

MINUTES

Southern Nevada District Board of Health Meeting

625 Shadow Lane
Las Vegas, Nevada 89106
Clemens Room

Thursday, March 22, 2007 - 9:00 A.M.

Chair Donna Fairchild called the meeting of the Southern Nevada District Board of Health to order at 9:00 a.m. and the Pledge of Allegiance was held. She also noted that she had been provided with the Affidavits of Posting and Mailing of Agenda meeting notices, as required by Nevada's Open Meeting Law. The Affidavits are incorporated into these Official Minutes.

Board Members Present:

Donna Fairchild
Steven Kirk
Gary Reese
Jim Christensen, MD
Susan Crowley
Chris Giunchigliani
Timothy Jones
Mary Jo Mattocks, RN
Lawrence Weekly
Robert Eliason
Lon Empey
John Onyema, MD
Jimmy Vigilante

Chair, Council Member, Mesquite
Vice Chair, Councilman, Henderson
Secretary, Councilman, Las Vegas
At-Large Member, Physician
At-Large Member, Environmental Specialist
Commissioner, Clark County
At-Large Member, Business/Industry
At-Large Member, Registered Nurse
Commissioner, Clark County
Councilman, North Las Vegas, Member Alternate
At-Large Environmental Specialist Alternate
At-Large Member, Physician Alternate
At-Large Business/Industry Member Alternate

Absent:

Karla Burton
Joseph Hardy, MD
Frank Nemecek, MD
Steven Ross
Stephanie Smith
Debra Toney, RN

Councilwoman, Boulder City
At-Large Member, Physician
At-Large Member, Physician Alternate
Councilman, Las Vegas Alternate
Councilwoman, North Las Vegas
At-Large Member, Registered Nurse Alternate

Executive Secretary:

Donald S. Kwalick, MD, MPH

Legal Counsel:

Stephen R. Minagil

Staff: Lawrence Sands, DO, MPH; Mike Walsh; Jerry Boyd; Jane Shunney; Sylvia Claiborne; Kieawa Mason; Dan McDermott; Dennis Campbell; Bonnie Sorenson; Alice Costello; Jo Alexander; Norrine Clark; Zona Hickstein; Carole Mankey; Patricia O'Rourke-Langston; Gwen Osburn; Preeya Panpipat; Patricia Rowley; Veronica Morata-Nichols; Robert Newton; Linda Newton; Mary Ellen Britt; Mary Ellen Harrell; Angus MacEachern; Connie Read; Glenn Savage; Steve Goode; Deborah Williams; Rory Chetelat; Dan LaRubio; Paul Klouse; Jennifer Sizemore; Stephanie Bethel; Julie Hurd; Sandra Hakans; Brian Labus; Maria Azzarelli; Nicole Truax; Gail Muniz; Jennifer Bowers; Ann Markle; Leo Vega; Susan Eiselt; Shelli Clark; Diana Lindquist; Forrest Hasselbauer

ATTENDANCE:

<u>NAME</u>	<u>REPRESENTING</u>
Paulette Anderson	American Cancer Society
John Arias	Self
Cami Banegas	NSF International
Mike Barnum, MD	NCTI
Darlene Bates	Self
Ericka Blassington-Stocks	Self
Birgit Bogler, MPA	Self
Ricardo Bonvicin	America's Best Gourmet Coffee
Fred Couzens	BC View Newspaper
Bud Cranor	City of Henderson
Dr. Beverly Daly Dix	CCMS Alliance, Nevada Tobacco Prevention Coalition
Katie Fellows	Jones Vargas
Jeff Gerber	PGAL
Michelle Gorelow	March of Dimes
Alex Haartz	Nevada State Health Division
Susan Lucia-Terry	Self
Alan Martin	Self
Debra Martin	Self
Janine McDonough	Self
Tuyet Nguyen	Touro University (PA Student)
Sheree Ockman	PGAL
John Owens	Self
Teresa Owens	Self
Fara Pierson	Self
Debra Robinson Pinkney	Self
Chris Roller	Self
Cindy Roragen	Self
Sean Sanford	Nevada Recycling
Sandra Sanford	Nevada Recycling
Melissa Stemmler	Self
Bryce Stewart	Self
Lawson Stuart	NCTI
Diana Daniels	SEIU

