



## MINUTES

### ***Southern Nevada District Board of Health Meeting***

625 Shadow Lane  
Las Vegas, Nevada 89106  
Clemens Room

***Thursday, June 28, 2007 - 9:00 A.M.***

Chair Donna Fairchild called the meeting of the Southern Nevada District Board of Health to order at 9:01 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  
Susan Crowley  
Chris Giunchigliani  
Lawrence Weekly  
John Onyema, MD  
Stephanie Smith  
Debra Toney, RN  
Jimmy Vigilante

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

#### Absent:

Karla Burton  
Jim Christensen, MD  
Tom Collins  
Robert Eliason  
Joseph Hardy, MD  
Timothy Jones  
Mary Jo Mattocks, RN  
Frank Nemeck, MD  
Gary Reese  
Steven Ross

Councilwoman, Boulder City  
At-Large Member, Physician  
Commissioner, Clark County Alternate  
Councilman, North Las Vegas, Member Alternate  
At-Large Member, Physician  
At-Large Member, Business/Industry  
At-Large Member, Registered Nurse  
At-Large Member, Physician Alternate  
Secretary, Councilman, Las Vegas  
Councilman, Las Vegas Alternate

#### Executive Secretary:

Lawrence Sands, DO, MPH

#### Legal Counsel:

Stephen R. Minagil

#### Other SNHD Board of Health Members Present:

Lon Empey At-Large Environmental Specialist Alternate

Staff: Mike Walsh; Sylvia Claiborne; Glenn Savage; Dennis Campbell; Paul Klouse; Linda Newton; Robert Newton; Bonnie Sorenson; Veronica Morata-Nichols; Alice Costello; Jo Alexander; Sandra Hakans; Patricia Rowley; Jane Shunney; Rory Chetelat; Trish Beckwith; Angus MacEachern; Deborah Williams; Jennifer Sizemore; Stephanie Bethel; Jorge Viote; Jerry Boyd; Jodi Brounstein; Jane Kopcazk; Vinay Menon; Ray Chua; Ann Markle; Michael Palmer; Forrest Hasselbauer; Recording Secretaries: Diana Lindquist and Shelli Clark

**ATTENDANCE:**

<u>NAME</u>	<u>REPRESENTING</u>
Lori Tabbert	ID Edge Inc.
Mike Siracusa	Cosmopolitan
Dom Casey	City of Henderson, BMI Pool
Randy Slater	City of Henderson, BMI Pool
Desmond Stevens	STO Design Group, Inc.
Christina Martinez	US Senator Harry Reid
Steven Abel	Yony Properties, Inc.
Julie Tracy	Las Vegas Kettle Corn Company
Leslie Combe	Snowie Girlz
Steve Peters	Tommyboy Sausage
John McCallum	John's Pool Services
Robert Wiecek	Quality One Pool Management
Larry Calavan	Calavans Pool & Spa Service
Martin Nevarez	Martino's BBQ & Mexican Grill
Melissa Simon	PA Student (Touro University)
Charles Shelby	Public Health Foundation Enterprises
Jason Watts	Public Health Foundation Enterprises
Ian Lewis	Public Health Foundation Enterprises
Maggie Petrel	Latin Chamber of Commerce
Frances Ghormley	Martino's BBQ & Mexican Grill
Teresa Arntson	I Vend LV

**PRESENTATIONS:**

**Board of Health Member Service Recognition**

Dr. Sands commented that this meeting is Donna Fairchild's last meeting. He expressed his appreciation for all the work she has done on the Board and in representing the health district in many ways. He presented Chair Fairchild with a plaque inscribed "in recognition of exceptional leadership and devoted service, Southern Nevada District Board of Health August 2001 – June 2007" as well as a gift certificate.

**Senate Congressional Record: National Infant Immunization Week**

Jorge Viote commented that National Infant Immunization Week (NIIW) was a very busy but wonderful week. The District had the opportunity to form different partnerships with businesses in the community. He introduced Christina Martinez from Senator Harry Reid's office. Ms. Martinez asked for the senate congressional record to be entered into the record. Her role in Senator Reid's office is community outreach. She acknowledged the district's organization of a taskforce focusing on immunization in the Hispanic community. The taskforce joined with different partnerships to find out how to mobilize and inform the public of immunizations and the importance of having children immunized. Ms. Martinez recognized that the District provides immunizations year round, and she commended all those who work to immunize children and educate the community. On behalf of Senator Reid she congratulated all those working in this field.

Maggie Petrel from the Latin Chamber of Commerce addressed the Board. The Chamber is honored to be part of the Southern Nevada Immunization Coalition and their efforts at the La Oportunidad Expo. The Chamber is fully committed to assist in raising immunization rates.

### **EMS Responders of the Year**

Trish Beckwith, Paramedic and EMS Field Representative, addressed the Board. EMS Week was celebrated May 20<sup>th</sup> – 26<sup>th</sup> this year, with a recognition ceremony on May 24<sup>th</sup>. The award is peer driven and recognizes one individual from each EMS agency that represents the very nobility that is EMS. These individuals demonstrate professionalism and they consistently strive to raise the bar of best practices in education, professional and in their every day jobs. This year also recognized the action of two citizens. On May 2<sup>nd</sup>, Missy Lyn Lasike and Tresa Lasike came upon an accident that had just occurred. They stopped to render assistance, administer CPR, and opened the victim's airway unless EMS arrived. At the request of Engine 57 and Rescue 55 from North Las Vegas Fire Department and the MedicWest crew that responded to the scene, staff were asked to recognize the actions of these two individuals as honorary recipients. Ms. Beckwith read the names of the recipients of the 2007 EMS Responders of the Year awards: Rodney Wright, American Medical Response; Michael Denton, Clark County Fire Department; Shannon Long, Henderson Fire Department; Jason Roeller, Las Vegas Fire & Rescue; Sara Duarte, MedicWest Ambulance; Denise Horvath, Mercy Air; Jason Hanor, Mesquite Fire & Rescue; and Frank Simone, North Las Vegas Fire Department. Ms. Beckwith also shared a video demonstrating what EMS personnel do on a daily basis.

### **Certificate of Achievement in Financial Reporting: Comprehensive Annual Financial Report (CAFR) 2006**

Mike Walsh reported that the annual audit report is submitted for consideration to the Government Finance Officers' Association. For the fourth consecutive year the health district has received a commendation, which reads "this certificate of achievement for excellence in financial reporting is presented to the Southern Nevada Health District for its comprehensive annual financial report for the fiscal year ended June 30, 2006. A certificate of achievement for excellence in financial reporting is presented by the Government Finance Officers' Association of the United States and Canada to government units and public employee retirement systems whose comprehensive annual financial reports achieve the highest standards in government accounting and financial reporting."

## **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.

Member Giunchigliani asked that items #5, 7 and 12 be deferred for discussion.

