



MINUTES

Southern Nevada District Board of Health Meeting

625 Shadow Lane
Las Vegas, Nevada 89106
Clemens Room

Thursday, September 27, 2007 - 8:00 A.M.

Chair Steven Kirk called the meeting of the Southern Nevada District Board of Health to order at 8:00 a.m. and the Pledge of Allegiance was held. Stephen Minagil, Legal Counsel confirmed the meeting had been noticed in accordance with Nevada's Open Meeting Law and that a quorum was present.

Board Members Present:

Steven Kirk
Chris Giunchigliani
Gary Reese
Jim Christensen, MD
Susan Crowley
Robert Eliason
Joseph Hardy, MD
Bubba Smith
Linda Strickland
Jimmy Vigilante
Lawrence Weekly

Chair, Councilman, Henderson
Vice Chair, Commissioner, Clark County
Secretary, Councilman, Las Vegas
At-Large Member, Physician
At-Large Member, Environmental Specialist
Councilman, North Las Vegas
At-Large Member, Physician
Councilmember, Mesquite
Councilmember, Boulder City
Alternate At-Large Member, Regulated Business/Industry
Commissioner, Clark County

Absent:

Ricki Barlow
Tim Jones
Mary Jo Mattocks, RN
Travis Chandler
Tom Collins
Frank Nemeec, MD
John Onyema, MD
Steven Ross
Gerri Schroder
Stephanie Smith
Debra Toney, RN

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

Executive Secretary:

Lawrence Sands, DO, MPH

Legal Counsel:

Stephen R. Minagil

Other SNHD Board of Health Members/Alternates Present:

Lon Empey

Alternate At-Large Member, Environmental Specialist

Staff: Mike Walsh; Sylvia Claiborne; Dennis Campbell; Rory Chetelat; Angus MacEachern; Deborah Williams; Jane Shunney; Patricia Rowley; Ann Markle; Veronica Morata-Nichols; Glenn Savage; Mary Ellen Harrell; Kay Godby; Nicole Truax; Steve Goode; Nancy Hall; Patty O'Rourke-Langston; Gwen Osburn; Diana Daniels; Jerry Boyd; Jennifer Sizemore; Stephanie Bethel; Brian Labus; Leo Vega; Forrest Hasselbauer; Recording Secretaries: Shelli Clark and Diana Lindquist

ATTENDANCE:

<u>NAME</u>	<u>REPRESENTING</u>
William Hsia	Lakewood Recycling
Su Phelps	Lakewood Recycling
Cheng T. Shih	City of Las Vegas
Tracee Scott	City of Las Vegas
Katherine Duncan	Sales Force Hotel Furnishings
Doug Dolayne	Lunas Construction
Victor Madrigal	Lunas Construction
Norberto Madrigal	Lunas Construction
Bud Cranor	City of Henderson
Fred Couzens	Review Journal – Boulder City View
Jeremy Davis	City of North Las Vegas
Maria Pena	Good Night Mattress
Tom Davis	Justice & Associates
Laurie E. Sanders	Alpha Environmental Services
Robin Robinson	Shear Force
Chuck Bailey	Shear Force
Vince Collet	Secured Fibres
Rob Tidwell	Republic Environmental Technologies
Phil Hoffman	Self
Gail Yedinak	University Medical Center
Katie Fellows	Jones Vargas
James Kaup	Secured Fibres

I. CONSENT AGENDA

These are matters considered to be routine by the Southern Nevada District Board of Health and may be enacted by one motion. Any item, however, may be discussed separately per Board Member request before action. Any exceptions to the Consent Agenda must be stated prior to approval.

- 1. Approve Minutes / Board of Health Meeting: 8/23/07**
- 2. Approve Payroll / Overtime for Periods: 7/28/07 – 8/10/07; 8/11/07 – 8/24/07; 8/25/07 – 9/07/07**
- 3. Approve Accounts Payable Registers: #1089: 8/02/07 – 8/08/07; #1090: 8/09/07 – 8/15/07; #1091: 8/16/07 – 8/22/07; #1092: 8/23/07 – 8/29/07; #1092: 8/30/07 – 9/05/07**
- 4. Petition #34-07: Approval of Interlocal Contract with Clark County for Public Health Nurse Liaison Services for Child Protective Services**
- 5. Petition #35-07: Approval of Revised Classification Specifications for Environmental Health Engineer/Supervisor, Schedule 27 (\$68,660.80-\$95,833.92) and Environmental Health Engineer I/II, Schedule 24 (\$58,916.00-\$82,203.68) / Schedule 26 (\$65,280.80-\$91,087.36)**
- 6. Petition #36-07: Approval of Revised Classification Specification for Human Resources Assistant,**

Schedule 16 (\$39,164.32-\$54,633.28) and New Classification Specification for Senior Human Resources Assistant, Schedule 18 (\$43,363.84-\$60,451.04)

7. **Petition #37-07**: Approval of Revision of District Administrative Services Fee Schedule and Professional Fee Schedule
8. **Petition #38-07**: Approval of Interlocal Agreement with Clark County Providing \$25,000 for the District's Drowning Prevention Campaign

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

II. PUBLIC HEARING / ACTION

Chair Kirk said that item #1 would be trailed; items #2-6 would be heard first.

