



MINUTES

Southern Nevada District Board of Health Special Meeting

625 Shadow Lane
Las Vegas, Nevada 89106
Clemens Room

Thursday, August 14, 2008 - 8:00 A.M.

Chair Giunchigliani called the special meeting of the Southern Nevada District Board of Health to order at 8:06 a.m. Stephen Minagil, Legal Counsel confirmed the meeting had been noticed in accordance with Nevada's Open Meeting Law and that a quorum was present. Chair Giunchigliani led the Pledge of Allegiance.

Board Members Present:

Chris Giunchigliani
Steven Kirk
Ricki Barlow
Jim Christensen, MD
Susan Crowley
Joseph Hardy, MD
Tim Jones
Mary Jo Mattocks, RN
Gary Reese
Stephanie Smith
Linda Strickland
Lawrence Weekly

Chair, Commissioner, Clark County
Vice Chair, Councilman, Henderson
Secretary, Councilman, Las Vegas
At-Large Member, Physician
At-Large Member, Environmental Specialist
At-Large Member, Physician
At-Large Member, Regulated Business/Industry
At-Large Member, Registered Nurse (telephonically)
Councilman, Las Vegas
Councilwoman, North Las Vegas Alternate
Councilmember, Boulder City
Commissioner, Clark County

Absent:

Travis Chandler
Tom Collins
Robert Eliason
Frank Nemec, MD
John Onyema, MD
Steven Ross
Barbara Ruscigno, RN
Gerri Schroder
Bubba Smith

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

Executive Secretary:

Lawrence Sands, DO, MPH

Legal Counsel:

Stephen R. Minagil

Other SNHD Board of Health Members/Alternates Present:

Lonnie Empey	Alternate At-Large Member, Environmental Specialist
Jimmy Vigilante	Alternate At-Large Member, Regulated Business/Industry

Staff: Mike Walsh; Angus MacEachern; Glenn Savage; John Middaugh, MD; Bonnie Sorenson; Patricia Armour; Stephanie Bethel; Jerry Boyd; Mary Ellen Britt; Dennis Campbell; Rory Chetelat; Sylvia Claiborne; Alice Costello; Steve Goode; Robert Gunnoe; Mary Ellen Harrell; Forrest Hasselbauer; Eddie Larsen; Ann Markle; Veronica Morata-Nichols; Patty O'Rourke-Langston; Leo Vega, Jane Shunney; Deborah Williams; Valery Klaric and Shelli Clark, Recording Secretary

ATTENDANCE:

<u>NAME</u>	<u>REPRESENTING</u>
Cliff Brink	ARES/RACES
Dale Carrison, DO	UMC/UNSOM
Tim Courez	WFR
D. Cox	WFR
Julie Eisenhardt	SEIU
Shaun Haley, Esq.	Fisher and Phillips, LLP
Marcus Hatcher	SEIU
Joe Heck, DO	Self
Erik Ho	KVBC
Penny Kingas	Self
Donald Kwalick, MD, MPH	Self
Carl Markle	Self
Larry Matheis	Nevada State Medical Association
Angela Martin	KVBC
Otto Ravenholt, MD	Self
Bill Roe	KLAS TV
John Schleder	Las Vegas Kettle Corn
Stacy Shaffer	SEIU
Rob Tidwell	Republic Services
Matthew Trem	ATMS
Julie Tracy	Las Vegas Kettle Corn
Annette Wells	Las Vegas Review Journal
Norine Clark	SNHD / SEIU
Diane Freeman	SNHD / SEIU
Gail Gholson	SNHD / SEIU
Lorraine Oliver	SNHD / SEIU
Gloria Ortega	SNHD / SEIU
Jo Alexander	SNHD
Henry Brunk	SNHD
Thomas Jarrad	SNHD
Rita King	SNHD
Barbara Merkel	SNHD
Melanie Munoz	SNHD
Jacquelyn Raiche-Curl	SNHD
Miki Sakamura	SNHD
Chris Schermuly	SNHD
Wil' Townsend	SNHD

Karen Atkins	SNHD
Devin Barrett	SNHD
Margarita DeSantos	SNHD
Brooke Doman	SNHD
Susan Eiselt	SNHD
Joanne Engler	SNHD
Rosemary Ensign	SNHD
Cara Evangelista	SNHD
Jan Gladen	SNHD
Anita Goodspeed	SNHD
John Hammond	SNHD
Jane Kopczak	SNHD
Richard Kraske	SNHD
Brian Labus	SNHD
Romeo Ramos	SNHD
Sheila Rivera	SNHD
Betsy Sapp	SNHD
Michelle Sotero	SNHD
Janet Sredniawa	SNHD
Christopher Strickland	SNHD
Vickie Swanson	SNHD
Jorge Viote	SNHD
Joseph Yumul	SNHD

The following is a verbatim transcription of the Southern Nevada District Board of Health Special Meeting held Thursday, August 14, 2008 at 8:00am.

Chair Giunchigliani: I have had two requests for changes to the agenda. If you would look at item #3; I believe there's been a request to letter "A" to postpone that for a period of time, perhaps to our next meeting in September, I think is more prudent rather than the August, if even needed. And secondly there's been a request to postpone item "B" and ask that Mr. Minagil make sure the Board has the authority to deal with that because the employee is a direct hire to us, and for discussion purposes. So those would be two motions to continue those two items and then direct if accordingly, Mr. Minagil then gets some information, and bring it back to the Board.

Member Reese: Ms. Chairman, on item "B," do you have a definite date or do you just want to hold that indefinitely?

Chair Giunchigliani: What would the Board recommend? We do it to the September meeting and then if we need to, we'll have to put it on the Agenda if it comes back to the Board that we don't have to have that ...

Member Reese: Well, do you want to have them...

Chair Giunchigliani: Generally when you postpone you have to put a date specific, so...

Member Reese: Do you want them both at the same time or should I...

Chair Giunchigliani: Whatever the Board wants.

- Member Reese ... on there at the same time...
- Member Smith: Madam Chair.
- Chair Giunchigliani: Same time's good. Yes?
- Member Smith: I'm just, in my experience, I'm 99.9% positive that item "B" is something we can't discuss because we don't do individual personnel – that's strictly under, so I don't even think that this is something that will come back to us.
- Chair Giunchigliani: It may not; it's not individual personnel, though. I was advised that if there may be potential wrong-doings that a Board, including this Board or the Regents Board or whatever it may be, can go into a Closed Session to discuss those allegations. We don't direct hire. Any recommendations that wanted to come back, it would still have to go to Dr. Sands who is the only one who that actually direct hires to us.
- Member Strickland: And from what you said, you're going to, we're going to seek counsel from Mr. Minagil...
- Chair Giunchigliani: Yes.
- Member Strickland ...anyway so...
- Chair Giunchigliani: The whole issue is make sure that everybody's got their affordability of representation. Mr. Minagil and I spoke this morning and that request came in last evening, and I think that that's very prudent for us to have him vet that, so that we make sure we're not stepping on areas that we're not permitted to do so.
- Member Strickland: Very good.
- Chair Giunchigliani: OK.
- Member Kirk: Just a question, Madam Chair.
- Chair Giunchigliani: Mr. Kirk.
- Member Kirk: Are we going to be able to discuss or have discussion about what the alleged misconduct is? I mean, the way it was agendized here it was alleged misconduct. I don't know of any alleged misconduct.
- Member Smith: I don't either.
- Member Kirk: I don't know if there's been anything made public of any alleged misconduct. I don't like this hiding the ball and then going to spring it on somebody all in a public meeting. If there's alleged misconduct, let's find out who the accusers are, or accuser, whatever, and let's have discussion, if that's what we're going to have. Now I, so, it's a little frustrating for me to say, yeah we want to go ahead and do this, but then we're not going, everybody might not be able to see what all

the alleged misconduct is until we get into this, you know, meeting in the future. I can tell you from my experience being on the health district for five or six years, there has never been misconduct that I have been made aware of. There may have been management disagreements, and that's OK. Because I see our role as, like the owner of a baseball team and Dr. Sands and others as the manager and the team. And I'm not going to second guess Dr. Sands of whether somebody should bunt or swing away – that's his job.