1. **Approve Minutes / Board of Health Meetings:** 5/24/07
2. **Approve Payroll / Overtime for Periods:** 4/21/07 – 5/04/07; 5/05/07 – 5/18/07; 5/19/07 – 6/01/07
3. **Approve Accounts Payable Registers:** #1076: 5/03/07 – 5/09/07; #1077: 5/10/0 – 5/16/07; #1078: 5/17/07 – 5/23/07; #1079: 5/24/07 – 5/30/07; #1080: 5/31/07 – 6/07/07
4. **Petition #17-07, Resolution #01-07:** Approval of Adjustments to FY 2006-2007 Appropriations

6. **Petition #19-07:** Approval of Interlocal Contract with Nevada Health Division for Tuberculosis Treatment and Control Funding July 2007 through June 2009
8. **Petition #21-07:** Approval of Revised Classification Specification for Human Resources Analyst, Recommended Schedule 23 (\$53,951 - \$75,259) and Human Resources Specialist, Recommended Schedule 21 (\$48,759 - \$67,954)
9. **Petition #22-07:** Approval of Revised Classification Specification and Title Change for Public Health Nurse Manager, Recommended Schedule 29 (\$73,332 - \$102,296)
10. **Petition #23-07:** Approval of New Classification Specification for Communications Specialist, Recommended Schedule 21 (\$48,759 - \$67,954)
11. **Petition #24-07:** Approval of Revised Classification Specification for Program/Project Coordinator, Recommended Schedule 19 (\$43,996 - \$61,368)
13. **Petition #27-07:** Approval of the Service Contract with Public Health Foundation Enterprises, Inc. for Implementation of Software for Health Card Production and Creating a Data Registry
14. **Petition #28-07:** Approval of the Contract with ID Edge, Inc. for the Development and Installation of a New Health Card System

*A motion was made by Member Smith to approve all consent items except items #5, 7 and 12 which were deferred for discussion; seconded by Member Crowley and was unanimously approved.*

5. **Petition #18-07:** Approval of Revision of District Administrative Services Fee Schedule, Emergency Medical Services Fee Schedule, Family Planning Fee Schedule, Medical Procedures Fee Schedule and Professional Services Fee Schedule

Member Giunchigliani asked if this fee schedule had been part of a public process. Mike Walsh, director of administration, responded that the environmental health fee schedules go through a public process. Member Giunchigliani confirmed that this was the first time that Board members had seen the proposed schedules. Mr. Walsh said that it was past practice to submit these fees as part of the consent agenda. He said that in the future all fee schedules will be brought before the Board before the budget is submitted. The fee increases for this schedule are very modest.

Member Giunchigliani asked about listing tattoo technicians with child care workers on the schedule; she asked about separating the two items. Dr. Sands stated that the requirements are the same for all categories listed in that section.

Member Giunchigliani also asked about a new section entitled "professional staff research." Rory Chetelat, EMS manager, responded that this was in reference to challenge candidates from other countries, where EMS programs do not align with those of the United States. There is a great deal of staff research looking at the curriculum and compare to National EMT curriculum. This proposed fee will compensate staff for the amount of research time.

She also asked about testing fees and who is responsible for the fees. Mr. Chetelat said that first responder fees are typically paid by the individual, as they are not employed by fire departments, such as Cirque de Soleil athletes and Nevada Power. The other fees are either paid by the individual or the agency depending upon the agency agreement.

*A motion was made by Member Kirk to approve item #5; seconded by Member Giunchigliani and was unanimously approved.*

**7. Petition #20-07:** Approval of Amendment #2 of the Interlocal Agreement with Clark County on behalf of Clark County Social Service for Funding to Provide of Ryan White Title I Services

Member Giunchigliani said that Clark County had an item on the Commission agenda addressing Ryan White Title I services and asked if this item was affected by the change in federal funding. Bonnie Sorenson, director of nursing, responded that the district is hoping to recover some of the additional losses, and the district is currently renegotiating the contract for former Ryan White Title I, now entitled "Part A." Seventy-five percent of federal funding must be allocated for direct medical services and not for outreach. Many agencies affected by this change provide more outreach services versus direct medical services. Member Giunchigliani wanted to ensure if this agreement was adopted that the action may not negatively impact or restrict the district from solving problems.

Member Weekly asked if she was briefed by county staff in reference to the changes prior the meeting. Bonnie said that there was a lengthy meeting where a great deal of information was shared. Member Weekly said that the Commissioners have concerns and that some information was presented after the meeting. There are numerous questions concerning outreach services. Bonnie said we receive other federal monies that can be redirected for outreach services. We are also in negotiations for a very large contract with the State and information should be forthcoming in the next month. Member Weekly again stated that full disclosure was not given prior to the commissioners' meeting and it was not clear at that time that federal monies were being cut.

*A motion was made by Member Giunchigliani to approve item #7 subject to changes in negotiations; seconded by Member Smith and was unanimously approved.*

**12. Petition #25-07, Resolution #02-07:** Approval of Resolution Extending the Designation of the Position of Vector Entomologist Supervisor as a Critical Labor Shortage Position

Member Giunchigliani asked why we are declaring something as a critical labor shortage for only three months. Dr. Sands that the incumbent is looking to retire; however we would like to retain his services through the end of the current West Nile Virus season. We are currently recruiting for this very highly specialized position and it will take time to find the right person. Deeming the position a critical labor shortage allows the incumbent to earn a salary and not be penalized. Member Giunchigliani said that she would not like to see this type of action abused. Dr. Sands said that finding staff with this particular expertise is difficult for all agencies.

*A motion was made by Member Giunchigliani to approve item #12; seconded by Member Crowley and was unanimously approved.*

**II. PUBLIC HEARING / ACTION**

Chair Fairchild said that item #4 would be heard first as Member Weekly needed to leave shortly for another meeting.

**4. Memorandum #19-07:** Adoption of Proposed Environmental Health Division Permit and Plan Review Fee Schedule; Consideration of Business Impact Statement

Mike Walsh, director of administration and Glenn Savage, director of environmental health, addressed the Board relative to the proposed fee schedule.

The following is a verbatim transcription of the public hearing concerning Memorandum #19-07.

Chair Fairchild: Good morning, Mr. Savage.

Glenn Savage: Good morning. Since our last meeting we've had meeting with the Board of Health members and we've had a couple of meetings with people within the industry. First was a meeting with Mr. Van Heffner, who represents the hotel and tourism alliance, resort association. And at that time we worked on the fee which talks about the cap of how much fees will be paid by hotels. At present it's \$3,750 and we worked out an agreement to raise the cap to \$7,500. Mr. Vigilante also attended one meeting. They expressed no concerns or issues with doing all that and Mr. Van Heffner said that I could speak on his behalf this morning that he was accepting of that. I've had other conversations with people who are in the crowd today. Mr. Nevarez is here again today, representing himself as a businessman who works with temporary events in the community. He still has a concern about the itinerant temporary event fee. He asked me yesterday, and I'm sure he can speak for himself today, but he asked me if I would tell the Board that he would like the Board to consider putting the fees concerning temporary events which are on your fee schedule outline for you on page two of five on the fee schedule. It's noted as temporary food service and is located as item #46 and also going down through that category it also talks about seasonal permits and #66 which is annual permits. His request to me is that we hold that fee as it is today for a year or two and have it reconsidered. So I'm doing that at his request. I also spoke to Ms. Julie Tracy who has been before you before concerning again itinerant permits, ones which food permit low-risk food. She also is requesting, I believe, that to consider also holding back on that area of the fees.