2. **Memorandum #12-07**: Application for Approval for the City of Las Vegas to Operate a Solid Waste Management Facility – Transfer Station at its East Maintenance Yard Located at 3144 E. Bonanza Road, Las Vegas, Nevada 89101. (APN 139-25-802-006).

Chair Kirk declared the public hearing open.

Dennis Campbell, Solid Waste Compliance Manager spoke relative to this item. Mr. Campbell stated that the City of Las Vegas has met all requirements as specified in section 4 of the Transfer Station Regulations. At this time, staff recommends approval for this permit based on final inspection with the conditions as outlined in the memorandum. Ms. Tracee Scott was present to answer questions of the Board.

Member Reese indicated that he had been briefed on this item. He said the facility is in the neighborhood where he lives, and he has no problem with approving the application.

Member Giunchigliani asked about odor issues as the facility is in a CD area, but next to an R-PD area. Member Reese said the facility is next to Freedom Park and across from Desert Pines. There is a block wall around the perimeter. It is also by the animal shelters.

Member Giunchigliani also noted a typographical error on page 8 of the memorandum: the correct spelling of the engineer should be "Shih."

Chair Kirk asked if anyone from the public wished to speak to this matter. No one came forward to speak and Chair Kirk closed the public hearing.

A motion was made by Member Reese to approve the application as submitted with the conditions outlined in the memorandum; seconded by Member Crowley and was unanimously approved.

3. **Memorandum #26-07**: Application for Approval for Secured Fibres to Operate a Solid Waste Management Facility – Recycling Center Located at 4751 Vandenberg Drive, North Las Vegas, Nevada 89081 (RC011-XXX-01).

Chair Kirk declared the public hearing open.

Dennis Campbell, Solid Waste Compliance Manager spoke relative to this item. Mr. Campbell stated that Secured Fibres has met all requirements to function as a recycling center as

specified in section 4 of the Recycling Center Regulations. At this time, staff recommends approval for this permit based on final inspection to be scheduled at a future date with the conditions as outlined in the memorandum. Jim Kaup was present to answer questions of the Board.

Chair Kirk asked if Mr. Kaup had any information to add to the record; he had none. Chair Kirk also asked if he agreed with the conditions as outlined; Mr. Kaup responded affirmatively.

Member Crowley asked what type of materials would be recycled. Mr. Kaup said the facility is a commercial recycler, recycling all grades of paper, some plastics and aluminum. She asked if it were source separated and Mr. Kaup said it was.

Member Giunchigliani asked if the materials are reused in any way. Mr. Kaup said the facility processes all grades and sell to mills where it is reprocessed. She also asked about converting plastics into bio-fuels and if the facility had that capacity. Mr. Kaup said that they did not generate enough plastic to handle that means; however, they are pursuing reuse of plastics. The facility picks up materials from commercial properties.

Member Eliason commented on the cleanliness of the facility and the pride of the co-workers.

Member Smith noted the five items on today's agenda. He referenced the environmental health monthly report where it was noted that solid waste complaints have decreased; however the fines are increasing. He asked what types of fines are being levied and what issues are involved.

Mr. Campbell said that the number of complaints have decreased greatly, following an all-time high of over 1,800 complaints. Staff did some investigating to find out why there were so many complaints. Many facilities that should be permitted to operate as recycling centers, materials recovery facilities, or transfer stations operate without a permit. The facilities are cited and given opportunity to apply for a permit. The business is brought before the hearing officer and penalized for operating without a permit. The penalty is based on the number of times inspectors are at the facility trying to assist with the permit process.

Member Giunchigliani expressed concern that the business is only given a fine and allowed to apply for a permit. Mr. Campbell said that once a facility is found operating without a permit, a cease and desist order is given. The business is instructed to start the permit process. If there is no follow through on the cease and desist order, staff will continue to frequent the site. If there continues to be no permit process followed, the business goes before the hearing officer and is subsequently penalized. Member Giunchigliani inquired about the maximum fine. Mr. Campbell said the range is between \$500 and \$5,000. The fine is generally on a per count basis at \$900 per count.

Member Giunchigliani further expressed her concern over facilities operating without permits and not being penalized; she felt the businesses were rewarded by being given the opportunity to apply for a permit versus being closed down for a period of time. She felt that bad business should not be rewarded, as some businesses could be buying stolen copper, which is a growing problem in our community.

