



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 20, 2003 - 8:00 A.M.

Vice-Chairman Christensen called the meeting of the District Board of Health to order at 8 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	Chairman, Councilman, Las Vegas
Jim Christensen, MD	Physician Member At-Large
Chip Maxfield	Commissioner, Clark County
Andrea Anderson	Councilman, Boulder City
Sherry Colquitt, RN	Appointee, Las Vegas
Susan Crowley	Appointee, Henderson
Robert Eliason	Councilman North Las Vegas
Donna Fairchild	Councilwoman, Mesquite
Paul Henderson	Councilman, Mesquite
Steven Kirk	Councilman, Henderson
Joe Hardy, MD	Appointee, Boulder City
Stephanie Smith	Councilwoman, North Las Vegas

Absent:

Rory Reid	Commissioner, Clark County
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Executive Secretary:

Donald S. Kwalick, MD, MPH

Legal Counsel:

Stephen Minagil, Esquire

Staff: Karl Munninger; Glenn Savage; Fran Courtney, RN; Jane Shunney, RN; Rory Chetelat; Angus MacEachern; Steve Goode; Ed Wojcik; Daniel Maxson; Michael Attaway; Robert Newton; Doug Joslin; Donna Houston; Paul Klouse; Sandra Schultz; Nicole Samaniego; Mary Ellen Harrell; Patricia Armour; Nicole Bungum; Jennifer Sizemore; David Tonelli; Patricia Rowley; Danielle Livinghouse; Michael Palmer; Forrest Hasselbauer; Leo Vega; and Recording Secretaries Diana Lindquist and Montana Garcia

ATTENDANCE:

<u>NAME</u>	<u>REPRESENTING</u>
Bob Ansara	Nevada Restaurant Association
Clare Schmutz	Nevada Restaurant Association
David Alenik	Nevada Restaurant Association
Tammy & Mike Vanderheiden	Pooter's Ice Cream
Vic Skaar	Self
Theresa Goewert	Self
Clemens Goewert	Self
Fred Couzens	LV Tribune
Marc Donworth	Self
Diana Morneault	Self
Don Morgan	Durango Pools, Inc.
John Fildes, MD	UMC Trauma Center
Marcia Holmberg	UMC
Terri Barber	City of Henderson
Walter Bellard, Jr.	Walter's BBQ with Las Vegas Farmer's Market
Tamara Miramontes	Kafoury, Armstrong & Co.
Anna Danchik	Kafoury, Armstrong & Co.
Lyon Davis	Clark County Special Events
Paymon Raquiz	Nevada Restaurant Association / Paymon's Café
Steve Ewaniuk	Avena Originals Lifestyle Management, Inc.

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 Colquitt moved for approval of the following consent agenda. Motion was seconded by Member Maxfield and carried unanimously.

- Minutes/Board of Health Meeting:** 10/23/03
- Approve Payroll/Overtime for Periods:** 09/13/03 - 09/26/03; 09/27/03 - 10/10/03; 10/11/03 – 10/24/03
- Accounts Payable Register:** **#893:** 10/03/03 - 10/09/03; **#894:** 10/10/03 - 10/16/03;**#895:** 10/17/03 - 10/23/03; **#896:** 10/24/03 - 10/28/03
- Appointment of Nominating Committee:** for Calendar Year 2004 Board of Health Officers (Chairman: Member Eliason, Members Fairchild, & Anderson)
- Memorandum #10-03** - Year 2004 Meeting Dates for the District Board of Health
- Petition #50-03** - Approval of the following new Classification Specifications in the Accounting Series: Senior Accounting Technician to be Placed on Schedule 18 (\$37,425.44 – \$52,174.72); Redefinition of Classification Specification for Accounting Technician I/II to Remain on Schedules 14 (\$30,509.44 - \$42,577.60) and 16 (\$33,800.00 - \$47,153.60)