Chair Fairchild: Mr. Savage, just one point for clarification, so instead of having to apply event to event, they can apply for an annual itinerant permit that covers all events for the year, is that correct?

Glenn Savage: Right. Ms. Tracy's concern a couple of years ago was that she is in the kettle corn business, and I think she has branched out with some other low-risk foods, but she was paying well over \$100 for each event, and so if was participating 52 weeks, that's \$5,200+. So we worked with her and came to an agreement that people who representing low-risk food come in have their equipment approved by our plan review section, Paul Klouse and his staff, and then we would set up an inspection process throughout the year. She told me this morning that so far she has participated in twenty-two events. Everything's going well for her and staff's been out there, I believe she said only three times. Now that saves us time and effort because she has a really good system and a good presentation, and the fees are covering our costs.

Chair Fairchild: Very good. And the event to event permits, those are obviously high risk foods and are they inspected each and every time that they receive a permit?

Glenn Savage: Yes. Again, Ms. Tracy brought to our attention a few years ago about the concerns she had where fees were being paid, and some of our employees were not going out and inspecting those. Well that is a procedure that we have in place that you get a permit, we go out to each and every individual permittee and inspect it each time. So that is definitely on the books, and we want to make sure, because each event could be a little different depending upon its location, there's dust control issues, restrooms, or water issues that we make sure that things are being taken care of, so we want to make sure we're there each and every time at those types of events which present high-risk foods.

Chair Fairchild: Thank you. Any other questions from the Board? Go ahead, Chris.

Member Giunchigliani: #46 then, what would be the charge?

Glenn Savage: I believe Mr. Nevarez and Julie would suggest that if you look in the first column, which is the one to five day event, the \$126 that would stay. I believe they're suggesting that going through that column \$153, \$190 \$63, \$76, \$95, \$65 for seasonal permit and \$500 for the annual itinerant.

Member Giunchigliani: And since your budget is based on the increases that were built in, do we need to adjust your budget?

Glenn Savage: Mr. Walsh would probably be able to tell you more about that.

Member Giunchigliani: Or do we do something where after we've moving along, we'll come back . . .

Glenn Savage: It would just be less revenue that would come into Environmental Health for us to utilize. And I was telling Ms. Tracy this morning because she had some concern about the fee increase, it is a new variable. We discussed that with Board members concerning overhead. I wouldn't be here today asking for an increase in fees unless that new variable came into play. I'm not making that as an excuse, that's just how things have changed in our needs we have within the health district.

Member Giunchigliani: So Mr. Walsh then, what happens if they don't capture that, because the intent is for the fees to cover the cost of the department? Do you come back in six months and say, hey we're under budget here, we need to supplement, do we do supplemental approvals, or...

Mike Walsh: Well, it's so hard to prognosticate what might happen in terms of the different businesses coming in and what new businesses would come in, you know, the list of businesses changes with some rapidity.

Member Giunchigliani: So does he have the ability to go ahead and still do the service regardless of what they're collecting and then we make adjustments in

the next budget cycle? I'm just trying to make sure that, because you are hiring staff and you're trying to deal with moving forward that ... if we do now adopt the newer rates in these areas, do you still have the ability to do what you need to do?

Glenn Savage: I believe so. One of the things, for the Board, is currently we have a manager position which with benefits and all that stuff is \$100,000. Right now that is vacant. So that's money we're not spending.

Member Giunchigliani: You do a vacancy savings that could allow the fees...

Glenn Savage: Yep, that happens. The entomologist that we talked about a few minutes ago, that's approximately around, I believe, \$70,000 that there'll be savings even though this contract will keep Mr. Hicks here. That's savings again. So again we have this shifting of revenues and charges that happen throughout the year.

Mike Walsh: For some perspective. The original budget that was presented to you with the fee schedule that was presented showed a potential surplus in Environmental Health of \$280,000. The changes that we've mentioned to you today, that we've made by the hotel fees and the cap in that has lowered that number by about \$400,000. So theoretically the, environmental is already going to be short \$120,000 or so of covering their full costs. But things like Glenn just mentioned will occur; there will be some shifting, and who approaches us for fees and want not. I'm fairly confident that we'll come out of this evenly. With these adjustments we'll be very close to a break even for Environmental Health.

Chair Fairchild: Just out of curiosity, do you know approximately how many permits are done under item #46?

Glenn Savage: You know I don't have that before me. I have a staff member out in the crowd. I could ask Mr. Newton if he would mind to go get that category and we could give you an idea.

Robert Newton: Approximately 2,000.

Chair Fairchild: Approximately 2,000 a year. At \$35, that's \$70,000. That's \$7,000 not \$70,000. Go ahead.

Member Crowley: I just want to express a concern, and this may have been expressed last time. I apologize for not being at the last meeting. And it's a concern that needs to be balanced against trying to accommodate the necessities of running a small business compared to a big business.

Member Weekly: Yes, thank you.

Member Crowley: And there's that concern. But then there's also the concern that trying to balance that against placing everyone on an even playing field.

Member Weekly: That's right.

- Member Crowley: And I just want to express the concern that when we have someone who comes to us and says I want you to keep the fees the way they are because I like the fees the way they are, or they need to stay the way they are because I can't afford an increase. We do hear that, but if every business came to us with that comment, we would not have any fee increases. And so when we single out one fee increase and say we're not going to do that one because somebody complained about it, I don't know. I know you have to balance. I know you have to. And I guess what I'm expecting is that you've done that, and you've looked at the finances and you've looked at the hardships that they may cause, and that you've done your best here to give us your best recommendation.
- Glenn Savage: Right and I'm not trying to suggest to the Board and trying to sway you one direction or the other. It's just what the citizens brought to me and I feel that it's part of my duty to let you know what their concerns are. And it was something that happened just within the last two days – it's not going to show up in the Board memo from me, but since it's new information I wanted to bring that to you.
- Member Crowley: I guess to further that comment and something that has been mentioned already, do you have the opportunity if we do go forward with this leaving this one fee the way it is, do you have the opportunity to come back, or will you take the opportunity to come back in six months if it turns out that fee really does need to increase and go ahead and single that one out and say I'm asking for a fee increase?
- Glenn Savage: I can do that and if the Board directs me to do so, sure I will analyze that and be back in six months and give you an answer one way or the other. And we have done that in the past.
- Member Giunchigliani: In some cases you may need to reduce – it may have had even more of a negative impact that we didn't realize. Yes, we had that discussion at the last meeting, and I think over the year it would be reviewed of how do you take into consideration the smalls versus the mediums versus the large so that we're doing more of a recognition, I guess, of those businesses, and I know we had that conversation both as a Board as well as with staff that this is the way we've done it, it worked, but maybe it's time to re-evaluate, and so I think that's a process that we can work on.
- Member Crowley: And there's definitely a different of impact between a company that is a very small business, you know maybe a \$10,000, well that's probably very small, \$100,000 budget per year versus a \$1,000,000 budget per year. It's just such a difference in how the fees affect what they do.
- Glenn Savage: Maybe I'll just use the example of Ms. Tracy with her \$5,200 worth of fees and how we worked that down to \$500, I mean that was quite a bit of savings for her and like companies, so we do listen and we try.
- Chair Fairchild: Then perhaps it's time to have further breakouts under each category, you know sub-categories of how big a business is or how much, you

know, at least that would, I think, address the Commissioner's concerns about small versus large and the potentials for it.