Presentations

ADDY Award: Viva Saludable

Dr. Sands congratulated Gail Muniz of the Office of Chronic Disease Prevention and Health Promotion and Brenda Macias on receiving the 2007 Bronze Addy Award from the Las Vegas Advertising Federation for the Viva Saludable multiple media campaign. The project is based on 30 second health segments focused on tobacco use, secondhand smoke, and leading risk factors that contribute to the development of many chronic diseases. A video clip of a segment was viewed by the Board.

Proclamations

Various proclamations and a letter of appreciation (attachment #1) were presented to Dr. Kwalick in recognition of his retirement from the Southern Nevada Health District effective March 23, 2007, including:

- Proclamation by the Governor of Nevada – Alex Haartz, Nevada State Health Division
- Proclamation by Clark County – Commissioner Lawrence Weekly & Commissioner Giunchigliani
- Proclamation by the City of Henderson – Councilman Steven Kirk
- Proclamation by the City of Las Vegas – Mayor Pro Tem Gary Reese
- Proclamation by the City of Mesquite – Chair Donna Fairchild
- Letter of Appreciation from MGM-Mirage – Timothy Jones

I. CONSENT AGENDA

These are matters considered to be routine by the Southern Nevada District Board of Health and 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.

1. **Approve Minutes/Board of Health Meeting:** 2/22/07
2. **Approve Payroll/Overtime for Periods of:** 1/27/07 – 2/06/07; 2/10/07 – 2/23/07
3. **Approve Accounts Payable Registers:** **#1063:** 2/01/2007 – 02/07/2007; **#1064:** 2/08/007 - 2/14/07; **#1065:** 2/15/07 - 2/21/07; **#1066:** 2/22/07 – 2/28/07
4. **Petition #10-07:** Approval of Revised Classification Specification for Applications/Programmer Analyst I/II, Recommended Schedule 22 (\$51,292 - \$71,514) / Schedule 24 (\$56,786 - \$79,233)

A motion was made by Member Reese to approve all consent items; seconded by Member Mattocks and was unanimously approved.

II. PUBLIC HEARING / ACTION

1. **Memorandum #06-07:** Application for Approval for Nevada Recycling to Operate a Recycling Center Located at 5491 Accurate Drive, Las Vegas, Nevada 89156. **Petitioner:** Paper Recycling of Nevada, Incorporated dba Nevada Recycling, 4420 Mitchell Street, North Las Vegas, NV 89081.

Staff recommends approval of the application; Mrs. Sandra Sanford, petitioner and owner, was present and agreed to conditions listed.

Chair Fairchild asked if anyone from the public wished to speak. No one came forward, and Chair Fairchild closed the public hearing portion.

A motion was made by Member Eliason to approve the application with conditions listed; seconded by Member Weekly and was unanimously approved.

2. **Variance Request** to Install an Individual Sewage Disposal System (ISDS) on an Undersize Lot Served by an Off-Site Public Water Supply with a Shallow Absorption Field within Ten (10) Feet of the Property Lines (APN #129-36-510-061). **Petitioners:** John L. and Teresa D. Owens, Joint Owners, 1041 Yellow Pine Avenue, Mt. Charleston, Clark County, Nevada

Staff recommends approval of the variance request with conditions listed. Petitioner, John Owens, was present and agreed to conditions listed.

Member Giunchigliani stated that they have a house down the street from the petitioner; however, there is no conflict of interest in this matter.

Chair Fairchild asked if anyone from the public wished to speak. No one came forward, and Chair Fairchild closed the public hearing portion.

A motion was made by Member Crowley to approve the variance with conditions as listed; seconded by Member Reese and was unanimously approved.

3. **Variance Request** to Operate a Food Establishment not in Compliance with the *District Board of Health Regulations 1996 Governing the Sanitation of Food Establishments* (APN #162-03-301-002). **Petitioner:** Anita Jankovics, President, Little Tiny Diner, Inc., 365 Apple River Court, Las Vegas Nevada.