Mr. Campbell said that one good turn as a result of businesses going before the hearing officer is the increase in the number of applications coming to staff. Solid Waste Compliance has no tolerance for those facilities operating without a permit. The grand opening for Evergreen Recycling occurred yesterday, which was the first permitted solid waste materials recovery

facility. The state of the art facility brings in construction debris. This business serves as an example to others in the industry.

Member Eliason said that recent changes in regulations by the Board facilitated these changes allowing more businesses to be permitted, as well as enforcing the penalty process.

Member Christensen said this has been a five year process, and it took time to see the permits come through.

Member Giunchigliani asked what is looked for when making complaints. Mr. Campbell said that the complaints range from seeing illegal dumping on the ground in a variety of areas to the operation of illegal solid waste disposal facilities. Staff can run license plate numbers to take before the hearing officer. Apartment complexes or homes with sewer problems can be reported, and staff will follow through. If there is no action in four hours, staff prepares a notice of violation and the owner is taken before the hearing officer. When staff does routine inspections if solid waste is observed on the ground or a facility functioning as a permitted facility, a cease and desist order is initiated.

Member Eliason said when this process began Silver State was the only true materials recovery facility. With Mr. Minagil's assistance, businesses are being brought into compliance.

Chair Kirk asked if anyone from the public wished to speak to this matter. No one came forward to speak and Chair Kirk closed the public hearing.

A motion was made by Member Crowley to approve the application as submitted with the conditions outlined in the memorandum; seconded by Member Hardy and was unanimously approved.

- 4. Memorandum #27-07:** Application for Approval for Lakewood Recycling (RC010-XX-01) to Operate a Solid Waste Management Facility – Recycling Center Located at 1609 Stocker Street, North Las Vegas, Nevada 89030.

Chair Kirk declared the public hearing open.

Dennis Campbell, Solid Waste Compliance Manager spoke relative to this item. Mr. Campbell stated that Lakewood Recycling has met all requirements to function as a recycling center as specified in section 4 of the Recycling Center Regulations. At this time, staff recommends approval for this permit based on final inspection with the conditions as outlined in the memorandum. William Hsia was present to answer questions of the Board.

Chair Kirk asked if Mr. Hsia agreed with the conditions as outlined; Mr. Hsia responded affirmatively.

Chair Kirk asked if anyone from the public wished to speak to this matter. No one came forward to speak and Chair Kirk closed the public hearing.

A motion was made by Member Vigilante to approve the application as submitted with the conditions outlines; seconded by Member Crowley and was unanimously approved.

- 5. Memorandum #28-07:** Application for Approval for Lunas Construction Clean Up, Inc. to Operate a Solid Waste Management Facility – Materials Recovery Facility Located on Betty Lane (APN: 140-16-103-009), Las Vegas, Nevada 89146 (MRF06-XXX-01).

Chair Kirk declared the public hearing open.

Dennis Campbell, Solid Waste Compliance Manager spoke relative to this item. Mr. Campbell stated that Lunas Construction Clean Up has met all requirements to function as a materials recovery facility as specified in section 4 of the Materials Recovery Facility Regulations. At this time, staff recommends approval for this permit based on final inspection with the conditions as outlined in the memorandum. Norberto Madrigal was present to answer questions of the Board.

Chair Kirk asked Mr. Madrigal if he agreed with the conditions as outlined; Mr. Madrigal responded affirmatively.

Member Giunchigliani said that during the review process the application was amended and updated to be considered a recycling plant; she asked what that referred to. Mr. Campbell said when an application is initially submitted, if there is anything that does not meet with the requirements of section 4 of the regulations, the applicant is given a list of comments in addition to comments from the public workshop. The applicant can then make changes to the application to ensure it meets the requirements of the appropriate regulations. Member Giunchigliani asked to clarify that this is a standard process if someone does not meet all requirements. Mr. Campbell affirmed that this is part of the review process for each and every application.

Chair Kirk asked if anyone from the public wished to speak to this matter. No one came forward to speak and Chair Kirk closed the public hearing.

A motion was made by Member Giunchigliani to approve the application as submitted with the conditions as outlined in the memorandum; seconded by Member Reese and was unanimously approved.

6. **Memorandum #29-07:** Application for Approval for Shear Force Demolition, Inc. to Operate a Solid Waste Management Facility - Recycling Center Located at 5001 Copper Sage Road, Las Vegas, Nevada 89115 (RC017-XXX-01).

Chair Kirk declared the public hearing open.

Dennis Campbell, Solid Waste Compliance Manager spoke relative to this item. Mr. Campbell stated that Shear Force Demolition has met all requirements to function as a recycling center as specified in section 4 of the Materials Recovery Facility Regulations. At this time, staff recommends approval for this permit based on final inspection with the conditions as outlined in the memorandum. Chuck Bailey and Robin Robinson were present to answer questions of the Board.

