



---

*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

***Thursday, November 14, 2002 - 8:00 A.M.***

Vice Chairman Reese called the meeting of the District Board of Health to order at 8:04 a.m. and the Pledge of Allegiance was held. He noted that he had been provided with the Affidavits of Posting and Mailing of Agenda meeting notices, as required by Nevada's Open Meeting Law. The Affidavits will be incorporated into the Official Minutes.

Board Members

Present:

Gary Reese	<i>Vice-Chairman, Councilman, Las Vegas</i>
Jim Christensen, MD	Physician Member At-Large
Sherry Colquitt, RN	Appointee, Las Vegas
Robert Eliason	Councilman North Las Vegas
Donna Fairchild	Councilwoman, Mesquite
Paul Henderson	Councilman, Mesquite
Erin Kenny	Commissioner, Clark County
Steven Kirk	Councilman, Henderson
Donalene Ravitch, RN	Appointee, Boulder City
Stephanie Smith	Councilwoman, North Las Vegas

Absent:

Susan Crowley	Appointee, Henderson
Joseph Hardy, MD	Councilman, Boulder City
Chip Maxfield	Commissioner, Clark County

Executive Secretary:

Donald S. Kwalick, MD, MPH

Legal Counsel:

Stephen Minagil, Esquire

Staff: Clare Schmutz; Karl Munninger; Sandi Schulz; Fran Courtney, RN; Jane Shunney, RN; Angus MacEachern; Lonnie Empey; Glenn Savage; Sherri Hurlburt; Steve Goode; Doug Joslin; George

Bertoty; Sal Balzano; Rose Bell; Jeanne Palmer; Maria Azzarelli; Kathleen Boutin; Jennifer Sizemore; Leo Vega; and Recording Secretaries Norma Jordan and Montana Garcia

**ATTENDANCE:**

<u>NAME</u>	<u>REPRESENTING</u>
Tom Gardner	Republic Services of Southern Nevada
Alan Gaddy	Republic Services of Southern Nevada
Thomas F. Kummer	Kummer Kaempfer Bonner & Renshaw
Leslie Long	City of North Las Vegas
Andy Souther	Darling International
John Bohannon	Darling International
Lori Wohletz	City of Las Vegas
Robert W. English	Baker Commodities, Inc.
Gil Morgan	Baker Commodities, Inc.
Glen Currey	Blue Dit Services - Anytime Plumbing
Daniel Braisten	Self
Steve Lewis	Paper Recycling of Nevada
Sean Sanford	Paper Recycling of Nevada
Tom Brooker	Kafoury, Armstrong & Co.
Tamara Miramontes	Kafoury, Armstrong & Co.

**I. CONSENT AGENDA**

These are matters considered to be routine by the 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.

Member Kenny moved for approval of the following Consent Agenda. The motion was seconded by Member Smith and carried unanimously:

1. **Approve Minutes/Board of Health Meeting:** 10/24/02
2. **Approve Accounts Payable Register:** **#841:** 09/16/02 - 09/30/02, **#842:** 09/23/02- 10/09/02; **#843:** 10/10/02 - 10/16/02; **#844:** 10/17/02 - 10/22/02
3. **Appointment of Nominating Committee:** for Calendar Year 2003 Board of Health Officers (Committee Chair Crowley, Members Maxfield and Hardy)
4. **Memorandum #17-02** - Year 2003 Meeting Dates for the District Board of Health
5. **Petition #49-02** - Interlocal Agreement with University of Nevada, Reno School of Medicine Providing for Operation of the Southern Nevada Public Health Laboratory
6. **Petition #50-02** - Approval of Redefinition of the Classification Specification for Security Aide (to Remain on Schedule 12)
7. **Petition #51-02** - New Classification Specification for Environmental Health Manager to Schedule 28 and Environmental Health Administration Supervisor/Analyst Schedule 24

8. **Petition #52-02** - Changes to Classification Specification for Administrative Managers: Computer Systems Manager, Facilities Services Manager, Financial Services Manager, Health Records Manager and the Health Education and Promotion Manager to Schedule 28
9. **Petition #53-02** – Modification to Increase the Capital Equipment Threshold

## II. **PUBLIC HEARING/ACTION**

1. **Variance Request:** Request by Gaylord, LLC, dba Gaylord India Restaurant at the Rio Hotel and Casino to Install and Operate Tandorri Ovens Not in Compliance with the District Board of Health Regulations 1996 Governing the Sanitation of Food Establishment (***Continued from 10/24/02 Meeting***)

Vice-Chairman Reese commented that this item had been held in order to have some heavy metals tests ran and asked staff to give a brief overview of the results.