Various voices: Here, here.

(Applause)

Member Kirk: I think what we do is evaluate Dr. Sands at the end of the year. I mean we just had a personnel session...

Member Christensen: And we did that.

Member Kirk: ...and we did that two months ago. We did that and gave him specific direction.

Member Christensen: He used them.

Member Kirk: You took those things and said let's go forward. The way I've looked at this is, I think that, you know I read the Bylaws and kind of looked at what the Board responsibility is, the Board responsibility is public health. What is the most important public health issue we're facing today? I'll tell you what it is – it's hepatitis C. That's the most important thing. We can't have our chief health officer taking his eye off the ball, having to deal with these issues at the same time having to deal with the hep C problem and the smoking problem that we have in the state at the same time, while doing all that and trying to incorporate all the things we wanted him to incorporate during our personnel session. It's, in addition to that, Mike Walsh is going to retire; in addition to that Steve Minagil is leaving the district; and yet we're still going to ask Dr. Sands to come back here in a year and to talk about why didn't you get things done under the timeline in which we asked them to be done. You know, we're not going to allow Dr. Sands to say, well I couldn't do it because of this, this and this. We just want results. And so I am not comfortable doing any of this frankly. So, if there's going to be any motions, and we'll talk about motions, my motion would be to...

Member Reese: Strike 'em both.

Member Kirk: Strike 'em both and just withdraw them from the Board consideration whatsoever. I also want to apologize to Dr. Sands for having to hire a lawyer. You work at the discretion of the Board; we've asked you to work for us. You've agreed to work for us. You have a contract. And now my understanding is you've had to hire a lawyer. And I'm sorry you had to do that. Me personally, I'm sorry that happened. Because, I think you have a great reputation of being in the public eye and public health, you've been in this industry for I don't know how

many years, twenty something, you've only been the manager for a year or so. I think that we owe it to you. I mean, just last month or two months ago gave you a contract to evaluate you next year and the next thing I know, bam, we're having a special meeting. And I think, my personal opinion, is that this government gone wrong. I think...

Member Crowley: I'll second that motion.

Member Smith: Madam Chair, I would also like to say something. And maybe I have hypersensitivity to this as a public employee, but in experience, when we've had personnel issues, or even if there's something alleged internally, I've never, ever seen someone's name placed on an agenda before saying that something was alleged. And I just, I find that really, because now something's, I mean, poor Mr. MacEachern. Something's been alleged and nobody knows what it is and the implication, you know, has been brought, and now there's a stigma attached to it. And I just think that, those are things that Dr. Sands should bring to us in a Closed Session and say, look we've had to deal with this and here's our recommendation. I just, I'm not comfortable singling someone out, putting their name on an agenda, alleging something and no one's ever going to know, and now there will always be that cloud. So I would just say in the future, if something like this happens, I don't think we should put people's names on it, I mean, unless, even that, I mean if something was that egregious, they would have just been fired outright and if it's not, I just think that, just because they work for a government agency doesn't mean that they need that. If they were in a private company, you wouldn't pass around a memo saying, you know, we're alleging something about employee. And I just think that we need to be sensitive to that.

Chair Giunchigliani: And definitely. By Open Meeting Law, that's what I was advised I had to do...

Member Smith: Yeah, I know, but I don't see why...

Chair Giunchigliani ...so it was not intended to...

Member Smith ...a name is put on there, and I just think...

Chair Giunchigliani ...yes, you have to.

Member Smith: Well, but I mean, in the City, I have to say we haven't had 100% perfect employees' productivity, and we've had issues but we've never put someone's name on there in this manner, so I think there are ways to accomplish what you wanted to accomplish without having to go through that because now no matter what happens, that's going to be out there for him, and I know that I would feel very humiliated and frustrated if that happened to me.

Chair Giunchigliani: Councilman Reese?

Member Reese: I kind of echo the sentiments of my fellow Board members Smith and Kirk. I've had, I've been on the Board probably the longest of anyone here. I've been here for thirteen years...

Member Smith: Oh, yeah.

Member Reese ...and I've always felt quite comfortable working with, I see Dr. Kwalick, with Mr. Ravenholt when he was here. And again, I've had to deal with the attorney a couple different times and as far as personnel matters, I've never got into them, even on the City level. And this, I felt uncomfortable when I got this request to hold a special meeting. I have had, over the years I've had problems, self-generated, with different members for different reasons, but I've always been able to work with those in charge and so I never felt like I had to attend a meeting like this. I met Dr. Sands, well before I even knew who he was and worked for the health district. And we were at an emergency training session down in, I think it was Georgia or somewhere down there, and I noticed how he performed there. And I was impressed with him. I think some of us, there's a learning period for all of us, and I guess with me, I questioned what is going on because we had just rehired Dr. Sands. I wasn't at the last Board meeting, so I was kind of aghast when I heard that Glenn Savage had been fired. I told Dr. Sands that, and I didn't know what was going on, but I just let Dr. Sands know that I said if anybody at the health district, I said if I've had any concerns from any of my constituents, on reasons in the neighborhood whether it be a swimming pool that had water in it, the house is vacant, or whatever reasons it was, I had a problem down on Boulder Highway and I called Glenn Savage and within five minutes the wheels was spinning and got it taken care of. And so this thing went on with Mr. Savage probably for, I don't know, seven, eight, nine, ten years that I've had that relationship with Glenn Savage. So I was taken aback there. My suggestion, I think, to Dr. Sands was do whatever you can to keep Glenn Savage here. But I also support Dr. Sands, also. And so I kind of feel like that we're stepping into the bucket instead rather than trying to drain the bucket. So, I'll listen to the rest of the Board members.

Chair Giunchigliani: Thank you. I will accept, I think it was Councilman Kirk's motion to delete items "A" and "B" from the ...

Member Reese: Second that.

Chair Giunchigliani ... agenda.

Member Crowley: I seconded that.

Chair Giunchigliani: And seconded by both Crowley as well as Reese. I do want to state that after our last Board meeting when we had public comment and many of us found out there was an attempt to terminate Mr. Savage for coming up with public comment, at the Board's discussion, nothing more than that, that I received calls from many Board members who wanted us to deal with that situation as a Board. Hence the special meeting. But in order to give protection to both Dr. Sands and Mr.

MacEachern, by law, because I had no idea what we were going to discuss or what might come up, we had to give them the proper notice, opportunity for representation, and take out of the Statute exactly what was, Mr. Minagil and I emailed back and forth what that was. That is the reason that's worded that way in the Agenda and that is virtually why I said to the press you're making a bigger issue out of this than what we are intended to, but part of that was how to properly discuss what may or may not have happened based on public comment. And then the chilling effect that then had on many of our own employees as well as other directors and managers that if you come to the Board during public period, and then risk being terminated just simply because you either gave information or had a personal opinion, that tainted what I think this Board has always been about. And I think even for Dr. Sands' administration was intended to be about. And so as we vote on that part of it, we need to recognize that a message was sent that I don't think was this Board's message. I think that anytime someone wishes to come forward to have a discussion with us, that they should be protected and not retaliated against. And so that was kind of the genesis of this part of it. Then, hence, I personally did not even know we had specific Board bylaws, and as Steve had sent me those as well, I said maybe that's a proper discussion we ought to have. I think Councilman Reese will take that up next, has a great suggestion, which is maybe we form a bylaws committee to take a look at a look at how do we function within both state statute as well as managerial to make it very clear. And so those are some things we'll take up today after we take, dispense with this motion. OK?

Member Barlow: Madam Chair?

Chair Giunchigliani: Yes, Mr. Barlow?