Chair Kirk asked Mr. Bailey and Mr. Robinson if they agreed with the conditions as outlined; both gentlemen responded affirmatively.

Member Giunchigliani said in review of the workshop minutes she wanted to know if it were satisfied who was running in the agency. Mr. Campbell said that Mr. Bailey is the president and owner. Member Giunchigliani said that the permit will belong to Mr. Bailey and is not transferable and that he must comply with that stipulation. Mr. Bailey agreed.

Chair Kirk asked if anyone from the public wished to speak to this matter. No one came forward to speak and Chair Kirk closed the public hearing.

A motion was made by Member Reese to approve the application as submitted; seconded by Member Christensen and was unanimously approved.

1. **Memorandum #22-07:** Adoption of Proposed Southern Nevada Health District (SNHD) Regulations Governing the Sanitation and Safety of Used Mattresses, Bedding and Upholstered Furniture; Consideration of Business Impact Statement

Chair Kirk declared the public hearing open.

Dr. Sands introduced Glenn Savage, environmental health director and Nancy Hall, senior environmental health specialist who presented a PowerPoint on the proposed regulations (**attachment #1**). Dr. Sands said this effort was the culmination of many months of work and research.

Mr. Savage made a few comments about the solid waste program. He said that after several years of working with the community, we are seeing the culmination of that good, hard work with more permit applications coming forward. Enforcement is taken very seriously by citing those facilities operating outside the boundaries of law. Some penalties against errant business have been over \$100,000. Mr. Minagil has sought injunctions in the court system against some businesses as well. The program is maintained well by Mr. Minagil and staff.

Mr. Savage said today staff is bringing forward the proposed regulations governing the sanitation and safety of used mattresses, bedding and upholstered furniture. He recognized Ms. Hall for her efforts in authoring regulations, in addition to gathering and researching information relative to proposed regulations.

The process began last year when staff found facilities in the community selling mattresses listed as either new or used. These investigations caused great concerns due to the materials found on the mattresses, such as body fluids and bed bugs, and rusted and broken materials. Other bedding materials, such as pillows and comforters, were also stained with body fluids. Some mattresses and bedding listed as "new" upon inspection showed various body fluids, and residual material on springs and coils or broken boards.

Last April, the Board approved regulations governing public accommodations, which included in Appendix J an opportunity to develop further regulations regarding sanitation of mattresses. The appendix as written reads: "Allow sanitized and refurbished used mattresses and bedding in PA facilities if purchased from an approved 'sterilization plant.' 'Sterilization plant' must have completed 1) application process; 2) plan review; and 3) secured a Health Permit or Approval to operate." This condition allowed for a reciprocity process.

California has permitted several companies to dry heat as a method of sanitation. They are willing to provide materials to be used in our community. There are individuals in our community who are interested in pursuing this venue as well.

When sanitizing, reusing or reconstructing a mattress or box springs, proper identifying tags are required. In routine inspections many mattresses did not have identifying tags – they were either missing or improper. Some mattresses showed a Clark County business license number as a registry number and the licenses were found to be either void or expired; others listed invalid California registry numbers.

Staff held discussions with Steri-Fab, the leader in chemical sanitation, who instructed staff on how the product is to be properly used. The mattress must be saturated in order for effective sanitation to occur. Under ultra-violet (UV) light, crystals should be visible where the chemical was applied. The chemical must be applied in a continuous stream; a garden-type sprayer will not provide the

coverage or saturation necessary for sanitation to occur. Inspections in area facilities showed that use of proper sanitation methods was not occurring.

Within the community, businesses are offered licenses under various auspices, such as secondhand dealers, furniture repair, upholsterers, and other titles. Some cease and desist orders were issued due to public health concerns. One local facility stored mattresses outside behind a warehouse. Coils that were deemed "new" were bent and had residue materials on them. Unkempt, unclean and unsanitary conditions were present within the warehouse; new and used materials were kept in same area, allowing for infestation of bed bugs on all materials, both new and used. Personal items were also kept throughout the work area. When inspection occurred, there was no evidence present of any chemical sanitizer. Following construction of the refurbished mattresses, a secondhand (used) tag must be applied. This particular facility was using the California format with a Clark County business license number as a "Nevada registry number," which is invalid. Obviously used mattresses were labeled as "new" with very high prices.

Staff held a meeting a local facility in October 2006. Discussion included proper chemical sanitation processes and how to obtain approvals. The owner was informed of the variance process from the state of Nevada. Staff notified the owner of public workshops and hearings. The owner did not maintain contact with staff.

Another business went to the state Health Division seeking a variance. Staff attended the hearing and provided information regarding facility operation. The variance was granted and staff received instruction from the health division to work with the company and develop regulations.

Chair Kirk asked which office at the state issued the variance. Mr. Savage replied that the Health Division issues variances.

