



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

MINUTES
CLARK COUNTY HEALTH DISTRICT
DISTRICT BOARD OF HEALTH MEETING
625 Shadow Lane
Las Vegas, Nevada 89106
Clemens Room - 8 A.M.
Thursday November 16, 2000

Chairman Brown called the meeting of the District Board of Health to order at 8:05 a.m. and the Pledge of Allegiance held. Chairman Brown 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:

Paula Brown	Chairman, North Las Vegas
Sherry Colquitt, RN	Appointee, Las Vegas
Jim Christensen, MD	Physician Member At-Large
Amanda Cyphers	Councilman, Henderson
Alice Fessenden	Appointee, Mesquite
Joseph Hardy, MD	Councilman, Boulder City
Paul Henderson	Councilman, Mesquite
Erin Kenny	Commissioner, Clark County
Mary Kincaid	Commissioner, Clark County
Donalene Ravitch, RN	Appointee, Boulder City
Gary Reese	Councilman, Las Vegas
Stephanie Smith	Councilwoman, North Las Vegas

Absent:

Susan Crowley	Vice-Chairman, Henderson
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Executive Secretary:

Donald S. Kwalick, MD, MPH

Legal Counsel:

Stephen Minagil, Esquire

Staff: David Rowles; Clare Schmutz; Fran Courtney, RN; Ed Wojcik; Mike Sword; Lonnie Empey Glenn Savage; Hope Arrington; Sherri Hurlburt; Nancy Hall Denise Young; Rose Bell, PhD; Karl Munninger; Jane Shunney, RN; Michael Naylor; Harold Glasser; Lewis Wallenmeyer; Art Bashor; Jeanne Palmer; Jennifer Sizemore; Leo Vega; Forrest Hasselbauer; recording secretaries, Diana Lindquist and Montana Garcia

PUBLIC ATTENDANCE:

<u>NAME</u>	<u>REPRESENTING</u>
Rick Holmes	Clark County
Dan Musgrove	City of Las Vegas
Bonnie Rinaldi	City of Henderson
Mark Dunn	TIMET
Bill Kircheft	Ralph Andersen & Associates
Jaime Velez	Stewart, Archibald & Barney, LLP
Glenn Goodnough	Stewart, Archibald & Barney, LLP
Gary Stewart	Stewart, Archibald & Barney, LLP
Lori Wohletz	City of Las Vegas
Leslie Long	City of North Las Vegas
Clete Kus	Clark County
Jack Greco	Air Pollution Control Hearing Board
Gary Milliken	Associated General Contractors
Jesse C. Paulk	Associated General Contractors
Tim Thurtle	Sin City Tattoo
Helen Foley	Faiss Foley Merica

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 Reese moved to accept the Consent Agenda. Member Fessenden brought to the Board Members attention that Item #4 should reflect the year 2001 instead of 2000. Member Reese amended his motion to reflect 2001 meeting dates. Motion was seconded by Member Colquitt and carried unanimously.

1. **Approve Minutes/Board of Health Meeting** – 10/26/00
2. **Approve Payroll/Overtime for Periods of** - 09/16/00 – 09/29/00 & 09/30/00 – 10/13/00
3. **Approve Accounts Payable Register** - **#793:** 09/25/00 – 10/06/00; **#794:** 10/09/00 – 10/19/00
4. **Memorandum #36-00** – Approval of Year ~~2000~~ 2001 Meeting Dates for the Board of Health
5. **Petition #85-00** – Request: The Board Authorize Staff to Release a Request for Proposal for Development of Soil Wind Erodibility Test Methods for Construction Sites and Disturbed Vacant Land
6. **Petition #86-00** – Request: To Set a Public Hearing on January 25, 2001 for Adopting Regulations Governing the Construction and Operation of Recycling Centers
7. **Appointment of Nominating Committee** for Calendar Year 2001 Board of Health Officers (Committee Chair Reese: Members Henderson and Ravitch)

II. PUBLIC HEARING/ACTION

1. **Memorandum #35-00** - Public Hearing: Proposed Changes to Sections 0 (Definitions) and 93 (Fugitive Dust From Paved Roads and Street Sweeping Equipment), and a Global Name Change From "Air Pollution Control" to "Air Quality" Throughout the Regulations