Member Barlow: I want to make a comment. Just from a side of caution, from a side of caution as far as this Board and I'm being one of the newest Board members. I believe that this Board, of course, is responsible for Dr. Sands and his evaluation. But I believe that we also think have the confidence in hiring him. We have to allow him to spread his wings and be confident enough to hire individuals around him that are loyal to the vision and the mission of the District. And so for that, we can't come back and take his power away and second guess him, where he's going to second guess himself and then have a break-down of managers around him. So, when it comes to personnel issues, I believe that if we have enough confidence in him as the leader of the health district, we ought to have enough confidence that he has individuals around him that will supply him with enough knowledge and enough support in order for him to report back to us effectively. So when it comes to personnel issues, I believe that this Board is not in place to necessarily, well not even necessarily, I'll take that away, this Board is not in place to micro-manage. That's Dr. Sands' job to protect the integrity and the vision and the mission of the health district. If there's something that we see that's not in place, we pull Dr. Sands to the side, or in a special meeting, and address that so that he can go back into the field and work with the employees. And

jumping over him and going, you know working specifically with the employees; I believe that's taking things out of order on our part and taking our power as well, back and forth. So I believe there's a process now that has to be put in place to give him back his power and build a relationship and trust, because he's been here for a short time, he's on a learning curve and I'm on a learning curve myself. But just knowing that when you're new in a position, you want to do everything right and there will be some missteps, and we have to understand that and realize that, but also plan for some measures of correction and send him back into the health district with the appropriate tools he needs in order to run an effective shop. And so that's just my observation as far as being one of the newest members on the Board and not trying to micro-manage you, Dr. Sands, but in order to have a level of trust and understanding that you understand what it is that this Board wants and needs on behalf of the people of Clark County. Thank you.

Chair Giunchigliani: Thank you. Dr. Hardy.

Member Hardy: Thank you, Madam Chair. In way of full disclosure, I was appreciative of having an open meeting. When we recognize that we all have feelings and opinions, there's no way for us to express those to a majority of this body without getting into trouble. And so I was appreciative of the concept of the open meeting because this has risen to an issue where everybody is talking except we can't talk to each other. So it has been a good thing to have an open meeting called in my own opinion, and so I appreciated that. Where I have angst is when we start dipping down into what I think is not our purview. And so the chief health officer has been hired by us and that is his job to do that and so I was somewhat dismayed with the inclusion of somebody else in our net that we were casting in an open meeting. I don't know that we've had any problem picking up the phone and talking to Dr. Sands about our feelings about a recent debacle with the staff member and the problems that created for all of us who have had such a relationship with that particular person for so long. But I look at what Councilman Kirk has been alluding to, you know I look at the lead thing, I look at the smoking, I look at the hepatitis C, I look at the handling of the staff and the surveys that we have coming in a double way looking at how to do something, and so I still think it comes down to what we said in our personnel session is communication, communication, communication. And Dr. Sands has had that message and I suspect he's had it again from multiple people on the Board where it's really important to us as Board members to hear what is happening and to literally not be surprised by something that we should have known as Board members individually if not collectively. And so there's a venue for that and so I think this open meeting is appropriate to have for the aspect of what has been happening in the community that has caused such grief and anguish as well as on personnel's part. And I think that the morale of the health district, we have to get our arms around and we have to have a group hug or whatever we do when we get our arms around a problem. But we need to be able to allow the chief health officer to do his things, take what we have given to him and learn how to help us understand what the problems are he is facing. So I'm

appreciative of the open meeting, I concur with the motion that has been made and I wholeheartedly expect to see those surveys and those options, those good things reportable and they come before us in an open meeting and we get to evaluate. So I am supportive of the motion. Thank you.

Chair Giunchigliani: Thank you. Dr. Christensen.

Member Christensen: I've sat on the chief health officer review committees for pretty close to eight or ten years. What we're putting, the microscope that we're putting Dr. Sands under is the most stringent, most comprehensive important plan that has ever been put forth in all of these years. I think we've identified the issues, we have him a corrective action plan and then our job is to step away, and we step away and monitor his performance. And that has to be done – he has to have the autonomy and he has to have the ability to navigate these troubled waters, because we're facing a lot of problems right now and I really don't want him side-tracked worrying about other issues. Immunizations need to be boosted, we have the hepatitis C crisis going on, smoking is out there, we're always vigilant against diseases, either bioterrorism or an outbreak such as Norovirus. This guy's busy, I mean he's busy plus he's running the district. We need to let him get to the business that's he's good at.

Chair Giunchigliani: OK. Thank you. So the motion is...Yes.

Member Smith: I just, thank you, Madam Chair. I just wanted to say one other thing, though regarding the issue of retaliation and speaking out in public meetings. When my principal gets a call from a parent, the first thing she says is have you talked to the teacher. And I think that we are certainly here for the employees but I think there's a process, I think running to the Board and bypassing that creates real problems. Secondly, if my principal gives me a direction and I go back to the classes and the parents call me and say well that was the dumbest thing I've ever heard and I really disagree with that, there will be repercussions for that. I mean, there's a way to do it and I think that just because you can come to the Board and speak, I think you still have to be part of the team and you have to follow correct protocol in any organization like that. It doesn't do you any good to air your dirty laundry until everything's imbedded and then when there's no more resolution, obviously, then somebody has to make a decision. So I think that it's important that we send two messages: one is that we support Dr. Sands and that he is doing a fabulous job and our mission is public health; and that we send a message, too, to the employees we have confidence in him, that he is a fair and reasonable man and don't be afraid of trying to work these things through, that you'll have an opportunity. You know we have our place, but I think it's also important that he be given a chance, too, to address things and not just bypass that process, because I think in the long run, it just weakens the whole organization. And I think we need to give him that opportunity, too, because he can lead and we need to give him that chance.

Chair Giunchigliani: Commissioner Weekly.

Member Weekly: Thank you. I just wanted to briefly comment that I appreciate the comments of Dr. Hardy and having an opportunity to have this public discussion and being able to share just a little bit of our concerns. I know I think last week or so, Dr. Sands contacted me and we spoke about forty-five minutes or so, a very candid conversation I think and I think we respectfully agree to disagree on some matters. And I just go back to some of the things I said to Dr. Sands, you know having been here on this Board when he was hired in this position, I supported that and to be able to give him a vote of confidence in terms of where I'm coming from I supported that from day one. But I'll go back to what I said to him on the phone, and I'll go back to what I said to him in his evaluation when we met with him privately. I don't care whether you are on the team, as you so called it, or whether you're the custodian here, I believe that everyone should be able to come to work and feel comfortable in their jobs and as a Board, we should be sending not the just the message to Dr. Sands but we should be sending it to the rest of the employees that you shouldn't feel intimidated by coming to work; you shouldn't feel intimidated because you're not part of the "team." I just totally have a problem with that and I just think that it is Dr. Sands' responsibility to go out and foster those relationships with those employees so that people know that they are respected, whether you're a part of the administration or not, that you should be respected when you come to this place of employment. And so in terms of where we go from here today, I think this was a learning process and thank you for calling the meeting, but I will leave here with the thought that we still have a long way to go and I think before we leave here today we need to not only send a message to Dr. Sands but to the employees that they are protected and that they do have a place to come to work and feel comfortable. I know that some people have it bad. Thank you.

Chair Giunchigliani: Thank you.

Member Strickland: If I could submit a thought?

Chair Giunchigliani: I'm sorry. Ms. Strickland, go ahead, then...

Member Strickland: I share in both Dr. Hardy's comments, as well as the comments of the rest of the Board with respect to supporting Dr. Sands. Dr. Sands contacted me, as well, and we had a candid conversation of what I had observed to have occurred at the last meeting. Though there may be some disagreements of opinion as to whether or not the comments should have been made at the meeting, and there may be some disagreements with opinion as to whether or not Dr. Sands' actions were appropriate, I think what was important is that after receiving input from all of us, there was some resolution of the problem. And so he obviously listened to what we had to say, I found that very important because I think we need to work as a team. And so it showed me that though sometimes in personnel matters we sometimes react from a personal level, and as I watched the whole thing unfold at the last meeting, I was watching Mr. Savage speak, and I was watching Dr. Sands' reaction and I was beginning to think I was seeing a train wreck in progress. But I also had to feel that when I spoke to Dr. Sands there was some resolution to that. We weren't stuck, we didn't dig our feet

into the sand and say we're not going to move here. And so I was very pleased that I saw Mr. Savage back. I understand that we needed to have this meeting, that we needed to have this agenda as indicated by our chairperson, and so I'm very comfortable with all of this. But I do think it's a learning curve and I do support Dr. Sands, so I told him that during our conversation – I said I'm not going to sit here and try to second-guess what you do, but certainly what I was seeing occur, if I were to sit as a trier-of-fact, in a judge or a jury, I would be uncomfortable with what had happened, with the result that we had initially. So I'm very pleased with the results that ultimately occurred. I am, I do apologize to Dr. Sands that you felt the need to get counsel. But this whole, I think this whole thing has been a very good process for us. I think we all need to move forward and use it as a learning curve and realize that the people who come before us should have an opportunity to express their views and not feel that they're going to be retaliated against at some point in time.