7. **Petition #51-03** - Redefinition of the following Classification Specifications in the Laboratory Series: Laboratory Manager to Remain on Schedule 28 (\$62,410.40 - \$87,054.24); Chief Laboratory Technician, Current Schedule 23 (\$48,310.08 - \$67,389.92) Recommend Schedule 26 (\$56,343.04 - \$78,613.60); Laboratory Technologist Current Schedule 20, Proposed Laboratory Technologist I - Schedule 20 (\$41,491.84 - \$57,834.40) Laboratory Technologist II – Schedule 22 (\$45,930.56 - \$64,036.96)
8. **Petition #52-03** – Establishment of an Environmental Health Supervisor Position in the Solid Waste & Compliance Department

II. **PUBLIC HEARING/ACTION**

1. **Variance Request:** to Allow Carpeting Where it is Not in Compliance with the District Board of Health Regulations 1996 Governing the Sanitation of Food Establishments (APN 162-18-503-008), **Petitioner:** Steve Ewaniuk dba Avena Originals Lifestyle Management, Inc.

Chairman Reese opened the public hearing. He asked if there were any comments. There was no response. The Chairman asked the applicant, Steve Ewaniuk, if he understood and agreed with the conditions. Mr. Ewaniuk stated that Yes, he understood and agreed with the conditions recommended by staff.

At this time Chairman Reese closed the public hearing.

Member Colquitt moved for approval of the variance request with staff's recommendations. Motion was seconded by Member Maxfield and carried unanimously.

2. **Variance Request:** to Omit a Three-Compartment Sink Where It is Not in Compliance with the District Board of Health Regulations 1996 Governing the Sanitation of Food Establishments (APN 186-09-110-100), **Petitioner:** Al Stevens dba The Coffee Cup Café

Chairman Reese opened the public hearing. He asked if there were any comments. There was no response. The Chairman asked the applicant, Al Stevens, if he understood and agreed with the conditions. Mr. Stevens stated that Yes, he understood and agreed with the conditions recommended by Staff.

Chairman Reese closed the public hearing.

Member Hardy moved for approval of the variance request with staff's recommendation. The motion was seconded by Member Smith and carried unanimously.

3. **Memorandum #08-03:** Proposed Changes to the Environmental health Division Fee Schedule

Chairman Reese opened the public hearing.

Glenn Savage and Robert Newton gave an overview of the proposed changes to the fee schedule. Due to the elimination of Health Aid to Counties funding and at the direction of the Chief Health Officer, the Environmental Health Division is working toward becoming 100% self-sufficient. The proposed Environmental Health fee schedule was drafted to accomplish this. Staff spent 5½ months reviewing all Environmental Health fees to determine what was needed to attain self sufficiency. If approved the proposed changes would become effective January 1, 2004 with some of the increases being phased in over a period of three years.

A number of public workshops and special meetings were held to receive industry input. Public notices were published in all the local newspapers. Several industry comments were received and many of the industry's recommendations have been incorporated in the proposed changes.

Discussion by Staff and Board of Health Members ensued concerning the revenue that would be generated during the phase in periods and how it would be used for inspections, compliance, necessary enforcement of violations, etc. Also, staff continued to work with the District's legislative lobbyist to push to get Health Aid to Counties reinstated by the legislature during the next session. The push will focus on helping the legislators understand how the money can and should be used for core public health activities, for emergency type things that may occur, and for expanding public health infrastructure and capacity. Reinstatement of those funds in conjunction with the bioterrorism money that the District has received will improve the public health in Clark County and the state in general.

Sam Faccini, owner of Metro Pizza, 10 year director of the Nevada Restaurant Association, and a 15 year member of the National Restaurant Association, explained that he had enjoyed an excellent relationship with staff but expressed concern that the food service segment of the proposed fee schedule places an undue burden on the industry.