Glenn Savage: We could do that. And what we've done in the past working with Mr. Walsh and Mr. Munninger previously, is that we're getting a feel of what we need as far as our total cost and we have to kind of back engineer what the fees are and try to arrive at that goal. And so we've done that in the past and we can take a look at doing that. Another thing just to bring up again, apartments came up in some of our discussions. I was attending a task force meeting with the City of Las Vegas concerning the slum landlords and again there is a concern and hope from some of the jurisdictions such as Metro and business license the health district would look at arriving at some sort of a fee concerning slum landlords to continue to have these public nuisance issues and public health issues. So that would be an area within the next six months I would be taking a look at and see what we can do with that area.

Member Giunchigliani: That's real helpful, because I know as we do neighborhood cleanups and so forth, I'm finding people that have been cited for the last ten years in various instances and the threshold dollar amount is like it's a hand slap. And so at some point those that do comply maybe we charge them, give them a rebate of five bucks, I mean I don't know. But those that don't then pay out stiffer penalties as far as that's concerned. So I'm glad to see that that's still in the mix for discussion purposes.

Glenn Savage: And one other thing we're looking at, Councilman Reese told us of some issues down in Freedom Park and Lorenzi Park, and we had some other concerns over on Bonanza and Owens concerning illegal vendors. We work with the business license, the city marshals and others and went out and did a sting last Saturday, and confiscated food from about fifteen, and I'll say "illegal" vendors. They did not have permits. We also did have two permitted vendors that had issues, but we did get a call from Councilman Reese and got out there and did our job; however illegal vendors don't pay – they're not in these fees and so that comes off our basic revenues to do the job. So that's an issue, too, we have.

Chair Fairchild: Dr. Onyema.

Member Onyema: Yeah, just for the record for clarification on the rate of increase. When you look at item 46, it's based on 1-5 days per event. Why is some annual increases? I don't understand how that comes into effect. They get a lot bigger bill on charged per event, which is 1-5 days and the other increase. So they have the event 10 times per year and they pay it 10 times, that's an amount (comment). Based on instances you are increasing based on an annual rate. So if he has two (comment) and the rates will increase then that's a small increase. This is an event, 1-5 days, you have about from \$136 - \$160, that's about 40% increase. You have another one license, which is \$200, \$256. So if he pays in on days of the year, doesn't make sense to me. Could you explain that?

- Mike Walsh: No, I think I understand what your question is and I guess I would defer to the methodology that Environmental Health used when they adjusted it, but I think, you know, the reason that we have these day, x number of days events, is because we probably have quite a few people who just may come here one or two weekends a year. So I don't know that they would want to buy an annual if they're only going to be in town, you know, at an event a couple of times a year versus those like Glenn was saying who are regulars and are somewhere out there every weekend doing something.
- Member Onyema: So that could be broken out into two, those who are local business people versus those who are coming into town. Would that pose a problem?
- Glenn Savage: Well we get a lot of folks who come in from California and Arizona and Utah for special events. I mean that could be one way of breaking it out. The increase from \$126 to \$161 does reflect, again backend engineering what it is we needed to pay for our overhead and to gather revenues to be able to break even. I mean that we were asked to do, and that's what we did.
- Member Onyema: No, when you look at those five day events...
- Glenn Savage: Right.
- Member Onyema: ...and the increase is 40%. Your overhead is, you know, 25, whatever it is. But if you could have an annual increase and (comment), it doesn't, it doesn't matter. So for those who have an event 1-5 days, pay event or per year, you are charging them more if you look at the unit versus somebody who has a license over a year who goes once or twice. So the local, small businesses have an even higher impact on the cost of the increases per event. That's what I'm trying to drive on that. So that may have to be looked at and see if there's any way to ...
- Glenn Savage: And I believe what they are asking is that some of them that are in that area of these fees, the itinerant of 1-5 days, and most of the events are probably are 1-5 days; we don't have a lot of events that go 6-10 or 11-14. What they're asking is to consider based upon their history and their lack of having any issues is maybe again we can keep the fees either at the same or look at even lowering them. So that's a consideration being placed on the table for us.
- Member Giunchigliani: I'd like to follow up on that. On the \$500 annual event, is that assuming that it's exactly the same program that they're doing? There's nothing else different that they have to change.
- Glenn Savage: Correct. What they do is provide to us a listing of events that they're going to be at, they give us the food products that they're going to be presenting, and the equipment has already been approved by our plan review. So it's constant, consistent every time.

Member Giunchigliani: And therefore you probably would have to do less inspections if that's the case, which is why there's a difference within the...

Glenn Savage: Exactly.

Member Giunchigliani: ...dollar amount. I do think it's a very good point that if we freeze this for now, not roll it up, it ought to be something we take a look at to see if those differentials make sense, you know, we want to reinforce where we don't have to send staff out because they've been good players and therefore maybe it's a lesser amount versus those who make you have to come back and forth because of the changes that come into play.

Member Onyema: I want to follow up on that. If they have an annual fee, and they give you the number of events they're going to be involved, that is not the center of the issue. So you still have to go out and visit them.

Glenn Savage: Different location, but if the food is low risk and that's the difference. The annual permit is low risk food – it's bottled water, it's Gatorade, it's popcorn, peanuts, pre-packaged foods versus the itinerant temporary food service permit which could be barbeque, dairy products, fish products that might be presented.

Chair Fairchild: So it's a low risk.

Glenn Savage: Right. That's the difference.

Chair Fairchild: Mr. Kirk.

Member Kirk: Madam Chairman, could I ask staff to bring us back in six months a status of where we are with these fees that we're implementing. Not only for item 46 but in six months I'd like to get a report back from Environmental Health saying that these increased fees are having the exact impact that we wanted, have we overshoot the mark or have we undershot the mark. A yearly is not enough, I think we need to know more often than just once a year, maybe quarterly, bi-annually whatever the Board thinks would be important. But I'd like to take a look at this more than just once a year. So if we could at least get a status I think that would be helpful.

Member Giunchigliani: And final, I apologize. Illegal vendors don't pay. Why?

Glenn Savage: Because they're illegal.

Member Giunchigliani: Yeah, but you catch them. So if you catch them, they should be punished for illegally doing business.

Glenn Savage: And currently the ...

Member Giunchigliani: Put them in the stocks. Where's Oscar when I need him?