- Chair Giunchigliani: Thank you very much for your comments. Mr. Minagil, yes.
- Stephen Minagil: Madam Chair, before you call for the vote...
- Chair Giunchigliani: Certainly.
- Mr. Minagil: ...on the motion, the record should reflect that Mary Jo Mattocks is present at the meeting by telephone...
- Chair Giunchigliani: Oh, OK.
- Mr. Minagil: ...in addition to the members physically present.
- Chair Giunchigliani: Thank you.
- Mr. Minagil: Additionally, Mrs. Mattocks has not been sworn, has not taken her Oath; so before you call for the vote, may I administer the...
- Chair Giunchigliani: Absolutely.
- Mr. Minagil: Oath of Office to Mrs. Mattocks...
- Chair Giunchigliani: Mary Jo, can you hear us?
- Member Mattocks: Yes, I can.
- Chair Giunchigliani: OK, didn't know you were there. So, Mr. Minagil is going to do the swearing in for you.
- Mr. Minagil: Mrs. Mattocks, can you hear me?
- Member Mattocks: Yes, I can.
- Mr. Minagil: OK, Mrs. Mattocks, do you do solemnly swear that you will support, protect and defend the Constitution and Government of the United States, and the Constitution of the Government of the State of Nevada, against all enemies, whether domestic or foreign, and that

you will bear true faith, allegiance and loyalty to the same, any ordinance, resolution or law of any state notwithstanding, and that you will well and faithfully perform all the duties of the office of at-large member of the Southern Nevada District Board of Health, on which you am about to enter; so help you God.

Member Mattocks: I do.

Mr. Minagil: Thank you, Mrs. Mattocks. Thank you, Madam Chair.

Chair Giunchigliani: Thank you. So for clarification purposes, I would echo Linda's comments. I think it's Commissioner Weekly made sure, if I hadn't had a conniption fit basically during the last meeting, I think the Board just heard the testimony, we got information and we said deal with it in negotiations. Nobody over-reacted in any way, shape or form. I think that subsequent action threw us all for a loop very truthfully, because when people were giving us information it was not targeted, it was not disrespectful, it was just opinions. I hope that message is carried forward that any employee that comes for public comment period has every right to do so and will not, I don't think you would commend that as a administrator, you and I have talked many different times about a lot of different things, and trying not to micro-manage so I understand that I can get into that way. I don't intend to do that, that's not my purpose, as not only Chair but a member of this Board, but this health district has had some problems over the years and we need to vet those properly, openly without personnel issues, but really look at what's driving that force and what's driving some of that, not only feeling but also possibly misrepresentations that are there. So I think, if nothing else, at least we have discussions that come into play. Too often we just come in as a Board, not just here, but I know even on the Commission we react to something and then you're gone – it's different than having an on-going process which is sometimes very difficult. So that's said, the motion before us is to delete under item 3 "A" and "B", both items made by Kirk and seconded by Crowley...

Member Smith: Delete or withdraw?

Member Kirk: Withdraw.

Chair Giunchigliani: Withdraw. Sorry. Any further discussion, seeing none, all those in favor say "aye."

Board members in unison: Aye.

Chair Giunchigliani: Opposed? Motion carries. Thank you, Mary Jo, we got you recorded.

Member Mattocks: Thank you.

A motion was made by Member Kirk to withdraw Item #3A and B from the Agenda; seconded by Members Crowley and Reese and was unanimously approved.

I. DISCUSSION / ACTION

A. Adopt Proposed Amendments to Southern Nevada District Board of Health Bylaws

Chair Giunchigliani: Thank you. We'll go to item #1, discussion of the proposed amendments to the bylaws committee. And I think Councilman Reese has a suggestion.

Member Reese: I would like to hold this in abeyance indefinitely until we can appoint a committee of six or seven volunteer members of the Board to go over the bylaws and have public comment on the bylaws and then bring the bylaws, if there's any changes to the bylaws, back to the Board with those changes.

Chair Giunchigliani: OK. Councilman Barlow?

Member Barlow: I second that.

Chair Giunchigliani: You second that. OK the motion would be, you've got some suggested ones before you, but that we put together a bylaws committee, five members?

Member Reese: Five or six, seven, mostly volunteers.

Member Hardy: Madam Chair?

Member Smith: And I would love to serve on that.

Member Hardy: Madam Chair?

Chair Giunchigliani: Mr. Hardy?

Member Hardy: I think a sub-committee needs to be substantially smaller than a quorum would be...

Chair Giunchigliani: Right.

Member Hardy: ...of this body. So if we have a quorum of eight, is a quorum seven...

Chair Giunchigliani: We did five at the evaluation committee, so maybe that would be an appropriate number.

Member Christensen: Five the odd number.

Member Crowley: Madam Chair, once we get this going, I would like to serve on that.

Chair Giunchigliani: OK, excellent. Alright, further discussion on setting aside this item and having the Board appoint a bylaws committee.

Member Hardy: How many?

Board members in unison: Aye.

Chair Giunchigliani: Opposed. None? Motion carries. We got you recorded Mary Jo.

Member Mattocks: Thank you.

A motion was made by Member Reese to hold item #2 in abeyance until a bylaw review committee composed of five Board members is established, meetings are held with public comments and any changes will be brought to the Board for discussion; seconded by Member Barlow and was unanimously approved.

B. The Practice of Hiring an Attorney as a Southern Nevada Health District Employee Versus Requesting that a Deputy District Attorney be Assigned to Represent the Southern Nevada District Board of Health and Southern Nevada Health District

Chair Giunchigliani: Item B – practice of hiring an attorney as a Southern Nevada Employee District versus requesting a deputy district attorney versus any other format. With Mr. Minagil leaving, one question was posed as to what was our practice. And actually we'd always had a contract attorney until a year ago, I believe, when we actually hired Mr. Minagil as the attorney. So I thought it was worthwhile to vet the discussion about who should be advising us and/or Dr. Sands, who should advise the Board in the long run? I think Councilman Kirk had a couple thoughts with regard to that and we'll just open it up to discussion.

Member Kirk: I do, thank you, Madam Chair. First of all, just generally I think that it's important that the lawyer work for the Board because, I mean, in this instance sometimes when you talk to Mr. Minagil, I mean I always want to make certain that we know who the client is. And when Mr. Minagil was the lawyer who works with the chief health officer I'm not quite sure whether I'm the client or Dr. Sands is the client. And so that leads to a little confusion sometimes. I know at the cities the way the cities are structured, the attorney works for the electeds and the Board, and I think that would be helpful. I don't particularly like the idea of having a district attorney from Clark County, no disrespect to the County, but I don't want someone just assigned or banished over to the health district from the district attorney's office. So my feeling is I like the fact that whether we hire someone directly or we have a contract attorney, but whatever we do, whoever it is, they ought to work for the Board. So if that requires a bylaws change, or a statute change, or a charter change or whatever the change is, I throw that out for at least discussion. Thank you.

Member Smith: Madam Chair?

Chair Giunchigliani: Ms. Smith?

Member Smith: Even though I'm sitting to the right of you, I agree 100%. And I'll speak to this...

Member Kirk: She never sits to the right of me.

Chair Giunchigliani: He's to the right of me for once.