As a CPA for over 18 years, Mr. Faccini could understand that in 2001 there was a 16% increase, in 2002 a 10% increase. Based on staff's proposal, in 2004 there will be a 28% increase, in 2005 another 9% increase and in 2006 9% more. Over the 3-year period he felt these increases were excessive and unreasonable. He suggested that the District revisit this section. The Board put the issue in perspective with the question of the yearly cost would be \$50 or \$4 per month which would be pennies per day.

Don Morgan of Durango Pools also felt that the fee increase was excessive for his industry. For example, under the proposed fee increase the most common or smallest projects (being 999 sq. ft. or less, and 1,000-2,000 sq. ft. surface area pools) are being increased over 112%. The city and county building authorities have certainly come up with different avenues for charging fees such as expedited plan review charges, overtime inspections and specialty inspections. Many different vehicles exist because construction being what it is schedule deadlines take high priority and quite frankly we need emergency services from time to time. He expressed concern that the mega resorts or the large strip-type resorts under the proposed changes would actually get a reduction in their fees. He suggested that the staff come up with some alternatives similar to an evaluation type formula based on per square foot, as the county and city have instituted.

Bob Ansara, representing Ricardo's Company, stated that he wanted to echo Mr. Faccini's comments but reluctantly and with some skepticism supported the 28.9 percent increase because they believed that the funding was needed in order to keep pace with the mandate that Environmental Health be self sufficient. However, he expressed some concern that they wanted to be able to hold staff accountable in the event a surplus materialized in years to come if the economy improves or if public funding returns.

Clemens Goewert expressed concern about the individual sewage disposal system (ISDS) fees. Initially the ISDS fee came across as being more or less just a tax increase which would raise approximately 1.4 million for a program that had not been thoroughly planned out. He added that before any fees should be applied there should be some clear planning that goes into the process.

Vic Skaar, concerned citizen, asked the Board Members and Staff to reconsider attaching a \$55.00 annual ISDS permit fee to homeowners who do not need inspections.

Tim Thurtle representing Suncoast Tattoo indicated that they too were opposed to the fees and thanked staff and the Board Members for letting them be heard.

Witt Steele, concerned citizen and board member of Southwest Action Network asked that staff postpone any action on the septic system portion of the regulations until there could be some public input.

Chairman Reese asked if anyone else wished to speak. There being no response he closed the public hearing.

After brief discussion concerning acting upon the entire regulations, Member Maxfield moved to accept staff's recommendations and approve the fee schedule as set forth by staff in Memorandum #08-03 excluding the following sections to be heard at the December 18th meeting: Chicken Processing Facility permit fee, ISDS annual fee and the Waste Management fee. Motion was seconded by Member Eliason and carried unanimously.

III. REPORT/DISCUSSION - ITEMS ON WHICH ACTION MAY BE TAKEN

1. Committee Report: Southern Nevada Trauma System Development (Chairman Colquitt, Members: Christensen, Fairchild, Kirk, Maxfield and Smith)

Committee Chairman Sherry Colquitt explained that staff presented some materials for trauma system development in Clark County which Dr. Kwalick described as the following:

- Proposed Organizational Chart
- Timeline for Public Input & Consultant(s) Activities
- Key Questions to be Addressed
- Proposed Task Force Member list and;
- Proposed Letter for Organizing Public Workshops in Each Jurisdiction

The Committee discussed the documents and information presented, the parameters of the scope of work for consultant(s), reviewed materials and information from potential consultants, and discussed how to best organize the public input process and inclusion of consultants' reports.

The Committee recommended that the full Board adopt and appoint a Citizen Task Force on Trauma System Development in Clark County. Also, the Committee recommended that the Board of Health retain the Abaris Group and the American College of Surgeons (ACS) as consultants to assess trauma activities and recommend trauma system development in Clark County. Dr. Kwalick and staff are to negotiate the terms therefore and start the process as soon as possible.

