropriate subcommittees will be held on March 11, 1999 and will also be held here in Las Vegas by teleconference. Plans are for large numbers of people in the community, parents and their children, to fill the room here in the South; and also to fill the Hearing Room in Carson City that day to give testimony why fluoridation is so important. For instance, Economic Opportunity Board has a young client with 18 teeth of which 17 are cavities, and the parent will be bringing the child to the hearing.
 - c. David Rowles, Administrative Services Director, explained that he and Karl Munninger, Financial Services Manager had gone to Carson City to attempt restoration of the Aid-to-Counties funds. In 1991 the state budget was experiencing significant cash flow problems. The District was contacted by the director of the Nevada State Health Division, Myla Florence and Administrative Officer, Ron Lange, regarding the District's willingness to accept a voluntary short-term reduction in its annual legislatively set Aid-to-County funds for the 1991-92 fiscal year. Staff was apprized that the state budget office had severely reduced the Health Division's available program revenues by 50% until such time as the state regained its financial footing. With the spirit of brotherhood and teamwork, Clark and Washoe Counties agreed to it.

It was explained to the committee that we would have that returned to us in good faith and we accepted it in good faith and it has yet to be done. With regard to the State, it is not in the fiscal crises that existed when they asked the District to voluntarily give up this important allocation. Even though it is only about 2-1/2% of our total combined budget, it represents services which we can provide to Clark County citizens here in the fastest growing county, city, and state in the nation. Every biennium the District has made the presentation to the legislature and asked for restoration of the per capita limit. The problem is that it never got put into the State's executive budget which is done by the Executive Department. The allocation originally came from the legislative branch of the government. This is a unique situation whereby the Executive Department of the government has actually overruled the legislative branch in a matter that has not been brought before the legislature so to speak, so we made a very concerted effort to identify this to the members of those committees. Assemblywoman Jan Evans, from Northern Nevada chaired the committee and asked several pointed questions of the State which indicated that the legislature might finally understand the situation that involves services to clients both in Washoe and Clark County.

Karl Munninger, Financial Services Manager, added that the first cut back in funds was from \$1.10 to \$0.55 cents in 91/92. During that time the District was not deeply involved with Medicaid funding. In an attempt to recoup the cut at that time, Staff went out aggressively and acquired a half-million dollars in Medicaid funding. Now with mandatory HMO coverage for Medicaid eligibles in Clark County, there is an erosion of Medicaid dollars. Therefore, it is more important than perhaps in the previous bienniums to try and get health Aid-to-Counties funds restored.

David Rowles, Administrative Services Director, remarked that the third legislative measure that the District is looking into is Assembly Bill 190. This bill will allow any law enforcement officer to require the Health Authority, in our case the Health District, to test any arrestee for HIV, all forms of Hepatitis, and any commonly contracted communicable disease. The District is concerned with this

bill for a number of reasons. Presently, there are OSHA regulations in place under which the employer determines whether the employee was in fact exposed to a communicable disease. Every *employer* has a set of OSHA rules and procedures that are to be followed in the event that there is an exposure. It has never been up to the *employee* to determine whether or not there has been an exposure.

Beyond that, there would be quite an unfunded mandate. For example in 1997, which is the latest statistics we were able to acquire, Metro had over 22,000 arrests for major crimes. Even if 5% of those arresting officers requested a test at a \$120 per test for HIV, Hepatitis A, B, and C, Staff would be looking at over a \$135,000 in charges that the Health District would be required to pay. That figure does not include the police entities in the cities within Clark County, the 55,000 in minor arrests a year that Metro makes, nor does it include testing for any other commonly contracted communicable diseases that the statute would call for. Dr. Kwalick has sent a memorandum to the State Health Officer, Mary Guinan asking to convey the District's concerns to the committee. Staff will keep the Board apprized of the legislative measures.

- d. Clare Schmutz, Environmental Health Director, stated that after 6-1/2 years Vic Skaar has decided to retire. Mr. Glen Savage, has been selected as his replacement. Mr. Savage has been with the Environmental Health Division since February 1997. Mr. Savage received a Bachelor of Science Degree from Western Illinois University. Previously he worked for 3 years with Springfield Illinois Health Department and served 17 years with the Illinois Environmental Protection Agency where he supervised 80 people in their Solid Waste Program.