Member Smith: We had an experience in North Las Vegas when I first got on the Council and the City Manager hired the City Attorney, and the City

Attorney worked for the City Manager and sometimes in direct opposition of the Council because, and I won't give details because he no longer is with us. Literally. He passed away. Where we told him specific things, and she said you do this and you're fired. And so we had to go to the legislature and now our city attorney works for the council. And I think that's very important, the client shouldn't be any individual, it should be the Board. And as much as I love Clark County and the district attorney's office, I just think that there needs to be...we're a tiny regional board per se, and we should have our own attorney. If we do need to go to the legislature or perhaps we don't, I don't know what our laws are, I do think in addition to our chief health officer that our attorney should probably work for the Board.

Chair Giunchigliani: Councilman?

Member Reese: Yes. I've always felt like the attorney did work for us rather than the chief health officer. I know he may recommend somebody but it's always been us ratifying his contract and going over his performances and stuff. If he hadn't been satisfactory, we could have let him go. So I've always felt like the attorney did work for us rather than the chief health officer.

Chair Giunchigliani: I believe on the postings it's not clear, I think that's why Councilman Kirk brought that up...

Member Reese: I certainly support that.

Chair Giunchigliani: Any further feelings from the Board? Yes.

Member Hardy: So if you're ready for a motion to continue or to change to a contract attorney again, and that is hired and fired by the Board I would be ready to make that motion.

Member Strickland: I have just one comment. I'm going to address it from the issue of working in specialties. I don't know what kind of workload our district attorney office has. Obviously they have a criminal area, and they have a civil area, but I look at the issue of whether or not their workload is going to allow the Board of Health issues to be on the forefront, which obviously we'd like them to be, but it's going to be competing with all the other things that are going on in the County. And I'm also concerned about the issue of specialty, because we want to have legal representation from somebody who knows the areas of law that they need to address for us. Certainly the days of the attorneys being specialized in areas, and knowledgeable in a number of fields have come and gone, primarily I believe as a practicing attorney is because of legal malpractice insurance we don't know exactly what we're doing, then obviously we have more exposure. I am not aware of whether or not our district attorney's office is knowledgeable in the areas of public health as we would expect a legal counsel that we would hire on our behalf. And so if we want to get a knowledgeable legal counsel to represent us and we want to ensure our issues are on the forefront, we need to have our own counsel.

Chair Giunchigliani: And I would tend to agree, but I thought we ought to discuss it. We have on Board, Dr. Hardy and I dealt with it, actually Senator Heck, welcome, in the legislature, that sometimes there was a debate – should the AG be the one actually staffing it. And part of it is because of giving consistent information to the Board that they are representing. That may not work, and I understand. And even the DA said I don't know if the cities would like that so...but apparently there's some cognizant powers that are out there. But I think, I don't know if it had even been discussed before by the Board. It's healthy, I think, to look at the fact that if we do hire an attorney they should be responsible to the Board so I would agree with the motion that Dr. Hardy, and I think, Mr. Christensen, made and seconded. So is there...Yes, Mr. Jones.

Member Jones: I think that on the rare occasion maybe there's some kind of a conflict in the intent with the Board of Health that the Attorney General's office, or District Attorney's office would want to have, is to have separation...

Chair Giunchigliani: Right.

Member Jones: ...and have our own attorney.

Chair Giunchigliani: Especially I think in the smoking area, that could cause this Board conflict rather than not. So, the motion before us is that the attorney would be a direct hire to the Board. Any further discussion?

Member Barlow: Yes. Being that our attorney now would be leaving, where does that place us as far as...

Chair Giunchigliani: There've been postings, so they do have three or four names, I believe, that they've been working on, whittling down so that has not been stopped at this point.

Member Barlow: OK, so I just wanted clarification on where that would place us as far as having an attorney.

Member Jones: What are the dates and where is the representation we have once Mr. Minagil takes off?

Chair Giunchigliani: Mr. Minagil, when's your last day again?

Mr. Minagil: August 28th.

Chair Giunchigliani: And I think you said you have about four or five, or more, quite a few applications that came in.

Member Hardy: Did he say '09?

Laughter.

Chair Giunchigliani: Steve, did you say '09?

Member Kirk: What he said, for our clarification, is two weeks from today.

- Chair Giunchigliani: So we may have to entertain, I don't know, if we have someone who's brought forward within that time period, maybe we'll be able to deal with it, but if not I think we have to at least at the 28th meeting allow for a contract until we hire someone. Or Councilman Reese suggested that maybe we could ask you to stay and then just allocate that way pending the hiring if that goes to your question, Mr. Barlow.
- Member Barlow: Right, and that's exactly what I was alluding to.
- Chair Giunchigliani: And that might be a better approach...
- Member Barlow: The August 28th date is coming fairly soon...
- Chair Giunchigliani: Right.
- Member Barlow: ...and what committee, or what is it that we as a Board have in place in order to hire that new attorney being that we want the attorney to report to us? What is it that we as a Board have in place currently to even move forward with it and who's doing that process?
- Chair Giunchigliani: We could probably use, I don't know maybe the committee that worked on Dr. Sands' evaluation as a vetting committee, if that's the case or something.
- Member Christensen: We probably need Member Strickland's advice on that...
- Chair Giunchigliani: Absolutely, yeah I think Linda would be very, very key on that part of it. And I think we also need to send a message that we're looking for diversity in our hirings as well.
- Member Christensen: Maybe some of the judges that lost the races...
- Laughter.
- Member Smith: Madam Chair?
- Chair Giunchigliani: You're on the record. Mrs. Smith.
- Member Smith: Might it be wise on our next Board meeting that you put maybe a thirty-day contract extension, I don't know if you're retiring if you do a separate contract or, I don't know what your circumstances are, if you could extend it for thirty days or that we do a separate contract with you separately...
- Chair Giunchigliani: We probably should have an agenda item is what you're saying...
- Member Smith: Right, so that...
- Chair Giunchigliani: ...so that could take action so that...
- Member Smith: So I don't think you'll have an attorney by the 28th.

- Dr. Sands: I think the current status of Mr. Minagil is that he's currently a health district employee, so previously he was under contract and then we brought him in-house April of last year. And then we were trying to fill that position in the same way. And I agree with...
- Member Smith: So he could leave and then you could do a separate contract as a private attorney with him.
- Dr. Sands: That's right.
- Chair Giunchigliani: If he would agree with that.
- Dr. Sands: If he would agree to that.
- Chair Giunchigliani: So if we could put that as an action item for the next agenda next time, so that if we do need to extend then we've got properly posted if that's the case. Mr. Barlow, did you have a further comment?
- Dr. Sands: I just also want to add to that that just understand that when we go to that, that the level of legal services that will be provided will be at a reduced level than it is now...
- Member Smith: At least we have some.
- Dr. Sands: We have some, exactly. We have coverage, but I want to make sure what the expectations are going to be.
- Chair Giunchigliani: Ms. Strickland?
- Member Strickland: Yes, and I was going to express my support to if we could get Mr. Minagil to stay on for a bit, because I just think that the learning curve of a contract attorney picking up files and issues is not going to give our Board the most bang for the buck. And I think that we need to be looking at that as well, not only the competency of what we get, but the cost of that and certainly we have a wealth of knowledge in Mr. Minagil sitting there and we can't just drain it from him. I think it would be best to see if there's something we could work out in that regard.
- Member Crowley: I just want to clarify the motion and that's that we're going to be looking at we're going to be looking at a contract attorney as opposed to an attorney being an employee of the Board...
- Chair Giunchigliani: No, it's an employee of the Board but they will be working for the Board, at least is my understanding, and that we would then agendize, if Mr. Minagil would be willing, to extend his contract, ask him to stay past the 28th basically if needed, which we will need, and that we thirdly use the committee that worked on Dr. Sands' performance as the committee to review but ask that we add Linda Strickland to that because of her expertise. Would that be acceptable as a motion?
- Member Smith: I think the question also, if we hire an attorney in the health district, they will either be directly reporting to the Board or will need some kind of language change to clarify that...