Mr. Savage said staff maintained in close contact with California inspectors, including site visits. Conditions in those facilities were not always the best, but there were some successes.

Some concerns addressed in the initial cease and desist order, which resulted in the state-granted variance, include:

- Vague procedures
- No detail on "sanitation room" design
- No detail on visual inspection process that was going to be perform by Hotel Furniture Sales staff
- No procedure for disposition of mattresses with adulterants present
- Open-ended phrases, or "comparable product" left room for blanket approval of any chemical treatment
- "thoroughly treated" not defined
- Insufficient, improper application of Steri-Fab would likely not eliminate bedbugs, including ova

Following the cease and desist order, staff learned that a change of ownership had occurred, with the promise that conditions would improve. Upon later inspection similar conditions still existed and the new owner did not have a business license, also claiming he was unaware of the cease and desist order. Labeling of mattresses continued to be a problem with improper and invalid registry numbers.

An investigative trip to California in February 2007 showed that some facilities had adequately trained staff, yet other facilities using chemical sanitation methods relied on inspectors for advice on proper usage techniques. There were some facilities using a dry heat process with materials properly stored and a log of events existed. These facilities were very clean and well kempt.

Based on these findings, staff recommends that a dry heat method be used in Clark County for sanitation; however the regulations do allow for chemical sanitation methods if done properly. Public notices were posted in several areas to allow for public input and comment concerning the proposed regulations. Calls were made to businesses showing interest in these regulations. Industry and other states were also contacted. A business impact statement was developed with assistance from Mr. Minagil.

The proposed regulations include: whereas, intent & scope and a table of contents. Eight sections were created in the regulations to address: definitions; risks to public health, safety and the environment; approvals for operation; application for permit to operate or letter of approval for reciprocity; facility design and operation; methods and requirements for sanitization and refurbishment; inspections and enforcement; miscellaneous; and the appendices. Section 8 addresses severability clause and effective dates; the appendices include label requirements, contact information for the local health authority; and the application for a health permit or letter of approval for reciprocity for used bedding renovation or sanitization facilities.

Currently an exemption process exists for charitable organizations with proper documentation. Staff hopes that different vendors may assist these organizations with items being provided to the community. If the Board wishes to have a specific section for these types of organizations, staff will do so.

Facilities must keep a log book of all activities throughout the sanitation process. California inspectors have offered to share templates with staff. A chemical process is allowable only if approved through the plan review process. All labeling must be done correctly and in accordance with industry standards.

Staff learned that the state's process and the current NACs are outdated; the state asked for staff's assistance in updating the NAC. If the Board approves the regulations, the State Board of Health will also have the opportunity to adopt the regulations. Staff is hopeful that our regulations could be the standard state-wide.

Member Giunchigliani asked to clarify that dry heat is the preferred method of sanitation; however chemical processes or other technology can be considered. Mr. Savage said that staff would entertain these methods as they come forward. She also sought clarification on the fact that the regulations address other forms of refurbishing other than mattresses, such as furniture and upholstery. Mr. Savage confirmed her statement.

Member Giunchigliani asked how the entire regulations process proceeds. Mr. Savage said that once the Board adopts the proposed regulations, the State Board of Health also has the opportunity to approve and adopt the regulations. Following this final adoption, the regulations are submitted to the County Recorder's office for indexing. At this time, each jurisdiction is informed of the new regulations and staff works with them to ensure business licenses are consistent with the regulations. There are oft times differences in definitions, and staff works with licensing to ensure the definitions are acceptable with SNHD.

Member Giunchigliani asked if business licenses were issued before a permit is granted. Mr. Savage said that once an application finishes plan review and is ready for a permit to be issued, staff contacts the jurisdiction and the permit and license are issued simultaneously. Mr. Savage said that staff works with each jurisdiction in terms of zoning and planning issues to ensure that a facility is acceptable in the chosen location.

Member Reese asked how many facilities are currently in operation. Mr. Savage said that staff is aware of only a few at present; they tend to appear quickly and do not have business licenses or permits. Staff learns of the facility from complaints or routine inspections of hotel facilities.

Member Eliason said that with regulations in place it will be easier to find businesses operating without a permit, as we have seen with solid waste compliance.

Member Giunchigliani asked if jurisdictions were notified when a business license is suspended. Mr. Savage confirmed that this contact is made. Member Giunchigliani said that it is incumbent for each jurisdiction to be able to do an immediate suspension of a license based on notification from the health district. In staff's working in tandem with the cities and the county, that the language be contained in code due to safety issues. Mr. Savage said that code enforcement is with staff when these types of inspections are done where cease and desist orders are issued. Member Giunchigliani suggested that we parallel permit and business license suspension.

Member Giunchigliani referenced section 8 and business license numbers being listed on labels and asked for additional clarification regarding registry numbers. Ms. Hall said that the health permit number or letter of reciprocity number will be the registry number on the label.