Mr. Minagil indicated the petitioner or her representative was not present to agree to conditions and staff has requested that this item be postponed to next meeting.

A motion was made by Member Reese to postpone this item to the next Board meeting; seconded by Member Giunchigliani and was unanimously approved.

4. **Variance Request** to Operate a Mobile Food Establishment not in Compliance with the *District Board of Health Regulations 1996 Governing the Sanitation of Food Establishments* (VIN #1GBHG31U041192574). **Petitioner:** America's Best Gourmet Coffee Company, Ricardo A. Bonvicin, Vice-President.

Staff recommends approval of the variance with conditions as listed. The petitioner, Ricardo Bonvicin, was present and agreed to conditions listed.

Chair Fairchild asked if anyone from the public wished to speak. No one came forward, and Chair Fairchild closed the public hearing portion.

A motion was made by Member Giunchigliani to approve the variance as listed; seconded by Member Crowley and was unanimously approved.

5. **Memorandum #07-07:** Request for an Extension of the Approved Variance to District Emergency Medical Services & Trauma System Regulations Section 200.400 Emergency Medical Technician-Paramedic Training. **Petitioner:** American Medical Response (AMR) / National Center of Technical Instruction (NCTI)

Staff recommends approval of the request for extension of the approved variance. Mr. Lawson Stuart, National Center for Technical Instruction, was present and agreed to conditions listed.

Chair Fairchild asked if anyone from the public wished to speak. No one came forward, and Chair Fairchild closed the public hearing portion.

Member Giunchigliani indicated that the regulations will have to be updated to reflect the name change of the 'Community College of Southern Nevada' to 'College of Southern Nevada'.

A motion was made by Member Christensen to approve the extension of the approved variance as listed; seconded by Member Mattocks and was unanimously approved.

- ~~6. **Memorandum #08-07:** Adoption of Proposed Nevada Clean Indoor Air Act Hearing Officer Regulations **Request for adoption withdrawn by staff at this time**~~
- ~~7. **Memorandum #11-07:** Adoption of Proposed Revisions to the Regulations Governing the Sanitation of Food Establishments **Request for adoption withdrawn by staff at this time**~~

Chair Fairchild indicated that items 6 and 7 were withdrawn by staff at this time.

III. REPORT / DISCUSSION / ACTION

1. Chief Health Officer Succession Committee Report / Recommendations – Approval of New Chief Health Officer Employment Agreement

Mr. Minagil stated this item has been the subject of an open meeting law complaint and consequently has again been brought before the Board. Chair Fairchild asked who filed the complaint and Commissioner Giunchigliani indicated she had filed the complaint and she appreciated Dr. Kwalick placing it on the agenda. Commissioner Giunchigliani had questions regarding the employment contract with Dr. Sands. One question had to do with the PERS increase. In NRS statute it does state that if there are increases that come in after July 1 in each odd numbered year the employee is responsible for those costs. Some groups either reduce the salary for that percentage of increase or the employee pays it so the deductions are properly made. Dr. Kwalick indicated that historically the district has picked up any cost difference but the health district will certainly comply with the law. The other question involves insurance coverage of a rate of 50 percent for employees, not 100 percent but in the case of Kwalick's contract it was paid at 100 percent. Dr. Kwalick stated that the Board approved this portion of his contract and it was similar to the previous administrator, Dr. Ravenholt.

It was also clarified the position of Assistant Health Officer will be vacated and the position of Director of Community Health will be properly posted and filled. The salary reference and the two positions referred to at last month's meeting mentioned that in other areas of the country two people typically fill the medical and administrative positions. In Clark County the Chief Health Officer fills both positions. Member Weekly stated it is important to be fiscally responsible and to explain to the community the reasoning of these justifications.

A motion was made by Member Jones to approve the agreement with Dr. Lawrence Sands and the District Board of Health as listed; seconded by Member Crowley. The motion was approved with Commissioner Giunchigliani voting no.

2. Update on plans for a new main building – PGAL LLC

A PowerPoint presentation was given by Jeff Gerber, President of PGAL LLC, and Sheree Ockman (attachment #2). The presentation outlined building plans for the three story, 175,500 square foot replacement facility. Fourteen steps were outlined, ten of which PGAL has completed, from project start up and data collection to final phasing and budget.