Staff will co-sponsor a workshop with Nevada Department of Environmental Protection for new Solid Waste regulations on March 16, 1999, at 2:00 p.m. in the Clemens Room. Invitations will be sent to industry and governmental agencies involved with solid waste. He invited the Board of Health Members to attend. That workshop will be a fact finding workshop to get industries and other interested parties ideas on material recovery systems in the new regulation.

The Mandalay Bay mega resort is opening next Tuesday (March 2, 1999). The grand opening was originally set for the March 15, 1999, but has been moved up to March 2nd. It will have 3800 new rooms, 424 of those rooms will be under the Four Seasons Hotel management, 103 food facilities and 23 swimming pools. Several staff members have been assisting in conducting inspections for health permits in time for the March 2nd date.

- e. Michael Naylor, Air Pollution Control Director, commented the Southern Nevada Planning Authority passed a resolution to support Bill Draft 51 sponsored by Senator Porter at their last meeting about 3 weeks ago. The bill draft would address air quality. There are three basic parts of the bill draft. One, it would allow or enable the Department of Motor Vehicles to perform annual inspections of diesel powered trucks and buses. Presently, there are virtually no inspection of diesel trucks and buses. Second, the District Board of Health would be enabled to adopt regulations for inspecting off-road diesel equipment such as bull dozers. Third, it would enable the Board of Health to set a standard for urban haze and enable the Board to adopt regulations to protect against urban haze. For a perspective, Staff estimates diesel emission's particulate matter account for about 40% of the grey cloud over the valley although diesel emissions account for only about 5% of PM10 in the valley.
- f. Fran Courtney, Clinics and Nursing Director, briefly acknowledged Patti Shutt, a Licensed Practical Nurse at the Health District for the last 8 years (who works in our Addiction Treatment Clinic). Patti has been serving on the State Board of Nursing for the last year and a half.

Also, in December 1998. the District was honored by the Governor appointing Dorothy Perkins, Certified Nursing Assistant (CNA) to the State Board of Nursing. Dorothy has been an employee

with the District for approximately 25 years and has been working on the CNA Advisory Committee for State Board Nursing for the past 3 to 4 years.

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.

Chairman Colquitt asked if any member of the public wished to be heard.

Mary Shope, Boulder City resident, asked the Board to consider public involvement in the external collaborative meetings suggested by EPA with APC Staff.

In reference to the Eldorado Valley, Ms. Shope requested that Staff review documentation that implied continued construction of a landfill and not a sand and gravel operation. She asked the Board to bring the permit back and do an original permitting and get data as to what was really happening in that area.

VI. INFORMATIONAL ITEMS

1. Financial Data
2. Emergency Medical Services Advisory Board Annotated Agenda & Minutes, 01/06/99
3. Listing of Food Establishments in Plan Review for the Period of 01/01/99 to 01/31/99 Environmental Health Division
4. Air Pollution Control Monthly Report, January 1999 (Air Quality, Enforcement Activity and Permitting, Source Compliance, and Regulation Development and Dialogue with Southern Nevada Strategic Planning Authority)
5. Air Pollution Control Hearing Board Minutes, 12/10/98 & Annotated Agenda, 02/11/99 & Hearing Officer 02/04/99 & 01/21/99 Annotated Agenda
6. Air Pollution Control Particulate Matter (PM10) Minutes, 12/98
7. Letter of Acceptance with Stewart, Archibald and Barney Regarding Provision of a Report on Their Follow-up Review of District Air Pollution Control Division Implementation of Previous Financial Procedures Recommendations
8. Staff Recognition: Letters of Appreciation

VII. ADJOURNMENT

There being further business to come before the Board, Chairman Colquitt adjourned the meeting at 9:30 a.m.

SUBMITTED FOR BOARD APPROVAL

Donald S. Kwalick, MD, MPH, Chief Health Officer
Executive Secretary

/mlg