Mike Sword, Assistant Air Quality Director, stated that Section 93 of the regulations was not properly public noticed in the past. The regulations address the additional control of fugitive dust emissions needed to reach attainment of the national ambient air quality standards for inhalable particulate matter (PM₁₀). He introduced Lewis Wallenmeyer, AQD Enforcement Supervisor and Rodney Langston, Clark County Comprehensive Planning, who were instrumental in developing the regulations and in maintaining contact with the US Environmental Protection Agency to ensure that the regulations meet the needs of the State Implementation Plan.

Lewis Wallenmeyer, AQD Enforcement Supervisor, briefly reviewed Section 0 (Definitions) and asked that the definition for "unpaved road" not be included in the amendment due to difficulties in clarifying paved or unpaved roads related to easements (amount of traffic on easements or defining those that are seldom used for access by motor vehicles) which are not actually roads.

Rodney Langston, Clark County Comprehensive Planning, gave the Board Members a brief overview of Section 93. The clean up provisions for Section 93 address two substantive issues of the regulations plus clean up language on the test method. First, the substantive changes address taking the requirements of the regulations for limited access freeways for median and shoulders and relegating those to the disturbed open area regulations, Section 90. The second change allows an additional control option of gravel in addition to dust suppressants for stabilizing an unpaved shoulder.

Mike Sword added that on Section 93.2.1.5 in reference to stabilization standards concerns related to enforcement issues. The system requires that a construction site maintains visible emissions below 20% opacity and it requires that a laboratory test has defined silt loading as being below 0.33 ounces per foot squared. This phrase also appears in Maricopa County rules. In Maricopa there have been enforcement problems where enforcement officers there have gone out and even though there was no visible dust they have cited facilities because they did not have the lab test. The same situation could occur in Las Vegas, so there is some concern from industry. Staff anticipates incorporating this as part of the dust class and part of the educational outreach to the community so that they are aware that they do need to do the lab test. The particular regulation is an EPA requirement and part of the SIP. There are standard test methods to perform the test and it is not expensive. The samples are collected onsite and then submitted to a laboratory to perform the test. The lab results would be kept on site.

Additionally, staff is proposing a global change to the name/definition of Air Pollution Control to Air Quality to reflect the name change of the division.

Chairman Brown opened the public hearing and asked if anyone wished to speak. There was no response. Therefore she closed the public hearing.

Member Reese moved for adoption of the proposed changes with all Staff conditions and corrections. The motion was seconded by Member Colquitt and carried unanimously.

III. REPORT / DISCUSSION / ACTION

The Board may take action on any items in this section and/or direct staff accordingly:

1. Subcommittee Reports:

a. Air Quality Management Study (Members Christensen, Crowley & Smith)

Member Christensen remarked that on November 8, 2000 the Subcommittee (excluding Member Smith who was unable to attend) met with Dr. Kwalick and Ms. Robinson, as well as representatives from Clark County and the City of Henderson to receive a recommendation from the County and City Managers regarding this study.

One proposal for the organizational study was received. Ralph Andersen presented, to the Subcommittee, a proposal for \$49,750 to complete the scope of work. The Subcommittee determined that the proposal satisfied the scope of work.

He moved to approve the Ralph Andersen management organizational proposal, direct staff to enter into a contract for the completion of the study in the amount of \$49,750 plus expenses totaling \$59,500, and to authorize Dr. Kwalick to sign the final contract. Member Hardy seconded motion.

Dr. Christensen briefly outlined some ideas about why the investment is a sound one. Whenever new management is hired it is sound to conduct a thorough analysis of the current operations. This analysis under the direction of the new management accomplishes two important things. One it allows the new person to gain a thorough understanding of the organization, quickly, while identifying areas of strengths and weaknesses. Additionally, an independent consultant provides the needed assistance and feedback on ways to improve organizational performance, build better customer relations and enhance employee productivity. The results of the study will give, Ms. Robinson, her staff and Dr. Kwalick a clear path for improving our organization and bracing for the changing times ahead. This is a worthy investment of taxpayer funds and we should move forward with the recommendation.