Commissioner Giunchigliani asked about the composition of the team that was involved in the input process. Mr. Gerber indicated they met with representatives from every division, the executive team and all the managers several times for the input phase. Commissioner Giunchigliani asked if rental space will be eliminated or reduced. Mr. Walsh responded there will still be neighborhood public health centers; however, the 17,000 square feet of rental space at Shadow Lane will be eliminated.

There was discussion regarding construction of a parking garage. Mr. Walsh indicated a decision was made to maximize resources dedicated to the building of the facility structure.

Commissioner Weekly asked if there will be any variance requests. Mr. Gerber stated they have not started to have conversations with the City regarding variance requests. It was suggested we may wish to have initial conversations as projected dates have been discussed with respect to Project NEON and the widening of Martin Luther King Boulevard. Commissioner Weekly asked about funding of this facility. Mr. Walsh stated he wishes to hear from the Board regarding any recommendations or direction on how to proceed.

Mr. Walsh indicated he has had several discussions with County management as this process has moved forward and he has been keeping George Stevens apprised of the progress. Commissioner Giunchigliani suggested specifically listing this as a potential action item at the next board meeting and then make the request of Mr. Stevens to do the same at the County Commission meeting. Dr. Kwalick suggested using the county bonding authority to pursue funding at this point in time. Chair Fairchild suggested pursuing federal and state grants as well.

The board thanked Mr. Walsh, Mr. Gerber and Ms. Ockman for the update.

3. Petition #09-09, Memorandum #09-09: Approval of Tentative Budget for Fiscal Year 2008

Mike Walsh, director of administration, introduced Sylvia Claiborne, financial services manager, who gave an overview of the Tentative Budget for fiscal year 2008, including highlights (attachment #3). Chair Fairchild stated that an amended copy of page 11 was distributed to all members.

The estimated tentative budget revenue for FY 2007-2008 is \$66,955,463 and proposed combined operating expenditures, capital reserve, liability reserve, and proprietary fund transfer dollars for the next fiscal year are \$72,621,043. Total transfers to the capital reserve fund, liability reserve fund, and proprietary fund are budgeted for the amount of \$5,788,613. The projected ending fund balance for FY 2007-2008 is \$7,678,092, approximately 10.6 percent of projected annual expenditures, which is within the normally accepted practice of one-twelfth or more of expenditures for government agencies.

The FY 2007-2008 Tentative Budget provides for a realistic budget with an acceptable General Fund reserve and funds the expected increased service levels in all Divisions. Included in the Tentative Budget 2007-2008 are several graphs depicting revenue and expenditure relationships for FY 2007-2008. The Tentative Budget is a working document which proposes a fiscal solution to assure the provision of necessary public health activities during the coming year. The budget presented today is a balanced budget with a modest surplus of \$123,033.

There was discussion as to methods to reduce current costs in the interim to building a new facility. A key feature within the budget are fee increases which allows the district to incorporate program overhead and hire much needed additional staff.

Member Crowley asked how the reserve fund will assist us in moving toward the direction of a new building and how that process fits into obtaining funding from other sources. Mr. Walsh stated the intention was to move forward and if there are delays or if the county cannot help us next year, but perhaps the year after, there would be enough funds set aside to start with the engineering drawings, etc., so we would not be looking at completing the project five years in the future. There was also discussion of the health cards issuance process and perhaps partnering with other agencies who also issue certain types of identity cards.

A motion was made by Member Jones to approve the Tentative Budget for Fiscal year 2007-2008; seconded by Member Crowley and was unanimously approved.

IV. CITIZEN PARTICIPATION

Chair Fairchild invited any individuals wishing to address the Board on matters under their jurisdiction and wishing to speak to come forward.

Dr. Beverly Daly-Dix, retired school principal, and current president of the Nevada Tobacco Prevention Coalition and the Clark County Medical Society Alliance, spoke regarding the negative health issues of smoking and the recently passed Nevada Clean Indoor Air Act. She stated that some local businesses are non-compliant. She supports the immediate and vigorous enforcement of the Act.