Clare Schmutz, Director Environmental Health, explained that staff did get in contact with CERAM Research Laboratories in London and the manufacturer of the oven. A sample of 12 pounds of raw clay material was submitted to the laboratory. The following content results were found:

- Lead 25 parts per million (ppm)
- Arsenic 2 ppm
- Cadmium less than 1 ppm
- Zinc 40 ppm
- Copper 35 ppm
- Magnesium 60 ppm
- Iron 0.90 ppm
- Mercury 0.5 ppm
- Asbestos non detected

The chemicals that staff was most interested in was the heavy metals: arsenic, cadmium, lead and asbestos. He introduced Sal Balzano, Environmental Health Specialist to review the contaminant levels of the chemicals.

Mr. Balzano commented that staff's concern basically was due to an incident with Mexican pottery in which there was lead content. The preparation of certain recipes, particularly tomato based which are high in acidity, would leach the lead out of the pottery and into the tomato product and cause a cumulative toxic affect in those eating the product. The oven does not meet the National Sanitation Foundation (NSF) standard, which is the baseline by which all equipment is approved in Clark County. The proprietor of the restaurant gave some California guidelines which allowed for a local health district to make an approval based on some other established guidelines. One of the criteria was toxicity testing. There is lead in the raw clay used to manufacture the oven. However, staff does not know how much and has had insufficient time to investigate whether the lead will leach out when food is cooked in the oven.

The boiling point of lead is approximately 1700 degrees Fahrenheit. The Tandorri oven was at about 900 degrees. Staff determined that due to the fact that the product that is cooked on the skewers does not touch the clay, the bread cooked in the oven is non acidic and the lead should not leach out. Therefore, results are satisfactory to allow Gaylord India Restaurant to operate the oven with certain conditions.

Sheri Hurlburt explained that due to the short time frame from the October 2002 Board of Health meeting the London laboratory was very limited in the testing they could perform. Therefore, staff is requesting that over specific time frames, after the oven has been in operation, swab tests be performed to make sure that the lead either leaches out in the beginning of the curing process or is sealed enough with the silicate from the factory. The swab tests will not destroy the existing piece of equipment and can be performed by a local laboratory.

Vice-Chairman Reese asked Mr. Brown, attorney representing Gaylord India Restaurant, if they agreed with the conditions stated by Staff. Mr. Brown stated, that they concurred with staff's recommendations.

There being no further comment, Vice-Chairman Reese closed the public hearing.

*After being assured that staff would require that all the other facilities with this type of Indian oven comply with the conditions, Commissioner Kenny moved to approve the variance with the recommended conditions. The motion was seconded by Member Smith and carried unanimously.*

- 2. Memorandum #15-02:** Darling International's, Incorporated Application to Operate a Recycling Center at 4730 Vandenberg Drive, North Las Vegas, Nevada

*Member Kenny moved to put a 30-day hold on this issue due to some legal questions. Motion was seconded by Member Colquitt and carried unanimously.*

- 3. Memorandum #16-02:** Paper Recycling of Nevada's Application to Operate Recycling Center at 4530 Andrews Street, North Las Vegas, Nevada

Glenn Savage, Environmental Health Supervisor introduced Doug Joslin, Senior Environmental Specialist, who had reviewed and processed the application from Paper Recycling of Nevada.

Doug Joslin explained that Paper Recycling of Nevada had submitted an application for a permit to operate a recycling center in accordance with the solid waste management authority regulations adopted by the Board of Health on January 24, 2002. The application addresses the requirements found in the regulations. The facility is a 7200 square-foot office warehouse space located at 4530 Andrew Street, North Las Vegas. The facility receives and process, paper, cardboard, aluminum and plastic that has been source separated. The operation receives most of its materials from commercial generators and a small percentage from private individuals and charitable organizations. The largest part of the operation is the receiving, sorting, bailing and shipping of paper, which is conducted within the confines of the warehouse space. There is no outside storage or processing of any kind. Once the items have been prepared for shipment, the material is sent to paper mills or brokers. The small percentage of aluminum and plastic is currently being sold to the local market.