Member Kenny expressed concern that only one response to the request for proposals indicates there is no real market drive. Also, since a new board will be set up in a few months single-sourcing is not appropriate at this time. Spending \$49,000 for the project is counter productive and the Board of Health should wait until the new board is established and this process can be done more comprehensively.

The motion was approved with the following roll call vote:

Member Christensen	Aye	Member Ravitch	Aye
Member Smith	Nay	Member Reese	Aye
Member Kincaid	Aye	Member Colquitt	Aye
Member Brown	Aye	Member Hardy	Aye
Member Cyphers	Aye	Member Kenny	Nay
Member Fessenden	Nay	Member Henderson	Aye

2. Petition #84-00 - Board Discussion and Determination to Authorize Development of a Request for Proposals to Perform a Financial and Performance Audit of the Air Quality Division's Emission Reduction Credit (ERC) Program and Other Action Related Thereto

Christine Robinson, Air Quality Director explained this item related to whether or not the Board wished to authorize the development of a Request for Proposals (RFP) for a financial and performance audit of the Air Quality Division's ERC program. Further, that the Board determine whether a subcommittee should be appointed to approve the RFP specifications and/or whether staff or the subcommittee should review submitted proposals for subsequent recommendation to the full Board.

A recent District Attorney's report, which was requested by the District strongly, suggested that an independent audit of this program be conducted. Additionally, in recent months there has been a great deal of attention, public scrutiny and criticism of the program.

Member Kenny moved for approval. Motion was seconded by Member Colquitt and carried unanimously.

Chairman Brown appointed the following individuals to a subcommittee to review the scope of work: Members Christensen and Crowley along with Air Quality Hearing Board Member Jack Greco.

3. Petition #37-00 – Fiscal Year 1999-2000 Annual Audit Report to the Board by Representatives of Stewart, Archibald and Barney

David Rowles, introduced representatives from Stewart, Archibald and Barney (SAB) who then presented the District's annual independent external audit findings.

Gary Stewart, representing SAB, gave a brief overview of the audit findings. He explained that in their opinion, the general-purpose financial statements present fairly, in all material respects, the financial position of the District, as of June 30, 2000, and the results of its operations and the cash flows of its proprietary fund for the year then ended in conformity with generally accepted accounting principles. There was a total increase overall in assets, equity and total revenues over the year.

He briefly summarized some of the audit results: (1) the auditor's report expresses an unqualified opinion on the general-purpose financial statements of Clark County Health District. (2) The reportable conditions disclosed during the audit of the financial statements are reported in a separate letter dated November 6, 2000, issued to management as well as in part B and C of the schedule. None of the conditions reported were considered to be material weaknesses. (3) No instances of noncompliance material to the financial statements were disclosed during the audit. (4) The audit recommended that the District implement a comprehensive policy of sub grantee monitoring. (5) The auditor's report on compliance for the major federal award programs for the Clark County Health District expresses an unqualified opinion. The firm suggested that the District engage an external auditor to perform a formal follow-up of the status of the recommendations made specifically to the Air Quality Division. Staff has complied with and implemented all of the recommendations from the auditors.

Member Kenny moved to accept the audit report and direct staff to implement the recommendations. Motion was seconded by Member Smith and carried unanimously.

IV. CITIZEN PARTICIPATION

A period devoted to comments by the general public about matters relevant to the Board's jurisdiction will be held. The Board of Health cannot act upon items raised under this portion of the Agenda until the notice provisions of Nevada's Open Meeting Law have been complied with. Therefore, no vote may be taken on a matter not listed on the posted agenda, and; any action on such items will have to be considered at a later meeting. Comments will be limited to **three minutes**. Please step up to the speaker's podium, clearly state your name and address and please **spell** your last name for the record. If any member of the Board wishes to extend the length of a presentation, this will be done by the Chairman, or the Board majority by vote. **All comments by speakers should be relevant to Board action and jurisdiction.**

Chairman Brown asked if any member of the public wished to speak. There was no response.