Member Giunchigliani said she understood the idea of exempting charitable organizations, but stressed caution. She suggested that staff work with the organizations to have specific regulations for non-profits.

Member Hardy asked if charitable organizations were refurbishing mattresses or strictly distributing those purchased from other vendors. Ms. Hall said that in her research with four such organizations only the Salvation Army accepts mattresses, even then it was done rarely and set out in open heat; when the mattress is sold/given away, it is done with a caveat that the mattress is "as is" and has not been sanitized. By so doing, the recipient was aware that the mattress has not been sanitized. Deseret Industries does not accept mattresses under any circumstances. Member Hardy asked if the regulations apply to the pseudo-manufacturing of the mattress, which the charitable organizations do not do at this time. They are solely distributors, so it is incumbent that the public be aware of what they are purchasing.

Member Vigilante asked how often the facilities would be inspected. Mr. Savage said that by law each facility is inspected at least once a year; however with new regulations in place staff would be doing inspections more frequently. Staff would also like to establish data in relation to how well the regulations are working. Member Vigilante referenced a phone call he received, which he directed to Mr. Savage's office, regarding a new technology for eliminating bed bugs.

Member Smith asked if staff inspects the vendors. He expressed concern with charitable organizations disbursing mattresses, and the possibility that hotels donate used mattresses to them, which are subsequently passed on to the community. As the goal is public health and safety, he asked if vendors would be inspected and learn from where mattresses come. Mr. Savage said that vendors will also be inspected – mattresses will be followed and staff will be able to see where mattresses come from due to the label contained thereon. Member Smith also said that some Mesquite hotels sell furniture and mattresses to the public. Mr. Savage said that a good practice would be to take the used bedding and mattresses to the local landfill. Most facilities have programs for mattress disposal.

Member Giunchigliani asked about the potential of mattress recycling in the future versus taking the items to the landfills. She suggested that scrap dealers may be interested in different components. She suggested that permitted recyclers be noticed to work with hotels and motels to see about that possibility. She asked if vendor were a different section in the regulations. Ms. Hall said that vendors were referred to as "retailer." Member Giunchigliani asked if a license would be required to retail the items. Ms. Hall said that a business license would be issued for furniture sales and rental. Ms. Hall said that we learned of the mattress manufacturing facilities through the invoices from the retailer and staff were able to track the process. Labels found at the facility were improper, which led to the facility providing the invoice from the retailer, and the retailer provided the manufacturer

information. Mattresses may be purchased in bulk from hotels and some charitable organizations collect the mattresses as is, and sell to them to the manufacturers in bulk, who then in turn rebuild the mattresses and resell them. This provides a tax break for all parties.

Member Giunchigliani referenced custom upholstery shops and asked how the regulations will affect them. Ms. Hall said that furniture owners bring in their own material, and it is labeled with a "green tag" as soon as the materials are received. The original materials must be returned to the owner at the completion of the job. This material cannot be sold unless labeled as a "used secondhand item." This does not apply to antiques or wood furniture. Member Giunchigliani asked about antique store operators. Ms. Hall said that someone restoring antiques which upholstery would fall under these regulations, as this person is then a retailer, not a custom upholsterer.

Member Giunchigliani asked about education outreach upon adoption to both vendors, retailers and the consumer. Mr. Savage said that the regulations will be available on our website; the inspectors will provide the information to vendors, and do a precursory inspection. Discussions will be held with those interested in doing business. When a business license is issued, staff will also meet with the licensees and the issuing jurisdictions to ensure all parties are aware of the regulations. She asked about public service announcements. Mr. Savage said he would speak with Jennifer Sizemore, and suggested a segment on HDtv. Member Giunchigliani suggested putting information on the website to help consumers know what to look for, such a label information. Dr. Sands said that portions of the PowerPoint can be put on our website. He reiterated including a segment on HDtv. Member Giunchigliani said that having PSAs on channels 2 and 4, as outreach makes better sense and education is better prevention.

Member Reese asked if any businesses are operating right now. Ms. Hall said that one business in California has applied for a permit and one facility in town has received a cease and desist for rebuilding; upon last inspection only construction with new materials was occurring. Mr. Reese said he wants to close any businesses operating without a permit right away.

Member Crowley asked to clarify that the attached appendices are more for informational purposes and that the Board will not need to approve changes to them. She said they are not considered a compliance requirement.

Member Hardy said the ultimate recycling method would be to recycle without having to rebuild it. If it were adequately treated we could save resources and recycle the item. Mr. Savage said as long as the items are properly sanitized he sees no problem with recycling; staff is here to assist any business wanting to perform this type of work.