In support of the application, compliance information has been gathered from the following local agencies:

- A copy of the North Las Vegas Business License
- Proof of Fire Department Inspection
- Inspection by the City of North Las Vegas Environmental Services & Building and Safety Departments
- Proof of Compliance with the Department of Air Quality
- A No Exposure Certification from Environmental Protection Water Pollution Control

- A copy of the City of North Las Vegas Use Permit

After reviewing the information noted above, staff found the plan to be substantially completed. A public workshop was held; and during the accompanying time for public comment, only one public comment was received with two notes. One comment was that Paper Recycling of Nevada did not specifically address Section 8, which calls for daily inspection for litter, etc. Staff conducted a site inspection and review of Section 8 with the owners who acknowledged willingness to comply with the regulations. The other comment suggested that permit conditions state that the processing and storage capacity be placed on the permit. This issue is already addressed in the regulation requirement for this facility. Therefore, staff recommended approval based on the following conditions:

1. Operations must be in compliance with the solid waste management authority regulations governing recycling centers, and all other applicable codes, ordinances and regulations at all times.
2. Operations must be consistent with the operating and closure plan and the report of design (including engineer drawings) submitted May 24, 2002.

Vice-Chairman Reese asked Mr. Steven Lewis on behalf of Paper Recycling, if he concurred with the conditions recommended by staff. Mr. Lewis stated, "Yes".

Vice-Chairman Reese asked if any member of the public wished to speak on this item. Since there was no response, he closed the public hearing.

*Member Eliason moved for approval with staff's conditions. Motion was seconded by Member Ravitch and carried unanimously.*

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

#### **1. Individual Sewage Disposal System Variances (*Member Requested Item: Reese, Smith and Maxfield*)**

*Chairman Reese moved to continue Item 1, Report/Discussion/Action on the Individual Sewage Disposal System Variances until the December 19, 2002 Board of Health meeting. Motion was seconded by Member Smith and carried unanimously.*

#### **2. Memorandum #18-02 - Fiscal Year 2001-2002 Annual Audit Report by Kafoury, Armstrong and Company**

Karl Munninger, Director of Administrative Services introduced Sandy Schulz, Financial Services Manager and Mr. Tom Brooker, representing Kafoury Armstrong and Company to give a brief presentation of the firm's audit findings.

Mr. Brooker introduced Tamara Miramontes who explained the three reports that were issued. The first is on the overall financial statements with an unqualified finding, which is the best that can be received. The next audit performed was a single audit which was performed in accordance with federal standards was also an unqualified opinion. The final report is on the compliance with each major program and internal controls over spending the federal funds, which again was an unqualified opinion with some findings that have been noted that relate to the Ryan White Title II grant. The condition identified that, as a sub recipient of the District,

Clark County Social Services was monitored on an informal basis. However, federal regulations require that formal monitoring procedures be in place. Therefore, Kafoury Armstrong recommended that a formal monitoring procedure be initiated for this program.

Overall the unreserved fund balance remained fairly constant for the District as a whole.

Karl Munninger added that the ending fund balance as of June 30, 2002 was \$4.68 million which represents 11.1 % of expenditures which compares favorably to what had been projected in the revised budget for 2002.

Additionally, staff concurred with the findings that more formal monitoring procedures should be in place for Clark County Social Services. Since Clark County is a much larger member entity than the District itself and as such is likely familiar with grant financial and compliance requirements, staff set a higher priority on the monitoring of smaller non-profit subgrantees. After the new financial and payroll computer systems are fully operational in January 2003 and the older systems can be abandoned, staff will proceed to monitor Social Services with the same degree of formality and detail as that applied to the monitoring of the Title X family planning subgrantees.

Mr. Booker commented that from the standpoint of internal controls some recommendations for improvement were made. One issue was that while the District ensures that employees are reporting their absences correctly by designating an employee from each department to serve as a timekeeper, no one is checking to ensure that the timekeeper is reporting his/her absences appropriately. Therefore, it was recommended that the District implement a policy whereby the head of each department track the absences of the designated timekeeper for the pay period and then ensure that the timekeeper's absences are reported correctly.

Additionally in the cash receipts area, each department is responsible for invoicing its own fees for service and maintaining its own accounts receivable listing. In several instances the same person is invoicing for the services provided, collecting the fees for those services, and recording both the invoice and the collected amounts on the accounts receivable report. The lack of segregation of duties is an internal control weakness, which, if uncorrected, could result in misappropriation of District cash. Therefore, it was recommended that the District consider centralizing the billing and collection functions for Fees for Service revenue with the accounting department or segregate the billing and collection responsibilities.