V. HEALTH OFFICER & STAFF REPORTS

Dr. Kwalick explained that Stephen Minagil, Board Legal Counsel had an update of a recent appeal on an authority to construct (ATC) for Capital Cabinets.

Stephen Minagil, Board Legal Counsel, reported on a resolution-by-agreement of Robert W. Hall's appeal and request for a declaratory order before the Air Pollution Control Hearing Board on November 14, 2000. Mr. Hall had appealed to the hearing Board the issuance of a 1999 ATC to Capital Cabinet Corporation (CCC) and also requested the hearing Board issue an advisory Order concerning Air Quality Division (AQD) actions throughout the seventeen-year permitting history. Mr. Hall's legal action before the Hearing Board concerned both AQD permitting and enforcement, and the effect of EPA mandates on local processes.

After multiple appearances before the Hearing Board, and the substantial involvement of many AQD employees, the public and the Hearing Board, this matter was concluded successfully by agreement of all parties on November 14, 2000. As a result: (1) CCC continues to operate under its 1999 ATC that AQD issued in response to original EPA mandates; (2) CCC has submitted a new application for an ATC/Operating Permit which includes the implementation and monitoring of timely emission reduction methods as directed by the EPA; (3) AQD reaffirmed its intent to enforce regulations through procedures most conducive to public notice and comment; (4) AQD reaffirmed its intent to continue to identify emission sources operating without appropriate ATC operating permits; (5) Mr. Hall's Appeal is dismissed and his action for a Declaratory Order resolved by these terms.

Also significant is that Mr. Hall, along with Juanita Clark of Charleston Neighborhood Preservation Association and James Sohns of Nevada Car Owner's Association, all spoke to the hearing Board to state their appreciation of the resolution of the case on an agreed upon basis. Specifically, they expressed their pleasure with the efforts and dedication of the Hearing Board, and their pleasure with the current direction of AQD staff and the renewed AQD effort they see in dealing with the permitting of emission sources in Clark County. Therefore, this action has been concluded successfully by agreement of all parties concerned and pursuant to terms which allow AQD to continue its work in the permitting of emission sources and enforcement.

Dr. Kwalick remarked that the Board of Health Members had received a copy of the annual report. He commended Health Education and Public Information Staff for their efforts.

The Clark County Health District Tobacco Control Program has received \$500,000 from the Taskforce for the Fund for a Healthy Nevada. The District plans to utilize part of the funds to establish trend data on tobacco use attitudes and behaviors by conducting an Adult Tobacco survey and a School Administrators Survey. The information from these surveys will be used to develop a countywide media campaign and establish best ways to incorporate tobacco control activities within the Clark County School District. The remainder of funds will be used to support the advocacy efforts of the Clark County Youth Coalition and Stop Tobacco Use in Clark County Coalition.

Dr. Kwalick gave a brief update on the status of the flu vaccine and informed the Board Members that the District is currently putting the order in for next year's vaccine. Staff is anticipating receiving vaccine the first week in December.

Member Kenny asked that staff provide an update on rodent infestation in the Valley at the December Board meeting.

VI. INFORMATIONAL ITEMS

Duly Noted

- 1. Administration:**
 - a. Monthly Activity Report
 - b. Financial Data - Revenues, Expenditures, and Cash Flows for Fund 705 (Operating), 706, (Capital Reserve), and 762 (Liability Reserve) for the Month of July
 - c. Emergency Medical Services Annotated Agenda
 - d. Health Education Monthly Report

- 2. Air Quality:**
 - a. Monthly Report, October 2000 (Air Quality, Enforcement Activity, Permitting, Source Compliance and Regulation Development)
 - b. Particulate Matter Emissions Control Research Advisory Committee Agenda

- 3. Environmental Health:**
 - a. Monthly Activity Report
 - b. Listing of Food Establishments in Plan Review for the Period of 09/01/2000 to 09/30/2000

- 4. Epidemiology:**
 - a. Monthly Report

- 5. Nursing and Clinics:**
 - a. Tuberculosis Treatment and Control Clinic Report

VII. ADJOURNMENT

There being no further business to come before the Board, Chairman Brown adjourned the meeting at 8:43 a.m.

SUBMITTED FOR BOARD APPROVAL

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

/mlg