Chair Kirk asked if staff had found consistency within the local jurisdictions in regard to business licensing or does staff have recommendations to the various municipalities to make their ordinances better and staff's job easier. Mr. Savage said that there are several licenses that each business could fall under. Staff would be happy to make suggestions to have one license whereby the regulations would apply. Chair Kirk expressed concern that each jurisdiction handles licensing different, and he would like to see everyone work together to have similar language to cover the regulations fully. He also wished to clarify that each business would be required to maintain a log book, as defined in the regulations. Mr. Savage said the importance of the logbooks is that one bottle of chemical sanitizer can only sanitize 25 to 30 sets of mattresses. If upon inspection staff finds that one bottle is being used for 100 mattresses, or other inconsistencies, staff will be made aware of problems.

Member Giunchigliani asked if it were appropriate to go back to their individual jurisdictions and let business licensing to work with SNHD staff. Chair Kirk said that SNHD should take the lead in this endeavor.

Chair Kirk asked if any member of the public wished to speak concerning this item.

Katherine Duncan spoke as an independent business owner and was given a variance by the state to use the chemical sanitation method, along with instruction to work with the health district to define a suitable process. She had been working with consultants and engineers to define a process. She asked that the regulations include the possibility to include a chemical sanitation process. She provided a handout for Board members to consider (**attachment #2**). Chair Kirk said that if her business is meeting the requirements as set forth by the regulations, she can work out the details with environmental health staff. Mr. Savage said he has had conversations with Ms. Duncan to consider her request.

As no one else came forward to speak, Chair Kirk closed the public hearing.

A motion was made by Member Hardy to adopt the proposed Southern Nevada Health District (SNHD) Regulations Governing the Sanitation and Safety of Used Mattresses, Bedding and Upholstered Furniture; seconded by Member Giunchigliani and was unanimously approved.

III. REPORT / DISCUSSION / ACTION

No reports were given

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 Kirk invited any individuals wishing to address the Board on matters under their jurisdiction to come forward.

Katie Fellows representing Golden Tavern Group, LLC addressed the Board. She provided copies of letters previously sent to the Board (**attachment #3**). She said she wished to discuss a few issues regarding enforcement of the Nevada Clean Indoor Air Act (NCIAA). Golden Tavern Group operates 35 taverns in southern Nevada. Upon passage of the NCIAA the group decided to operate smoking stand-alone bars. Golden Tavern believes there are three requirements to become a stand-alone bar: 1) bar must be a completely enclosed area within a larger structure; 2) all doors must remain closed when not in use; and 3) and smoke from the bar must not infiltrate areas where smoking is prohibited. The group has worked with SNHD staff since January to find common ground in operating as a stand-alone bar. She referenced a letter dated April 2007 that stated the health district does not disagree that the NCIAA does not prohibit delivery of food into a stand-alone bar. The group agrees with that interpretation and moved forward to modify the business structure to not violate NCIAA. Subsequent letters received from SNHD which stated that delivery of food by a third party violated the NCIAA. The group feels that the health district is using the law to progress to cessation of smoking. She asked the Board to investigate this matter and ensure uniform enforcement of NCIAA throughout the Las Vegas valley.

Member Giunchigliani referenced a letter from Mr. Wadham which read in part "as long as a bar is not involved in the service of food, the delivery location is an area not under the control of the employer as is specified by definition by section 9.1 of the Act." She asked if "under control" was part of the discussion between Golden Tavern and SNHD. Ms. Fellows said this is where the disagreement lies. Member Giunchigliani asked if creating a separate corporation had a separation of "under control." Ms. Fellows agreed. Patrons can bring in their own food and corporations can deliver food to the bar as it is outside the control of their employer. Ms. Fellows agreed that restaurants should be non-smoking and that

areas under the control of an employer where smoking is prohibited must be non-smoking. She felt that imposing classifications of one employer to another is unclear and outside the intent of NCIAA.

Member Giunchigliani asked Mr. Minagil if Dominos could deliver food to a non-smoking bar. Mr. Minagil replied that our interpretation is no, based upon the language of the law and definition of a stand-alone bar, and that food delivery should not occur in a bar where smoking is allowed. There have been numerous discussions with Golden Tavern and PT's, but no definite plan has been submitted – each location is different. There is a difference of opinion.

Chair Kirk asked that this discussion be agendized for the next meeting, to ensure it is properly noticed. He thanked Ms. Fellows for her time.

Member Crowley asked if a contiguous property, and there are two business operating with separate LLCs, but have a parent company or a commonality of ownership, they are owned by the same person. Mr. Minagil said two different corporations are treated as two different people. Member Crowley said with air regulations in Clark County, where there is a contiguous property, there can be properties managed by separate local entities, but if owned by a parent corporation, they are considered the same entity and have to be permitted together. Chair Kirk felt this was a good segue for next month's discussion.

Chair Kirk asked if any one else wished to address the Board. No one came forward and Chair Kirk closed the public participation session.