- Chair Giunchigliani: We need to clarify that...
- Member Christensen: We need bylaws...
- Member Smith: So however that works. That could be a district employee, they don't have to be a contract attorney, but we need to make sure...
- Chair Giunchigliani: They are answerable to the Board and we'll get a ruling on that, because I don't really have a clue. Dr. Hardy, do you?
- Member Hardy: I think one of the other issues we have is that when we start looking at our own position, my position on the Board, we have Dr. Onyema here somewhere, who is me when I'm not here and I'm him when he's not here kind of thing. And so the reality is when we start looking at attorney coverage, we also have to look at the deputy attorney or somebody who is capable of stepping in...
- Chair Giunchigliani: Stepping in...
- Member Hardy: Steve may have a life. I mean, he may have somewhere to go. And so, there has to be some recognition that you can't put all of those proverbial eggs in one basket. So there has to be some mechanism, and I don't know what the mechanism is now, but there has to be a mechanism where we don't lose coverage with our legal expertise.
- Chair Giunchigliani: Thank you. Alright. The motion before us, all in favor say "aye."
- Board members in unison: Aye.
- Chair Giunchigliani: Opposed. Motion carries. Thank you, Mary Jo, we have you recorded.
- Member Mattocks: Thank you.

III. PUBLIC COMMENT

A period devoted to comments by the general public, if any, and discussion of those comments, about matters relevant to the Board's jurisdiction will be held. No action may be taken upon a matter raised under this item of this Agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to NRS 241.020. Comments will be limited to three minutes. Please step up to the speaker's podium, clearly state your name and address, and spell your last name for the record. If any member of the Board wishes to extend the length of a presentation, this may be done by the Chairman or the Board majority by vote.

- Chair Giunchigliani: The next item is public comment period. Please come forward, if you wish to, and state your name.
- Norine Clark: Good morning. My name is Norine Clark. I'm a nurse here at the Southern Nevada Health District; I am also the Chief Steward of Local 1107 here at the district. Right here is Diane Freeman, she is our Vice President of our Local 1107 here at the health district. First of all, with all due respect I would like to clarify a couple of points made by the Board and that is one, we have gone through the proper

channels in trying to deal with issues with management and administration. We have taken the steps to utilize Dr. Sands' input to keep him informed; we've also taken issues to the joint labor/management committee. However, we also agree with Commissioner Weekly that the problems are so vast and we are afraid of intimidation and retaliation. So I stand before you representing 200+ employees, both union and non-union members, who signed a petition that we're going to present to the Board today. The employees wanted their voices heard and felt the petition was their only option since we have lost faith in the administration and felt our voices fell on deaf ears. We wanted the Board of Health and the administration of the Southern Nevada Health District to know that we do value each and every one here at the health district, but especially treasure those who stand up for a fair, hostile-free work environment. However intimidation, hostility and discrimination run rampant among the management. It's time to clear the slate and start a new path of recovery and rebuild trust in our administration. The only way we feel that this will be accomplished is by resolving the on-going issue. The issue is we no longer have confidence in our administration and HR. We would ask that you take into consideration the morale and the future of the employees at the health district and review Angus MacEachern's position as manager of the HR department. And if I may, I would like to read the petition: "Dear Southern Nevada Health District Board. We as employees of Southern Nevada Health District and members of SEIU Local 1107 sign this petition in support of Environmental Health Director Glenn Savage. He has been a manager that not only has championed for the community but also is a fair and respected director that strives to make the work place better for all employees and those we serve. We as employees collectively want to see him reinstated as director of environmental health immediately. We also are deeply disappointed by the actions of Angus MacEachern who serves as human resources administrator. We all want to work in a positive environment where we are able to do what our jobs without fear or intimidation. We have lost confidence in his ability to respect the employees. Therefore we ask that Angus MacEachern be removed from the position as human resources administrator." Thank you very much.

Chair Giunchigliani: Thank you. Is there anyone else who wishes to testify?

Ann Markle: Ann Markle and I've been here for forty years, manager and started out as a clerk. I would like to read a letter from one of my set of employees. "As employees of the Vital Records Division of the Southern Nevada Health District, we would like to express how we feel about the recent statements made about Dr. Lawrence Sands our Chief Health Officer. In our office, with the processing of Death Certificates, we have daily contact with Dr. Sands. He has always responded with the utmost efficiency and professionalism. As for our department, he has always been open to our suggestions and concerns. Please consider our support for Dr. Lawrence Sands." I would like this as part of the record.

Chair Giunchigliani: Thank you. We'll be happy to take that.

- Mrs. Markle: Also, I'm not finished. As far as the office of human resources, I've been here for forty-one years when we had a personnel department up until six years ago and it was run well, but not a lot of things were covered. When Angus took it on, it became a true human resources department. And no, he's not well-liked by people, but he does do his job. And like said, I started out as a clerk, not manager, and went all the way and went through Dr. Ravenholt and Dr. Kwalick and now Dr. Sands and Angus. And I think Angus has done above what he should do, and I am real confident about the job he has done. And in comment to us feeling intimidated if we come to the Board, I know I speak for myself and I think I speak for most managers, we're not afraid to come and tell you anything. I don't think we think we're going to be retaliated against. Thank you.
- Member Kirk: Are you, can I ask you a question, are you a member of the union?
- Mrs. Markle: No, I'm not; but I and Sue Baker and Rick Reich started from the association to the union years ago, and I supported that.
- Member Kirk: Thank you.
- Mrs. Markle: Until it became what it shouldn't be.
- Chair Giunchigliani: Thank you.
- Dr. Otto Ravenholt: Dr. Ravenholt. I just wish to add a little history to the overall program of discussion today. Being present at the birth of the district, then serving for thirty-five years as the health officer role, I've seen a lot of changes. But the most significant one I want to just clarify for you, is the health district was established under statute succeeding the county board of health and its powers, and a district was established in both Washoe County and Clark County. In Washoe County, the arrangement at present is the district is sort of an advisory board, represented by the district attorney and under the county for processing claims and budget and other things. And that's how this district began until 1967, those four years. And then George Franklin was the district attorney, I'm sure some of you have been around long enough to remember George as city councilman, district attorney and other things. And when I sent up with Laxalt in '67 to have the human resource department for six months without giving up the job here, we inquired to George about what the powers of the district board were, because we were interested in having the cities fully participate. And George responded from the DA's end of it that not only could we hire our own legal counsel, we were obligated to have our own legal counsel because it could be a (indistinguishable), air pollution and other things, and then the district attorney would be on both sides of the issue. That was the Board retaining its attorney, but also George went on to clarify that the district board could be the financial responsibility and have its own audit. This is a little bit stimulated by the then county auditor, Paul Horn, having taken exception to paying the grocery bill I had for the little apartment I had up in Carson City – they weren't paying me anything for this duty, but they were paying my expenses. And so the district attorney ruled, or advised let's say,

that the district board could be the financial responsible board and could have its own auditor, and most important in this regard that it would have control of all revenues coming to the district and any that were not expended for the initially budgeted purposes remained in the district pot to be reallocated, re-budgeted as the district board saw fit. I would only add that it seemed to me, and I think it's true that if the district board does not have these powers, then the city members are not really other than advisory and to have a really full participation the district board needs to enjoy these powers and over the last forty plus years this has worked out quite well in terms of responsible allocation of resources and solicitation from federal grant fees and the county as the big brother that provides the basic tax revenue for the Board. So the history of it is one that, I think, encourages the Board retaining as much of its function and authority as it can as a health district board rather than being under one or another of its members for these services. So, just add that to the background.

Chair Giunchigliani: Thank you for the history, Dr. Ravenholt, and it's wonderful to see you again. We still appreciate all you did in this community. Good morning, Senator Heck.

Dr. Joe Heck: Good morning, Madam Chair. Dr. Joe Heck. I'm here as a physician today. And as a physician who's worked in Clark County near public health for fourteen years and having worked with all three chief health officers that this district has known, and having had the good fortune of being mentored by the godfather of public health in Clark County, Dr. Ravenholt...

Member Christensen: Are we going to put that on the building?