Janine McDonough, retired, previously with the City of Hope, spoke of her support of the enforcement of the Nevada Clean Indoor Air act.

Debra Robinson-Pinkney spoke regarding American Medical Response. She alleged they violate protocols put into place by the Southern Nevada Health District. Chair Fairchild suggested that she address issues under the jurisdiction of the health district directly to staff and any suggestions of illegal activity be addressed to the Las Vegas Metropolitan Police Department.

Paulette Anderson spoke of her support of the Nevada Clean Indoor Air Act and of her concern for her son's health and support of enforcement activities of the Southern Nevada Health District.

Debra Martin spoke of her resignation from the health district and of her concerns of the manner in which she left employment from the health district.

Michelle Gorelow, director of program services at March of Dimes, spoke of her support of the enforcement of the Nevada Clean Indoor Air Act and of her concern for her young son's health.

Christopher Roller spoke of his support of the Nevada Clean Indoor Air Act and of his concern for the health of his family.

Cindy Roragen spoke of her support of the enforcement of the Nevada Clean Indoor Air Act.

Darlene Bates spoke of her support of the enforcement of the Nevada Clean Indoor Air Act.

Chair Fairchild asked any audience member who witnesses violations of the Nevada Clean Indoor Air Act to please contact the health district and report that violation. Inspectors are going out to the restaurants and bars based upon complaints received.

Chair Fairchild asked if any other member of the audience wished to speak. No one came forward and the citizen participation portion of the meeting was closed.

V. HEALTH OFFICER & STAFF REPORTS

Nevada Clean Indoor Air Act Update

Mr. Minagil addressed the Board and audience members regarding the Nevada Clean Indoor Air Act. The health district does not have authority to change the law or to make it stronger. The only authority to change the law is the legislature during its next session, or a county, town, or municipality. The health district is charged only with enforcement. The District court has removed the criminal penalty portion of the law.

The Act states that business owners shall post signs and remove ashtrays. The \$100 penalty goes to state education fund. It does not go the health district and does not assist in recovering costs.

The proposed regulations were pulled from the agenda. The health district has some general regulatory power. Staff believed that one way to enforce the Act was to pass regulations that allowed for an

efficient and effective process for violators. Regulations were crafted that allowed for a hearing officer process rather than cases being heard downtown at District court. The request for revisions of food establishment regulations and hearing officer regulations were withdrawn following four public workshops held earlier in March. There was strong opposition from the regulated community. There were legal challenges to the Board authority to adopt the hearing officer process without express or implied authority and challenges to the Board's authority to revise food establishment regulations having to do with exposure to secondhand smoke. The Act passed by the voters did not tell the health district it may pass regulations to come up with a fair and efficient way to enforce the Act. Further evaluation must take place before it is presented to the Board. Further education is the method being used regarding complaint issues in other areas of the State. Staff will be reviewing and providing additional education to those restaurants and bars receiving the most complaints. Inspectors are receiving notice of increased compliance and overall, complaints are going down. The district is working hard to develop an effective enforcement strategy.

Chair Fairchild indicated that Member Kirk asked if staff can post restaurant inspections to the website within 24 hours and those establishments that are cited for smoking violations are placed on the website as well. Dr. Kwalick stated that the restaurant inspection reports are posted by the newspaper, not by the health district. Member Jones asked if citations have been issued. Mr. Minagil stated that no citations have been issued at this time.

Norovirus Update

Brian Labus, senior epidemiologist, reported there has been a community wide Norovirus outbreak since January, schools and daycare facilities have been affected, so it is not surprising there is an outbreak at the Clark County Detention Center. Norovirus was confirmed by the Southern Nevada Public Health Laboratory on March 19. Recommendations were made for appropriate cleaning of the facility. Initially it was determined that many individuals who worked in the kitchen were ill, however, the source of the outbreak has not been determined, but is not thought to be food-related. This is a closed environment, much like a cruise ship, and ongoing cleaning of the facility will be necessary to ensure the outbreak does not recur. Boyd Gaming was generous in lending fogging equipment and chemicals to the center and we thank them for their assistance.