V. HEALTH OFFICER & STAFF REPORTS

National Preparedness Month – Kay Godby, Senior Biopreparedness Planner & Jane Shunney, Office of Public Health Preparedness Manager

Jane Shunney stated that the Office of Public Health Preparedness' purpose is to respond to and mitigate and prepare for various emergencies which may affect public health. In addition to preparing the community, health district staff is also prepared. Kay Godby said that staff has been exercising preparedness skills and referenced the Primm exercise which demonstrated points of dispensing (POD). As a result, staff was also to view a working POD here at the health district, and all employees were given an Ark, which is a 72-hour kit to keep at each work station. Employees also receive a quarterly preparedness newsletter. Ms. Godby provided Board members with a preparedness guide.

Ms. Shunney said that the City of North Las Vegas issued a proclamation declaring September preparedness month and proclaimed the health district had wonderful plans available on our website, which was presented by Councilman Eliason.

Member Giunchigliani said that discussions should take place with the school district to assure we are helping them prepare for disasters. Dr. Sands said that we do work with the school district on various preparedness programs.

Tobacco Control Program Evaluation – Deborah Williams, Office of Chronic Disease Prevention & Health Promotion Manager

Deb Williams addressed the Board briefly about the tobacco control program (TCP). TCP receives a majority of funding from the master settlement overseen by then the Task Force for the Fund for a Healthy Nevada, now the Grants Management Advisory Committee. That body contracted what Battelle Memorial Institute to review the work of all grantees state-wide. There are six criteria used to review the programs, and the TCP received the highest rating possible in each criteria (**attachment #4**). The statement at the end of the report that which "the Southern Nevada Health District has the greatest potential of all the tobacco grantees in the state of Nevada to contribute to reduction in tobacco use programs among adults and youth given their focus on multiple populations, use of multiple strategy and coupled with evaluation measures" that we have worked with them to develop. Ms. Williams asked the

Board to congratulate the tobacco control program staff which includes Maria Azzarelli, Malcolm Ahlo, Gail Muniz, Nicole Truax and Jennifer Bowers. Many of the staff members recognized were in Reno sharing the results of our program with other partners.

Dr. Sands said the evaluation is a good tribute to their work and how much then can accomplish with relatively small resources. Staff touches on every area recommended by CDC for a tobacco control program.

Chief Health Officer

Dr. Sands invited Board members to the annual holiday/service awards banquet which is schedule for December 7th at the Terrace Banquet facility in Henderson. Invitations should be sent by October 15th.

For the first time, in coordination with SEIU representatives, an Employee Satisfaction Survey will be conducted electronically among all staff in October. Results will be tabulated and should be available for discussion by the end of November by the Labor Management Committee to identify areas where improvement is needed, and where the district is doing well. This is being done before the budget process begins so resources can be allocated if needed into the new budget. This will be an annual process so that we can identify internal health district issues and address them appropriately. This will also engage staff in both identifying issues and finding solutions. Dr. Sands has seen positive changes as results of these types of surveys in his previous positions. He looks forward to sharing outcomes with the Board in the near future.

VI. INFORMATIONAL ITEMS

DULY NOTED

A. Chief Health Officer and Administration:

1. Monthly Activity Report, Mid-August 2007 – Mid-September 2007
2. Financial Data: Revenue and Expenditure Report for General Fund, Capital Reserve Fund and Public Health Laboratory Fund for the Month of August 2007
3. Public Information Monthly Report, Mid-August 2007 – Mid-September 2007

B. Community Health:

1. Monthly Activity Report, August 2007
 - a. Pertussis Press Release
 - b. August 2007 Disease Statistics

C. Environmental Health:

1. Monthly Activity Report, August 2007
 - a. Clark County Manager's Office email to EH Manager Dennis Campbell
 - b. Harrah's Laughlin Letter to Glenn Savage regarding EHS III Patricia Hayde
 - c. Loews Lake Las Vegas email to EHS III Jacque Raiche-Curl
 - d. SouthShore Golf Club email to EHS III Jacque Raiche-Curl
 - e. World Market Center Las Vegas Letter to EHS III Dan Slater
 - f. Office of the Regional Food & Drug Director Letter to Training Officer Linda Newton
 - g. Clark County Summer Business Institute 2007 Program Certificate to Training Officer Linda Newton
 - h. Letter from Office of Public Health Preparedness to EH Director Glenn Savage
 - i. Torino Rancho Note Card to Glenn Savage regarding EHS II Ellen Spears
 - j. Dietetic Intern Email to EHS II Gracie Martucci

D. Clinics and Nursing:

1. Monthly Activity Report, August 2007
 - a. Monthly Report – August 2007
 - b. Letters of Appreciation
 - c. In-Service Schedule

VII. ADJOURNMENT

There being no further business to come before the Board, Chair Kirk adjourned the meeting at 9:38 a.m.

SUBMITTED FOR BOARD APPROVAL

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

/src

attachments