Member Kirk: It's like the lady that sells strawberries on the corner in my neighborhood. I know it's illegal and I see people stopping there. I

guess the proper course of action is to call the health district and have somebody out there.

Glenn Savage: We can confiscate the food, but hopefully... We're working with, we have been, with the city marshals, business license. Actually business license can write a citation and that's where the monetary issues can be taken care of. Currently we don't have that in place.

Member Giunchigliani: Probably something we investigate, because you want people to be the good players, I mean that's the whole point is if you're dealing with health and safety you want those that are...don't punish those the ones that are doing what you ask them to do, as much as what you do with somebody that is bothering, so I understand that that's a hard one to get at and it ought to be something maybe we can work with business license to recoup some of the costs. Like we just changed the law for, nobody, Metro didn't have any time and cities and counties didn't for towing vehicles illegally on the street, so now the constable will do it and he'll recoup the cost. So there maybe some interactions we can do with another agency that might help us in that area, so.

Glenn Savage: We're currently working on our food regulations and if the Board would like, we would have no problem writing in our enforcement process some sort of citation process or a hearing officer process...

Member Giunchigliani: That would be a good start.

Glenn Savage: It'd be a start. Part of the issues we have, unfortunately, is that identification with some of the vendors is very difficult. They're not very cooperative even if Metro arrives. Having IDs or possibly not there. We've also seen a couple of other things occur within that process is just recently we worked with Metro and apparently there is a indentured servant, a slavery type concern going on, where some of these vendors owe someone lots of money or maybe they've come here as a sponsor and they come into our community and then they're sat down on the street corner with a cart or with fruits and vegetables to sell. And any money that they bring in it goes back to this person. And we've been told that; we brought in Metro the other night and it's out there. It's happening. And it's a sad state of affairs.

Member Giunchigliani: That's horrible. Maybe we could work with Latin Chamber, because unfortunately that's going to be the major population. You have some Filipino also I would think just with the Tagalog, not knowing necessarily what the rules are, but maybe that's something we could ask them to start working with us on because no one should be taken advantage of that way regardless of how they got here. So...

Chair Fairchild: Okay, any other questions from the Board. What is the Board's pleasure?

Steve Minagil: Madam Chair, this is a public hearing.

- Chair Fairchild: Thank you. This is a public hearing. Any who would like to speak to this matter please come forward. We'll need your name and address for the record, please. I think the conversation was a positive thing then.
- Martin Nevarez: I'm Martin Nevarez, owner/operator of Martino's BBQ and Mexican Grill.
- Chair Fairchild: And your address for the record please.
- Martin Nevarez: I have a few issues...
- Chair Fairchild: Sir. Mr. Martin, we need your address ...
- Martin Nevarez: Sorry. 9867 Wonderful Day Drive, Las Vegas 89103. I have a question here about farmers' market high risk permit. It's \$500 annual, multiple locations. Now they have four markets per week, times 50 weeks, so say they're out there 200 days. So does that mean they are looked at once for \$500 and they're high risk. And yet I'm a high risk, too; I do one location per week if, let's just say I do thirty events per year, and I'm charged every event, and yet these guys are high risk, too, and they're doing it for 200 days per year and they're only charged \$500 at one time. I'm just as high risk as them.
- Chair Fairchild: I'm sure Mr. Savage has an answer to that question.
- Glenn Savage: The high risk people from the farmers' market comes in again, they have brought to us the equipment they're using, the food products they're presenting, and when we go to the different farmers' markets and there's four of them and they're going from one to the next we go out and they're part of our inspection program, each and every time.
- Martin Nevarez: So all I have to do is bring in my equipment for inspection?
- Glenn Savage: He needs to, and I've talked to Martin about submitting a business plan. He needs to come in, sit down with us, and we need to work with him on different avenues that he could have his business go through, whether it's just being at farmers' markets, whether it's being low risk foods, whether it's being high risk foods. We're willing to sit down with him, in fact I offered that to him yesterday and it's still on the table for him to come in and we can work him through this and his needs.
- Chair Fairchild: I think a conversation with Mr. Savage is going to help you develop a business plan; it will help the Southern Nevada Health District understand what it is you really want to accomplish and how to want to accomplish it as a small business and without that line of communication I don't think this is ever going to get resolved. So please take advantage of this situation to meet with Mr. Savage. And then Mr. Savage, if would follow up with him.
- Glenn Savage: Absolutely. Again, I use the example of Ms. Tracy. She came in and met with us, and her cost savings for that one category was like \$4,500.

- Chair Fairchild: I think it can be worked out.
- Martin Nevarez: Will do.
- Chair Fairchild: Very good.
- Martin Nevarez: Thank you.
- Chair Fairchild: Thank you. Is there anyone else? Please come forward.
- Terese Arntson: Hi, my name is Theresa Arntson. I live at 1051 East Oakey Blvd, right near here actually.
- Member Giunchigliani: Right by me.
- Terese Arntson: Ah, yes. You used to live right around the corner then you moved. Now it's down the street, right? And I am also a food vendor who just started last September, my husband and I, and we're very small. This is probably our sixth or seventh event. And \$126 per event is quite, you know, cost prohibitive for us, especially just starting out. And I agree with Martino in that if there is a high risk food vendor at farmers' markets and they're only charged \$500 per year, maybe they can work something out with all the food vendors, such as myself and Martino and several others that here under the same rules as I am. To give us a yearly permit, even if we have a set menu and I wanted to use certain food items each year or each event, you inspect our equipment and any other steps that need to be taken, in order to reduce this cost because out of the seven or eight events that I have done we've made money on two of them and lost money on the rest. It's very hard to make ends meet, you know, when you're losing money like that.
- Chair Fairchild: Just out of curiosity, what business do you have? What kind of vending do you do?
- Terese Arntson: We've sold pizza, we've sold barbequed chicken, we were at the San Gennaro Festival over Cinco de Mayo, I don't know why they did it over Cinco de Mayo, but go figure. We had a deli out there and, we had really done away with that. We also, my husband had "Taste and Tunes" for that same event, it was Cinco de Mayo, so we lost a lot of money on that because we bought very, very good, the best quality products we could find, meats and cheeses and had, you know, deli case refrigerator out there, you know, oven. That's the main thing that we've done, chicken and pizza and hot dogs, things like that. We're kind of still trying to find out niche in what food do we do regularly so we don't have to keep, you know, buying all this food and having surplus of...our dogs are eating a lot of chicken, I can tell you right now, a lot of chicken.
- Chair Fairchild: No melamine. That's good.
- Terese Arntson: 300 pounds of chicken, you know, for this event, and it was, nobody came. Thank you very much. I appreciate it.