Dr. Heck: He made me an offer I couldn't refuse. I'm glad to see that the bylaws are moving to a sub-committee, because the proposed bylaws, which I understand were just a working document for the purposes of discussion, did cause me a little bit of concern as a public health physician, and that is, again using a word that was often used by Dr. Ravenholt, public health is an ecumenical field of medicine and it doesn't discriminate based on race, creed, color, socio-economic background...the job is to protect public health for all residents and visitors to Clark County. And it's not in the role of providing health care services, per se, but is a policy in taking care of public health. And so some of the proposed bylaw changes in the working document seemed to lose sight of what the public health mission is for this district. And the other thing that I just wanted to mention is that as the bylaw committee moves forward, that I know, Madam Chair, understand and so does Dr. Hardy, the concept of Dillon's Rule which states that the County only has those authorities expressly granted to it by the legislature. And in a review of NRS 439, some of those things that were in the proposed bylaws are not expressly permitted in NRS 439, so that should also be taken into consideration as the bylaw committee moves forward.

Chair Giunchigliani: Thank you. Ecumenical, I think that's a good term to use. Mr. Matheis, a pleasure to see you.

Larry Matheis:

Larry Matheis, executive director of the Nevada State Medical Association. As you know, I was also once the administrator for the state health division, I worked with all three of the health officers and it's been a pleasure to do that. They and the staff here have always been professional and have always cared a great deal about the public who's health they have to address. I do worry about the unringing of a bell, it does require to override a law of physics. And I'm afraid that the Board may have inadvertently rung a bell that is unfortunate. Whatever you intended by today's meeting, the character and professional competence of Dr. Sands has been put on the table as a question. I've worked with Dr. Sands since he came here under Dr. Kwalick and during the transition, I've worked with him on virtually every public health policy issue that's before this Board or the state for the last couple of years. His character is beyond reproach. His professional competence is absolutely affirmed in all his professional behavior. And that's the view of certainly the physician community, particularly the view, I believe, of the public health peers. And I think that's important just to restate, because unfortunately what I think, if I read between the lines today, was a management/personnel issue has seeped over into the public policy issue and that is dangerous. I've especially worked with Dr. Sands and with the staff during this horrible hepatitis outbreak issue and one of the horrors that it has resulted in is it's shaken public confidence in the healthcare system. Restoring that is done as each part of the system shows that its competent, it is caring and it does fix problems properly when they are identified. And Dr. Sands has been the most responsive earliest. There's no doubt that all the public agencies that have been involved in one aspect of that crisis or another, the Southern Nevada Health District, this Board, Dr. Sands and staff have all reacted appropriately and timely throughout this crisis. Every other public agency goes through a lot of introspection about shortcomings. That really doesn't happen and it hasn't been a reality response for this agency. And so I just worry about the public misapprehension that there is some doubt on the part of this Board, or on the part of public institutions here in southern Nevada about the character and professional competence of Dr. Sands. I think there is no reason to justify either of those terms, and it's unfortunate I understand from the Chair why the agenda appears as it does. It's time for legal wordsmithing to find ways that don't raise those kinds of fundamental questions when that's not really what was intended, I think. So those are just some comments. I do think that Dr. Sands leads a highly professional staff here; I think people in Clark County are well-served with that and the public health here is in as good of hands as you would want as a Board and as the public demands. Thank you.

Chair Giunchigliani:

Thank you, Mr. Matheis. Councilman Reese has a comment

Member Reese:

Mr. Matheis, I appreciate your comments. I feel that as a Board member, I think that Dr. Sands has certainly received overwhelming support from this Board and I will have it go out to the public that this Board does support Dr. Sands and the decisions he has had to make, and we're going to continue to support him until such time that we

have, I guess, further questions. Now I feel like I want everybody out there in the public to know that we support our chief health officer.

Chair Giunchigliani: Thank you and we'll so note that. I think the wordsmithing thing is part of the problem, Larry, and that is the dilemma we try to deal with. I know that when the press called me, I did respond to most of them and try to make, I think the newspaper tried to say, I think it's being interpreted wrongly, you know, so this is a good part of this Board meeting to have the public process, in the long run, so that people understand that Dr. Sands is supported by the Board of directors and continues to be so, but when an internal member issues sometimes overflow, by law, we are required to do certain things to make sure that certain rights are protected. And sometimes it may cast a different intent, and that was not the intent. Dr. Kwalick.

Dr. Kwalick: Madam Chair, members of the Board. Dr. Don Kwalick, retired health officer just in the nick of time, it seems.

Laughter

Member Christensen: Where's the Yankees at now?

Dr. Kwalick: I hired Dr. Sands after a long struggle to try and find someone throughout the nation. And his character is without reproach; his professional experience, and I have forty-five years of public health experience, is among the best that I've worked with. So I just wanted to make that comment to you all. I think what you've accomplished here today is really well-done. I have one suggestion to the committee that's looking for an attorney to replace Mr. Minagil – you're going to have a tough job. The attorney working specifically only for the Board is going to be problematic; 95% of what the attorney does on a day-to-day basis is with staff to resolve issues that deal with public health management and public health matters on a day-to-day, so you may have to have two attorneys or divide the duties in such a way that the attorney will be doing certain things for the Board and certain things for staff and the chief health officer. Just wanted to leave that.

Chair Giunchigliani: Thank you. I think maybe just to clarify, I think what the motion really did is it said they still work for but they answer to the Board. So there's a different delineation on line of authority is really what we're trying to do here.

Member Crowley: Madam Chair?

Chair Giunchigliani: Uh-huh, Ms. Crowley?

Member Crowley: And my comments actually are to Dr. Sands. I want you to know that as a Board member I supported you from the beginning, I support you know, there was never a question about anything that was on the agenda, I mean, I support you.

Chair Giunchigliani: Thank you. Thank you very much. Good to see you. Mary Jo, do you have any questions or comments?

Member Mattocks: Thank you. I don't have any questions, I just want to go on record as saying that I totally support Dr. Sands. I know that in management sometimes you have to make hard decisions and sometimes you question them. And sometimes you have to go back and change your mind and it's not an easy job and I just think the meeting today was well-done and we got information out there and I thank you for being able to participate.

Chair Giunchigliani: Thank you. We have one more person here for public comment period.

Veronica Morata-Nichols: My name is Veronica Morata-Nichols and I have worked for the county for twenty-seven years. I've worked at UMC in the critical care unit for seven years; and I've been with the health district for twenty years. I have served under Dr. Ravenholt when we were like about 75 people in nursing, and Dr. Ravenholt used to know all of us and make his rounds by our first names – we were a very small nursing department at the time. And also I have served under Dr. Kwalick when we were getting bigger. And now I'm serving under Dr. Sands and we're huge. I couldn't even imagine that we as big nowadays. And with respect to the different wards where our council members here, I have also served under the different zip codes that you can imagine as a public health nurse out there. And for me, working at the health department I've also worked with different issues here. I have also been one of those, I have never, I haven't always been a manager – I was a public health nurse I, 1.5, II, 2.5, a public health nurse III, a supervisor and now a manager. So I do know how to work from the very bottom and to do my job within each classification. And for me, I've had several problems, but I use the process that we have. I was also a union member for a long time and I do support both ways, and I can see both ways working. I can see that it can work both ways, and it doesn't always have to be management versus the members and it can work. We just have to make it work and just to have an open mind both ways. And in terms of what's happening with Dr. Sands, I am the manager for the immunization department and we did not solicit this, this is from our staff in the immunization department. I'm happy to say that in the immunization department that I run I have a very, my staff are great and we have a good team, and this is from them and I'll read it. "To whom it may concern. The undersigned co-workers in the immunization clinic, we serve at 625 Shadow Lane, wish to acknowledge the following support for Dr. Sands as chief health officer. In a high performance clinic, experiencing great activity, we are a true team. (Just to let you know we service probably from 150 to 1,000 kids a day for the clinic. My team is just great.) We are a well-defined group dependent on each co-worker to relate, support and work quickly and efficiently to achieve the goal of providing essential health services to children and adults in Las Vegas and the surrounding communities. Communication within our clinic is tops. We are a family supporting each co-worker not only in a professional environmental, but also in personal and private

situations. As liaisons to the community, we are always met with respect and gratitude for the entity we represent and the services we provide. Our name represents a sense of trust and we are appreciative of this trust we have been given to maintain the public image of Southern Nevada Health District. In an imperfect world we certainly experience the frustrations of over-crowding, the space limitations and government-restrictions. We as a team continue to remain sympathetic to the much-growing and demanding community. Despite the fall-out from the failing economy and the trickle-down effect, the immunization team continues to support one another and the entity which we all represent." And sometimes I think we tend to forget that – we all work for Southern Nevada Health District and for the public that we serve. Thank you.