Dr. Kwalick – Accomplishment Remarks (attachment #4)

Dr. Kwalick stated this is his 124th consecutive Board of Health meeting beginning in December 1996. Dr. Kwalick stated that in his 10+ years at the Southern Nevada Health District, we have experienced first hand the increased demands the threats of terrorism and emerging infections have placed on public health agencies throughout the U.S. In recent years we have had to focus our efforts on a wide range of priorities, including potential bioterrorism from anthrax and smallpox, to new diseases such as SARS, West Nile Virus, and a possible influenza pandemic.

Dr. Kwalick summarized the history of numerous public health accomplishments in Southern Nevada during his tenure. We have managed to effectively address these accomplishments without neglecting the ongoing public health needs of our ever expanding community. The population has increased from 1.1 to about 2 million; our FTE staff from approximately 275 to 550; our budget from approximately \$28 million to \$67 million with only \$500,000 coming from the Nevada state general fund. One example of these accomplishments included the establishment of the Office of Public Health preparedness in cooperation with numerous community partners in order to organize, develop, exercise and implement plans to effectively respond to any man-made or natural, community-wide emergency or disaster. Another highlight was partnering with stakeholders to implement educational and outreach activities which led to fluoridation of Clark County's water supply. He stated that these accomplishments are due to the remarkable day-to-day efforts of our dedicated staff and community partners. He further stated that he was proud to have served the Board of Health and the public, and to have been a part of so many successful efforts to improve the health and well-being of Southern Nevada residents and visitors. He thanked the Board for their support over the years and gave his best to the Board and all his co-workers in the future.

Member Crowley stated that Dr. Kwalick filled the shoes vacated by Dr. Ravenholt more than amply and now Dr. Sands has some very large shoes to fill as well. She stated that Dr. Kwalick has assisted the Board through some very difficult issues and she thanked him for that.

Dr. Christensen stated that in the public health arena, many amazing changes have taken place under Dr. Kwalick's tenure. Dr. Christensen thanked Dr. Kwalick and looks forward to Dr. Sands' administration.

Member Mattocks stated she is very impressed with the programs at the health district under Dr. Kwalick's tenure. She stated that she believed the great work that has been done comes from great leadership and she believed the health district has had great leadership and looks forward to working with Dr. Sands.

Chair Fairchild stated that the health district is very fortunate they have the quality and caliber of Dr. Sands to fill this position. Dr. Kwalick has brought so many marvelous changes in the short period of time he has been with the health district. Dr. Kwalick will be missed.

VI. INFORMATIONAL ITEMS

A. Chief Health Officer and Administration:

1. Monthly Activity Report, Mid-February 2007 – Mid-March 2007
2. Financial Data: Revenue and Expenditure Report for General Fund, Capital Reserve Fund and Public Health Laboratory Fund for the Month of February 2007
3. Public Information Monthly Report, Mid-February – Mid-March 2007
 - a. Letter of Appreciation from HIPPIYUSA Nevada

B. Community Health:

1. Monthly Activity Report, February 2007
 - a. Influenza Newsletter
 - b. Notice – Salmonella Outbreak Linked to Peanut Butter
 - c. February 2007 Communicable Disease Statistics
 - d. Bioterrorism Preparedness for the Sentinel Laboratory Flyer

C. Environmental Health:

1. Monthly Activity Report, February 2007
 - a. Commission from Governor Jim Gibbons appointment Environmental Supervisor Paul Klouse to the Board of Registered Environmental Health Specialists, dated 2./13/2007
 - b. Letter of Appreciation to Vivek Raman, Senior Environmental Health Specialist from University of Nevada, Reno College of Agriculture, Biotechnology and Natural Resources

D. Clinics and Nursing:

1. Monthly Activity Report, February 2007
 - a. Letter of Appreciation to Mary Ellen Harrell from United Blood Services

VII. ADJOURNMENT

There being no further business to come before the Board, Chair Fairchild adjourned the meeting at 11:28 a.m.

SUBMITTED FOR BOARD APPROVAL

Lawrence Sands, DO, MPH, Chief Health Officer
Executive Secretary

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