Member Giunchigliani: And maybe as we look at, Madam Chair, what idea we kicked around at the last meeting, too, was looking at, we looked at gross as well, so that we, the fees are somewhat in relation to what the business generated and, you know, we have to rely on the individuals for that, that might be another idea to look at. But it sounds like for some of these individuals that putting together a business plan, if that's the right term for that, that may assist them not have to pay the higher end of something but be more reflective of what job they're doing. So I appreciate you offering to work with them and then that would be something you could report back with in the six month period along with what Mr. Kirk asked for, so we kind of have an idea of what types of business plans were adopted, what impacts they had, and then over the year maybe look at the issue of the staggering as the Chairwoman mentioned or something income-based or something along those lines.

Glenn Savage: I was just, I think consistency would really help out. This lady was saying she's trying to find her niche, and hot dogs, chicken, barbeque, deli, I mean a lot different things. If we knew what a consistent plan she had or operation, that would help us out a lot. And we could sure look at going to a plan review process with that and a business plan, menu items, and that could help us out, too.

Chair Fairchild: Two points to that, as well. Obviously we have no control over the weather – inspections still need to be done. So, I mean, you took a hit, everybody took a hit on that one and obviously that's beyond our control and that's understandable. But the other thing is I notice from the last letter this gentleman brought forward a couple of meetings ago, perhaps, that the cost that the community, the city that they're participating in charges is quite high, as well. So I think it's incumbent upon all of us elected officials to go back to our jurisdictions and to review that process as well. Because instead of having to charge \$500 in Henderson, plus this inspection fee, there should be a way that the community, the city, the jurisdiction and the health district work together to make sure it doesn't pay each time you try make a couple bucks. So hopefully we'll get those messages back to our jurisdictions.

Member Smith: I have a question, and this just came up recently regarding caterers who cater events that are not public events. For instance if you go to someone's house and there's someone who is catering the meal or something like that. Do they, are they required to have any kind of inspection? How does that work, they just start their business, hand out a card and they can bring food to your house, and?

Glenn Savage: A lot of caterers who do those kind of events cater to other special events and so we do work with them, they have to have either a commissary or kitchen which they work from.

Member Smith: But if they're just...

Glenn Savage: But if they come to your house and you're having a birthday party or something like that then you're not going to see the health district out doing an inspection of that catered event.

- Member Smith: So there's no oversight into how they prepare the food or anything like that? It's just the risk you take.
- Glenn Savage: Not for that event as you described.
- Member Smith: Okay.
- Glenn Savage: Hopefully somewhere down the line, yes we do inspect them and the whole process.
- Member Smith: So there's no fee for something who just wants to open their own individual catering business and just wants to go to individual homes and...
- Glenn Savage: They have to get a business license and business license then sends us over a red flag. We evaluate are they a real business or not a real business, or what is their business plan? What are they trying to do? And it's interesting, we work with the business offices and code enforcement and try to figure that out. And sometimes there are groups out there who suggest that they're not in business and try to scam the system.
- Member Smith: So let's say I wanted to become a caterer and just do events. I would apply for a business license and then my community would send you all the food related...my business would come to you and you would come over and check my kitchen?
- Glenn Savage: Absolutely. Check all your equipment and schedule an inspection and come out and see you actually preparing food, because that's where the rubber meets the road.
- Member Smith: Is there a fee for that?
- Glenn Savage: Absolutely. A plan review fee, and then an annual permit fee for your operations.
- Member Smith: Okay.
- Member Giunchigliani: If you legally comply with stating your business, but if you don't want to...
- Chair Fairchild: You don't get the business license to begin with...
- Member Smith: Right. Well, ironically I did just have a birthday and I actually did do that, it was recommended. And I mentioned something about well does the health district inspect you and she said, no. Then the wheels started turning, well that's interesting because we check everybody else...
- Chair Fairchild: The public hearing is still open if anyone else would like to speak to this matter.

Steve Peterson: Hello, my name is Steve Peterson. I own Tommyboy Sausage here local in town.

Chair Fairchild: And your address, please.

Steve Peterson: It's 7216 Vista Bonita Drive.

Chair Fairchild: Thank you, sir.

Steve Peterson: Basically we've been in business about six years here in town. Our menu never changes, our setup never changes. So it's, most of your inspectors know who we are. And they come up, they see our operation, they know we're legitimate - we've never, ever had an issue with our set up or any of our equipment. So basically it's a cookie cutter - he comes in, he sees us, he's there may be ten minutes then he's gone. It's just a streamline. If we could get an annual permit per year and just whenever there is an event, we sign up come down, pull the permit, the fee is already paid, and the individual that's there, usually there's like six or seven or ten other vendors there. So it's not like you're going out to a satellite for one individual - so that one inspector is taking care of all ten. Basically it's just try to streamline this thing where we just pay one yearly fee and then we come down every time we do and we pull the permit. This is where we're going to be, this is what we're serving. Basically our menu never changes - it's the same thing every time we do an event.

Chair Fairchild: Thank you, sir. That brings up a thought, to kind of get to what he's talking about a yearly permit, even for the high risk foods. If you could start out at a three-month permit, kind of as a test run and say okay, the people that we see all the time, such as this gentleman, you know, that has never had a complaint, that's never had a problem, give him a three-month permit and he can do as many events as he wants to. And then start on that track, and then go to six months. If they still don't have any problems or any complaints, go to a six month program, and then go to a yearly permit. Because, you know, that would show that we're trusting these fellows that are doing their job and doing it well. And, you know, showing a little respect for having the businesses, and the people that are not doing a good job are going to continue to be caught, they'll never get past that either monthly or per event charge or...it's a thought. I know it's going to be really a lot of paperwork, but it's really going to help those who are doing an excellent job.

Glenn Savage: If the Board would direct me to having the authority to grant an experimental permit, I'd be more than happy to put some of these businesses into that kind of a category to work with them and gather data and information so it can come back to the Board what worked and what didn't. We have done that in the past in Solid Waste and if you would like for us to take a look at that, we'd be interested in doing that.

Member Vigilante: One thing that I know that the public's going to want to know is, it's going to make a lot of sense to them, if you go to an annual permit for them, will the inspection process be more thorough or would it change

from what they are currently used to? Because now it's going to open up other areas going to a yearly permit. I know from their point of view, I'm sure they're going to want to know how they're going to be inspected.

Glenn Savage: It would be random, because we want to see how the consistency that they claim to have, so it would be a random situation. So as the gentleman just spoke, he's doing many, many events, and he lets us know, we can even set up systems where he could email the information of what events he's going to be participating in and then we can randomly choose, pick and choose which ones, or piggy-back it on some other work that we do after hours, because most of these things are on weekends or after hours. We'll go and visit him – we can work that out.

Member Vigilante: And that would include the commissaries, too?

Glenn Savage: Absolutely, because they need commissaries.

Chair Fairchild: Does that sound like a pretty good idea folks? I see some nods back there. Good. Dr. Sands?

Dr. Sands: If the Board wishes we can get Glenn's folks to work on preparing a draft of a plan and present that to the Board at one of the next sessions and get some feedback based on your interest.

Member Giunchigliani: I'd like to try a motion...

Chair Fairchild: Is there anyone else from the public who'd like to speak? Okay, seeing no one, we will close the public comment. Okay, Chris.