Next year the financial statements will look different as most government agencies are going through a change to conform to the Government Accounting Standards Board 34 (GASB 34). Kafoury Armstrong recommended that the District start preparing for these changes now to facilitate a smooth transition.

Mr. Munninger stated that staff will be following through on the recommendations. A new time card system is being initiated as part of the new payroll system. There will be two signatures on the time card to address the recommendations. Staff will consider centralizing billing functions in the accounting section.

*There being no further comment, Member Colquitt moved to accept the audit report. Motion was seconded by Member Smith and carried unanimously.*

#### **IV. CITIZEN PARTICIPATION**

Citizen participation is a period devoted to comments by the general public about matters relevant to the Board's jurisdiction. 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 has 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.

Vice Chairman Reese asked if any member of the public wished to be heard on subjects that are relevant to the Board's jurisdiction.

Mr. Daniel Braisten, concerned citizen, asked that the Board request the School District to do a cost benefit of allowing Pepsi Cola to provide their soda machines in the schools. Pepsi is paying a large upfront amount to get that contract in the schools. There is a graduated plan to benefit the schools based on the increased consumption of the soda. However, in the long run, the Health District will have to deal with the health complications that come from the continual consumption of soda. In most schools the soda machine is placed directly in the cafeteria area and the water or juices are placed in alcoves. He expressed concern if this was in the best interest of the students and could not the school district raise money some other way without hurting the health of students.

Vice-Chairman Reese explained that there was no action that could be taken but asked staff to discuss the issue with Mr. Braisten.

#### **V. HEALTH OFFICER & STAFF REPORTS**

Dr. Kwalick commented that flu immunizations are available. Also, in terms of the tobacco advisory questions that were placed on the ballot last month were all very successful. In particular, the one that asked whether there should be a prohibition on tobacco use in venues that children frequent won by a 2 to 1 margin. The other question that repealed preemption and allowed for Boards of Health to come up with regulations at the local level won by a 3 to 2 margin. This was a message to the legislature that it is time to do something in Nevada to protect the health of people. If the legislature does not do something there will be an initiative in the future. Tobacco prevention is the most preventable cause of disease in our society.

He introduced Maria Azzarelli and Jeanne Palmer of the Health Education Section to give an update on the tobacco prevention youth program, Kick Ash Bash.

Jeanne Palmer commented that the youth program has been very successful.

Maria Azzarelli, Health Educator and youth tobacco control coordinator, explained that Saturday, November 2, 2002 the second annual Kick Ash Bash was held with over 1,000 youth attending the event. The event began at 8 a.m. and ended at 11 p.m. Celebrities, who do tobacco control in other states where they live, were brought in to educate the youth on tobacco prevention. The youth that have been involved since the inception of the program led the event and taught different courses. The sessions are not taught in the traditional setting but in an entertaining fashion. The Kick Ash Bash program started with 30 members 2 years ago and now there are over 2,045 members in the data base. Also, the youth created a very active website. Much of the information on the website is educational. She handed out a mini educational CD developed by the youth with statistics and tobacco control information from around the country to the Board Members. Each youth that participated also received XPOZ gear, such as binders, t-shirts and back packs. The

program has been very effective as the youth tobacco rate for smoking for 9-12<sup>th</sup> graders has decreased from 33% to 25% to date.

**VI. INFORMATIONAL ITEMS**

*Duly Noted*

**A. Chief Health Officer & Administration:**

1. Monthly Activity Report, Mid October 2002 - Mid November 2002
2. Financial Data - Revenues and Expenditures for Fund 705 (Operating), 706 (Capital Reserve), and 762 (Liability Reserve) for the Month of October 2002
3. Health Education Monthly Report, October 2002
4. Epidemiology Monthly Report, September 2002
5. Public Information Monthly Report, September 2002
6. Emergency Medical Services Medical Advisory Board Minutes, October 2002 & Annotated Agenda for October 2002
7. Letter from the Department of Justice, Office of Civil Rights Approving the District's Equal Employment Opportunity Plan for the Bioterrorism Grant

**B. Environmental Health:**

1. Monthly Activity Report, October 2002
2. Listing of Food Establishments in Plan Review for the Period of 10/01/02 to 10/31/02

**C. Nursing and Clinics:**

1. Monthly Activity Report, October 2002

**VII. ADJOURNMENT**

There being no further business to come before the Board, Vice-Chairman Reese adjourned the meeting at 8:40 a.m.

**SUBMITTED FOR BOARD APPROVAL**

---

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

/mg