Chair Giunchigliani: Thank you, Veronica. Very well said, we appreciate it.

III. DISCUSSION / ACTION *ITEMS WITHDRAWN BY BOARD ACTION EARLIER IN MEETING*

- ~~A. Consider the Character, Alleged Misconduct, or Professional Competence of Chief Health Officer Lawrence Sands. Administrative action may be taken if warranted.~~
- ~~B. Closed Session Pursuant to NRS 241.030 to Consider the Character, Alleged Misconduct, or Professional Competency of Southern Nevada Health District Human Resources Administrator Angus MacEachern. Administrative action may be taken if warranted.~~

IV. INFORMATIONAL ITEMS

Chair Giunchigliani: And I think maybe for the next agenda, Dr. Sands, we constantly grapple with the issue of immunization and how to expand that outreach. So maybe we could have a report on where we're at, what our goals are to accomplish, and if there's anything that we as a Board can assist with you on how to help expand that outreach. And your team may have some ideas, Veronica, so maybe the August or September Board meeting we could take a look at that, especially those back-to-school issues coming up. Mr. Jones?

Member Jones: I don't want to leave any impression by having not given my support fully to Dr. Sands as well today. I think the work of our Board and the health district is too critical to get really too cooped up with the friction. So I think we need to move forward, take a positive approach and keep things moving along here.

Member Strickland: I just want to make my closing comment. As I think I previously expressed, and I want to be absolutely clear on it, I support both Glenn Savage and Dr. Sands. I think it was probably an unfortunate chain of events that occurred, but I think we all learned from it one way or another. I supported the idea that this was put on the agenda because I greatly support the idea that we're trying to follow the letter of the law and I think that was the intent behind all of it. And being a new elected, I've only been doing this for a year and in my own hot-box, so to speak, out in Boulder City, I wanted to express to the Board

that I have found serving on this Board to be very enjoyable and I think all of you are at a level of professionalism that I have not always seen in my one year of experience. And I enjoy coming to our meetings; I enjoy the level of dissertation and discussion. And with respect to Dr. Sands and his staff, they have been absolutely a joy to work with, very responsive to the questions that I have and very one-on-one, whether we're talking about Dr. Sands, Mr. Savage who has been very great in trying to assist Boulder City with our landfill issues with his staff. So I'm not trying to spread kudos to everybody, but I think we're all trying to do the best job we can and I do really appreciate that as a new Board member.

Chair Giunchigliani: Thank you. Thank you for your comments. Mr. Barlow?

Member Barlow: Thank you, and just some closing comments. Dr. Sands, one thing that I can share with you from having to work with our City Manager for the City of Las Vegas, and I share with him that staff came to the Council and stated that their morale was not where they felt it should be. And I recommended to him, just as I'll recommend to you, that I believe it will be serving your best interest as the chief health officer to get out and to go around and visit the various departments, and actually meet with your staff. A lot of staff members that work for you do not know you. And so I believe that if you, and I know you're very busy, but somehow work your schedule to really get around to the various departments and actually meet with the staff and develop a relationship, develop, you know, a sense of community within the health district. That will serve you well because morale is not where we want it to be as a Board, and I know it's not where you want it to be as, you know, the chief health officer. So for that, I recommend that you please do that. I support you wholeheartedly and I believe that you are very knowledgeable and you came highly recommended, as Dr. Kwalick stated a few moments ago. And really get out and meet your staff and find out what it is that the staff would like to see, and the staff will share with you some of those important things they would like to see coming from you, the head, and start to implement some of those things, which will basically serve you well and serve the district well. And for that I support you, and I look forward to the staff really getting the morale back up, because a healthy staff is a very prideful staff at the same time, and a staff that's willing to come to work and do all that they do for the betterment of the entire district. Thank you.

Chair Giunchigliani: Thank you, Mr. Barlow. And on that note, you and I had conversation recently, the intent was not to disparage you in any way. Unfortunately sometimes in management when a decision is made, both good and bad, the buck stops with you because you are the person in that hot seat. I do think that I would like to echo both the words of Mr. Barlow as well as Commissioner Weekly and that is if we're going to be a team, it's going to be a team of everyone and not just some. And if we have employees that feel they can come to you, or through the process as Councilwoman Smith pointed out, and it's still not resolved, then it unfortunately spills over. And so, I think, part of, maybe today's message is, and I think you've taken the steps to do

that with your plan that you're working through, and some evaluations are going on internally that may help guide you in some of the decisions that you'll have to make, that may not be, you know, exciting or good or bad or whatever. So I think in the long run, you know, I appreciate hearing from the managers as well as the employees, but we're all on a team here if that's the case, and including the Board, and we're not something irrelevant as Board of directors. We care very, very much about the public, about the service we provide, we've got wonderful staff, but I don't believe that we should ever have to feel that our interpretations, our points of view are not considered. And so, if I need to say I'm sorry to cast any disparagement on your character – that was never my intent. You and I had that conversation. It's frustrating to sometimes have to still deal with employer/employee management issues, but that's the game that has to be played and when, and it should not be dismissed. If there's constant issues being raised regarding morale and such then we need to deal with those. And so, I appreciate, I respect everybody's opinions. I hope everybody felt comfortable with the Board meeting once we got underway and I just want to offer you my thanks as well. Mr., Dr. Sands

Dr. Sands:

I appreciate everybody's remarks and the vote of confidence and support – that really means a lot to me. But I just didn't want to leave without saying I share those same concerns that we talked about and I will not go through all the detail, but I have begun taking steps based on the feedback I got back in April and I shared the action plan that I have put together to deal with that and as well as starting to make those trips into meeting with employees in different ways and setting up, and basically getting to know more employees and more importantly for employees to get to know me, so that they know what I'm thinking and how I process things, as well. So I have a tremendous commitment to that. One of the things, a number of things brought me to southern Nevada that appealed to me, to the health district, first of all staff was just terrific – that appealed to me quite a bit. The challenges here, there's a lot of challenges – they're not easy challenges by far, but that's why I went into public health. The part about public health I like the most is about the community and that's what I'm passionate about in my life, in many different ways. And I see we need to do the same, and that's one of the things I'm working on, to do the same thing by building community outside the district, but more importantly trying to build community inside the district. It's a large district, it's changed and morphed quite a bit from when Dr. Ravenholt started and I'm trying to manage that growth just like growth is being managed outside in the rest of the community. It's a struggle but I'm willing and I'm committed to take it on. With your assistance, I'll move forward.

Chair Giunchigliani:

Thank you. One thing we kicked around since we started these meetings, if maybe if Board members are ever interested in maybe sitting with you when Dr. Sands does his coffee with Dr. Sands. Because we have to be visible as well; people have to know what we're doing out, I know that Commissioner Weekly and I are out at UMC because people need to know that we're engaged and care

about hearing ideas as well. So, those are just some thoughts that Dr. Sands, we had in conversation recently. You know, if Board members want to sit when with him when he's talking with employees, or do a tour, I mean some of us have never been through the facilities or all the clinics as far as that's concerned, and he's assured me that the door is open and more than willing to take a look at that further.

V. ADJOURNMENT

Chair Giunchigliani: Anything further? Motion for adjournment?

Member Smith: So moved.

Chair Giunchigliani: Seconded. All in favor?

Board members in unison: Aye.

Chair Giunchigliani: Opposed? Motion carried. Thank you everybody.

There was no further business to come before the Board. Chair Giunchigliani adjourned the meeting at 9:25 a.m.

SUBMITTED FOR BOARD APPROVAL

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

/src

attachments