Member Giunchigliani: I would move to accept the proposed fee increases with the exception of...was it only item 46, and I didn't write down the number of the other one...

Chair Fairchild: Temporary food service and temporary event locations.

Member Giunchigliani: ...and that it would be permitted to develop a, what's the terminology he just used, a draft plan to bring back regarding the temporary food service to the Board.

Chair Fairchild: So staff has direction?

Glenn Savage: I believe so.

Chair Fairchild: Okay, is there a second?

Member Smith: Second:

Steve Minagil: Excuse me. So those items, those fees stay the same?

Member Giunchigliani: The fees stay currently as they were without the increases. Thank you for letting me clarify that.

Member Kirk: I don't think it needs to be part of the motion, but I would just like to include the six month review.

*A motion was made by Member Giunchigliani to accept the Environmental Health Division Permit and Plan Review Fee Schedule with the exception of items #44 and 66, which will remain current with no increases, and that staff be directed to develop a draft plan regarding temporary food service permits; seconded by Member Smith and was unanimously approved.*

1. **Variance Request** to Operate a Public Bathing Place not in Compliance with the Nevada Administrative Code (NAC) 444, Public Bathing Places, NAC 444.204 (APN #179-18-802-008). **Petitioner:** City of Henderson Parks & Recreation, Dominick Casey, Acting Superintendent.

Member Kirk stated that he would need to abstain from voting on the item.

Paul Klouse, environmental health supervisor, presented a variance request from City of Henderson Parks & Recreation. The variance would allow the City of Henderson to have a fence separating a wading pool from the main pool, within the normal approved barrier which is required by regulations. Staff recommends approval subject to conditions. Dominick Casey represented the City of Henderson.

Chair Fairchild asked the applicant if he agreed to comply with staff's recommendations. He responded in the affirmative.

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

Member Onyema questioned the validity of regulations and to whom they apply as numerous variances are coming forward. Chair Fairchild responded that all regulations are required to have a case by case determination by the governing board. Member Onyema expressed concern that the regulations are faulty if variances are continually sought. Member Smith said that in the ten years she has served on the Board, this is the first time she had seen this type of fencing deviation. She does not want to see standards lowered; however she expects that public safety is assured at each swimming pool. Member Giunchigliani said that it was time to review Nevada Administrative Code 444, which had not been reviewed since 1988 and the types of pools being constructed are much different than they were twenty years ago; she offered to contact Mr. Haartz to request a review. Staff was directed to contact the Nevada State Health Division about a review of NAC 444.

*A motion was made by Member Smith to approve the variance request with the specified conditions; seconded by Chair Fairchild and was unanimously approved, with Member Kirk abstaining.*

2. **Variance Request** to Operate a Public Bathing Place not in Compliance with the Nevada Administrative Code (NAC) 444, Public Bathing Places (APN #162-20-603-007). **Petitioner:** Cosmo Senior Borrower, LLC, dba the Cosmopolitan Resort & Casino

Paul Klouse, environmental health supervisor, presented a variance request from the Cosmopolitan Resort & Casino. The variance would allow the resort to have a zero depth entry

with a sand bottom with alternative deck markings. Staff recommends approval subject to conditions. Mike Siracusa and Desmond Stevens represented the resort.

Chair Fairchild asked the applicants if they agreed to comply with staff's recommendations. Both responded in the affirmative.

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

Member Crowley asked how a sand bottom pool is cleaned. Mr. Stevens replied that the sand is cleaned through a vigorous turnover rate with constant upflow that is freshly chlorinated filter water. The water is moved as often as every twenty to thirty minutes. Member Crowley asked about items that may settle in the sand. Mr. Stevens said that a daily raking process and visual observation occurs. Mr. Klouse stated that condition #2 is an exhaustive description of the sand; condition #5 calls for an annual inspection of the sand and the pool bottom must be uncovered at that time. This is an upwelling system that forces freshly chlorinated filter water up through so that any organic material is forced out of the pool through the regular filtration system. Member Crowley suggested that the NAC address pool types such as this, as it may be a popular type of pool.

*A motion was made by Member Giunchigliani to approve the variance request with the outlined conditions; seconded by Member Smith and was unanimously approved.*

- 3. Variance Request** to Operate a Public Bathing Place not in Compliance with the *Nevada Administrative Code (NAC) 444, Public Bathing Places, NAC 444.136; (APN #162-22-502-002).*  
**Petitioner:** *Yony Properties, Yoel Iny, President, Steven Abel, Managing Agent, Abel Commercial*

Paul Klouse, environmental health supervisor, presented a variance request from Yony Properties. The facility was built in 1978. The regulation at that time called for a 48" barrier measured from the ground to the top handhold of the barrier. Today's regulations call for five foot barrier requirement measured from the bottom foothold to the top handhold. Plan review worked diligently to ensure that the facility is safe and the barrier is protective. The fencing has spires atop which makes it very difficult to climb. The purpose of the regulation is to prevent a small child from unauthorized access to the pool; staff believes that the fence does serve this purpose. This variance will protect the owner of the property for the duration of ownership until the fencing is no longer deemed safe or beyond repair. Steven Abel represented Yony Properties.

Chair Fairchild asked the applicant if he agreed to comply with staff's recommendations. He responded in the affirmative.

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

Member Crowley asked about a change in requirement that is placed on a business, such as a new fence complying with current regulations. She asked how staff is made aware of existing variances. Mr. Klouse said that one of the reasons for the variance to alert staff that the existing construction is acceptable. When the health divisions last revised the regulation there was no grandfather clause – there is a vague statement in 444.136 that mentions existing construction, but makes it impossible for compliance. Member Crowley asked if more variances will be forthcoming as there is no grandfather clause in current regulations. Mr. Klouse said that

numerous evaluations on existing fences has occurred, with allowance for a 10% engineering variation in the barriers based on measurements below the 60" requirement. Most can be repaired using various methods to eliminate hand and footholds.

Member Kirk said that as the pool was built under a different code, it is held to a different code. He commended staff for their efforts in ensuring public safety and the lengths they go to in assisting facilities with existing conditions.

*A motion was made by Member Kirk to approve the variance request with the specified conditions; seconded by Member Giunchigliani and was unanimously approved.*

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

- 1. Committee Report/Recommendation:** Nominees for Southern Nevada District Board of Health Officers for FY 2007-08 (Committee: Chair Fairchild, Members Kirk and Reese)

Chair Fairchild stated that the Committee met in early June and brought forward recommendations for Officers for FY 2007-08. Recommendations include Steven Kirk for Chair; Chris Giunchigliani for Vice Chair and Gary Reese for Secretary.

*A motion was made by Member Smith to accept the recommendations of Steven Kirk for Chair; Chris Giunchigliani for Vice Chair; and Gary Reese for Secretary as Southern Nevada District Board of Health Officers for FY 2007-08; seconded by Member Giunchigliani and was unanimously approved.*

### **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 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 subsequent meeting.