After a brief presentation on the trauma system development process, Member Colquitt moved to approve the timeline and scope of project. Motion was seconded by Member Eliason and carried unanimously. Member Colquitt moved to appoint a Citizen Task Force to take charge of the process. Staff will be able to preset to the committee individuals to add or remove as necessary. The motion was seconded by Member Hardy and carried unanimously. Member Colquitt moved to allow Dr. Kwalick and staff to negotiate with the Abaris Group and the American College of Surgeons (ACS) as consultants to assess trauma activities and develop an acceptable proposal for Clark County. The motion was seconded by Member Hardy and carried unanimously. Member Colquitt moved that the Board of Health Trauma committee continue to meet to ensure that the

process is progressing as the Board of Health approved and direct staff accordingly. The motion was seconded by Member Eliason and carried unanimously.

2. Memorandum #09-03: Fiscal Year 2002-2003 Annual Audit Report by Kafoury, Armstrong & Company

Tamara Miramontes and Anna Danchik representing Kafoury, Armstrong & Company gave a brief overview of the audit report.

The firm conducted the audit in accordance with auditing standard generally accepted in the United States. Those standards require that the firm plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. It is the firm's opinion that the financial statements present fairly in all material respects the financial condition of the Health District.

The Comprehensive Annual Financial Report ("CAFR") of the Clark County Health District, Clark County, Nevada for the fiscal year ended June 30, 2003, has been presented to the Board as mandated by state statute. Responsibility for both the accuracy of the presented data and the completeness and fairness of the presentation, including all disclosures rests with the District. The submitted data is deemed accurate in all material respects and is reported in a manner that presents fairly the financial position and results of operations of the various funds of the District.

In fiscal year 2003, the District implemented the Governmental Accounting Standards Board's Statement No. 34 *Basic Financial Statements – and Management Discussion and Analysis – for State and Local Governments*. The objective of this statement is to enhance the usefulness of the District's financial statements by focusing on the financial condition of the District as a whole. This new reporting model requires a Management Discussion and Analysis to address specific financial and budget issues within the District and is designed to give the reader an easy-to-understand overview of the District's financial position and results of operations for the year.

The Clark County Health District remains financially stable as it seeks to overcome the lingering impacts of the recent economic slowdown in southern Nevada. Kafoury & Armstrong have reviewed the assertion provided by management in accordance with NRS 354.624(5) and the identified funds are being used expressly for the purposes for which they were created. The funds are being administered in accordance with the accounting principles generally accepted in the United States. The reserved fund balances/net assets funds were reasonable and necessary to carry out the purposes of the funds at June 30, 2003. The sources of revenues, including transfers, available for the funds are as noted in the financial statements. The funds conform to significant statutory and regulatory constraints on its financial administration during the year ended June 30, 2003. The balance and net assets of the funds are as noted in the financial statements. Based on the firm's review there were no financial weaknesses of a magnitude to justify inclusion within this report. The Clark County Health District conformed to all significant statutory constraints on its financial administration during the year.

Chairman Reese moved for approval of the audit report. The motion was seconded 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.

Chairman Reese asked if any member of the public wished to be heard on subjects that are relevant to the Board's jurisdiction. There was no response.

V. HEALTH OFFICER & STAFF REPORTS

There were no staff reports at this time.

VI. INFORMATIONAL ITEMS

Duly Noted

A. Chief Health Officer and Administration:

1. Monthly Activity Report, Mid October 2003 - Mid November 2003
2. Financial Data: Revenues and Expenditures for Fund 705 (Operating), 706 (Capital Reserve), and 762 (Liability Reserve) for the Month of October 2003
3. Health Education Monthly Report, October 2003
4. Epidemiology Monthly Report, October 2003
5. Public Information Monthly Report, October 2003

B. Environmental Health:

1. Monthly Activity Report, October 2003

C. Nursing and Clinics:

1. Monthly Activity Report, October 2003

VII. ADJOURNMENT

There being no further business to come before the Board, Chairman Reese adjourned the meeting at 9:58 a.m.

SUBMITTED FOR BOARD APPROVAL

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

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