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

Michael Pontone spoke on behalf of his client, who owns a pool service company. He addressed concerns about closure and reinspection standards. He cited NAC 444.300 and 444.302. He referenced a memorandum issued February 24, 2004 listing the nine areas which result in closure of a pool with conditions which may seriously endanger public health, as well as a \$250 reinspection fee. The main concern is a perception that the inspectors do not routinely follow the guidelines. He asked for uniformity in training of inspectors, and a current and clear statement of conditions which could result in closure of a pool due to conditions which may seriously endanger public health.

John McCallum addressed the Board regarding his concerns about inspections of pools, closures and reinspections. He referenced a committee formed in 2004 to address pool inspections and guidelines. He asked for a more definitive standard in the inspection process.

Chair Fairchild said that children often soil pools, which may happen after a service company leaves and will result in a pool closure. Mr. McCallum said he understands the health hazards; he

is concerned with the physical conditions which are unclear. He asked to know exactly why a pool is being closed and would appreciate better communication. He asked to be present when an inspection is occurring to show the inspectors where the equipment is and answer any questions. Chair Fairchild recommended that the home owners' associations need to be more involved.

Member Giunchigliani said that the memorandum should be revisited and a more concise policy be developed and posted. She suggested creating a committee to address the concerns. She asked about an appeals process for situation such as this. Mr. Minagil said that only Solid Waste has a hearing officer process. Member Giunchigliani said that a process should be in place where appeals can occur before a citizen comes to the Board. Mr. Savage said that NAC 444.300 and 444.302 addresses violations and hearings. He said in February 2004 the following areas were listed as posing seriously endangering public health: loose, missing or damaged drain covers; water clarity, missing or inadequate depth markers, non-function recirculating systems, fencing, fecal matter, GSCI not working properly, no detectable disinfectant, and complete absence of life-saving equipment. Member Giunchigliani said that these points were not the problem, but how they are interpreted and lack of communication.

Member Savage said that many things can happen to alter equipment after the pool service company has left. Staff has gone to CPO training, which is a national certified pool operators tests, and internal training occurs. He said that staff has not approached him with any concerns or confusion. He said that one scheduled appointment can occur with one random inspection during the year is an option. He agreed that the regulations need to be brought current and address conditions in Southern Nevada.

Chair Fairchild said that communication is key. Member Smith said that some items should be addressed in the contract with the home owners' associations, such as vandalism by tenants. Member Vigilante suggested that leaving a schematic on site would be helpful for the inspectors, possibly posted in the equipment room.

Chair Fairchild asked if anyone else from the public wished to address the Board.

Member Kirk asked about the possibility of posting the restaurant ratings on line. Constituents have come to him with concerns about a restaurant being downgraded and finding out about it in the newspaper. He would like to see a more timely posting of the ratings. Dr. Sands said that the newspapers come to the office and select different restaurant information to include in the newspaper. Member Kirk asked why we do not have this information available online; Dr. Sands said that it is largely a resource concern. He said that we are researching different avenues available to post the information on our website. Citizens can always call Environmental Health for current information about facilities. Member Kirk said that having the information available online would also provide an historical account of facilities to see the number of times a restaurant is closed in a certain time frame. He said that it is our job to ensure the public is protected and we need to make information available to the public. Dr. Sands said that it is a significant investment of resources but it is something we are interested in pursuing.

Dr. Sands said that the district is interested in pursuing this venue and will research all possibilities and inform the Board.

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

### **Health Status Report Volume II**

Dr. Sands referenced the Health Status Report, Volume II which was given to the Board. He commended the Epidemiology staff for a job well done. He said that a presentation will occur at the July meeting, and the Board may bring forward questions to staff at that time regarding the report.

### **Nevada Clean Indoor Air Act (NCIAA)**

Mr. Minagil informed that Board that the district proceeded to court on June 6 and obtained a preliminary injunction against a bar/grill that refused to remove ashtrays and other smoking paraphernalia. The establishment raised a number of constitutional challenges, which the Court did not feel were substantial to deny the injunction. At this time all ashtrays and smoking paraphernalia has been removed from this establishment. A second legal action was filed this month. Eighteen businesses have been contacted regarding non-compliance with NCIAA. Inspections continue to occur and letters are sent to businesses not in compliance. Two meetings occurred this week with both businesses agreeing to comply with the Act.

Chair Fairchild thanked Mr. Minagil for his diligence in ensuring that compliance occurs.

### **New Facility Update**

Mike Walsh, director of administration, addressed the Board regarding the new building. He has spoken with county staff about funding strategies. The district will need to shift some of the property tax dollars allocated to the district from operations to capital expenditures. Currently this equates to \$1.8 million. This money will be used for repayment of bonds beginning with FY 2009. Mr. Walsh said that the UMC Wellness Center and the Ryan White A program from Clark County Social Services may be housed in the new facility as their programs have similar target populations. Mr. Walsh and the architects will meet with UMC staff to discuss physical layout on the first floor, with separate entrances for each service (TB, STD, and HIV/AIDS clinics). With relocation of the Southern Nevada Public Health Laboratory and changes to the first floor to accommodate new programs, the building will cost approximately \$70 million (in 2010 dollars). County management have prepared an item for the July 3<sup>rd</sup> Board of County Commissioners' meeting agenda to provide an update on the facility and show a rendering of the modified building taking into account the proposed changes.

Chair Fairchild commented that this is her last meeting. She said that it has been an honor to work with and for the health district.

## **VI. INFORMATIONAL ITEMS**

***DULY NOTED***

### **A. Chief Health Officer and Administration:**

1. Monthly Activity Report, Mid-May 2007 – Mid-June 2007
  - a. Letter of Appreciation to Ann Markle from the Venetian Resort Hotel Casino concerning health card service
2. Financial Data: Revenue and Expenditure Report for General Fund, Capital Reserve Fund and Public Health Laboratory Fund for the Month of May 2007
3. Public Information Monthly Report, Mid-May 2007 – Mid-June 2007

### **B. Community Health:**

1. Monthly Activity Report, May 2007
  - a. Letter of Appreciation to Rayleen Earney from NV Area Health Education Centers (AHEC)
  - b. Letter of Appreciation to Gail Muniz from San Diego Prevention Research Center

- c. Influenza Newsletter
- d. Health Alert Network Brochure
- e. Notice to Health Care Providers
- f. Letter to Health Care Providers
- g. May 2007 Communicable Disease Statistics

**C. Environmental Health:**

- 1. Monthly Activity Report, May 2007
  - a. NEHA Outstanding Nevada Environmental Health (NEHA) Professional Award plaque to Glenn Savage

**D. Clinics and Nursing:**

- 1. Monthly Activity Report, May 2007
  - a. STD Surveillance Technical Bulletin
  - b. Office of AIDS/HIV Surveillance Activities
  - c. Syphilis Outbreak Flyer for collaboration with businesses
  - d. Letter of appreciation concerning the Immunization Clinic
  - e. In-Service schedule

**VII. ADJOURNMENT**

There being no further business to come before the Board, Chair Fairchild adjourned the meeting at 11:02 a.m.

SUBMITTED FOR BOARD APPROVAL

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

/src