



Southern Nevada District Board of Health Meeting

625 Shadow Lane
Las Vegas, Nevada 89106
Clemens Room

Thursday, August 28, 2008 - 8:30 A.M.

Member Weekly called the meeting of the Southern Nevada District Board of Health Attorney Selection Meeting to order at 9:39 a.m. Stephen Minagil, Legal Counsel confirmed the meeting had been noticed in accordance with Nevada's Open Meeting Law.

Committee Members Present:

Jim Christensen	At-Large Member, Physician
Joseph Hardy, MD	At-Large Member, Physician
Linda Strickland	Councilmember, Boulder City
Lawrence Weekly	Commissioner, Clark County

Committee Members Absent:

Chris Giunchigliani	Chair, Commissioner, Clark County
Steven Kirk	Councilman, Henderson

Executive Secretary:

Lawrence Sands, DO, MPH

Legal Counsel:

Stephen R. Minagil

Other Board of Health Members Present:

Lonnie Empey	Alternate At-Large Member, Environmental Specialist
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Staff: Scott Weiss; Angus MacEachern; Robert Gunnoe; Forrest Hasselbauer; Brian Labus; Leo Vega; Valery Klaric; Shelli Clark, recording secretary

Public Attendance:

Katie Fellows	Jones Vargas
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II. DISCUSSION / ACTION

A. Review Applicants for Attorney position

Dr. Sands indicated there had been a number of applications received and three applicants were interviewed. Mr. Minagil noted that the handouts included information regarding the top three applicants, based on experience in law with which the health district is involved, representing a public body, dealing with Open Meeting Law, litigation, handling contractual matters and interacting with public officials. Mr. Minagil spoke with all three candidates individually and conducted an interview. One candidate had more experience that closely matched the existing position, and was

interviewed by Dr. Sands and Michael Walsh. Candidate #2 currently resides in Florida, but has represented a government entity in Clark County previously. Mr. Minagil felt that all candidates are willing to the job, seem energetic, and were unable to see any problems with the intricacies of the position. Mr. Minagil specifically asked each candidate if he or she had any trepidation with enforcement issues and an ability to advise the agency in solid waste matters and in relation to the Nevada Clean Indoor Air Act. He also pointed out that the position calls for potential litigation with large firms and large legal teams. All the candidates expressed no discomfort in these situations. He also indicated that the selected candidate would serve as general counsel and develop a legal department, as eventually an associate attorney will be needed and as lead counsel will need to be aggressive and take the offensive with some enforcement issues. Again, no candidates had problems with this. The three candidates included in the packet have the qualifications and experience in dealing with these subject matters. The order of applicants in the packets indicate the ranking order as determined by Mr. Minagil, Dr. Sands and Mr. Walsh.

Member Weekly expressed concern about applicant #1 working 70 hours per week. Mr. Minagil stated he works 45 hours per week, however depending upon the matter at hand, additional hours may be necessary. If he is involved with litigation, he may need to put in extra hours to get the job done.

Member Strickland indicated that time is dependent upon constant litigation, being in a trial setting and daily preparation for trial. Weekends are also consumed with writing briefs, summations and statements.

Member Weekly expressed concern that applicant #2 did not list current salary, working hours and reasons for leaving employment. He was also concerned that applicant #3 indicated that an employer could not be contacted.

Member Strickland indicated that applicant #2 listed experience with the first employer as a resident attorney and asked what area of practice this employment involved. Mr. Minagil replied that his line of questioning was in reference to serving as in-house counsel for the government agency listed. He spoke with the current counsel who is familiar with this applicant and wanted to know her responsibilities and functions in serving as counsel. Member Strickland inquired about the five years experience working as corporate counsel and corporate secretary. Mr. Minagil said that he has seen this numerous times and the person is serving as counsel at all times – the two positions are intertwined. Mr. Minagil said that he asked about the types of litigation and if she were experienced in handling all types of civil litigation for the agency, whether contractual, defending claims and the like. The candidate was responsible for any type of litigation coming before the agency and personally represented the agency in more than one trial situation.

Member Hardy noted that the posted salary is \$103,000 and referenced that the three applicants cited a desirable salary more than is posted. He asked if the applicants are aware of the salary and if counsel can work outside the position.

Mr. Minagil replied that counsel cannot perform legal services outside the position. The entry salary for the position is \$103,000 and tops out at \$144,000; as this is a management position, the entry salary is negotiable. Applicants do not realize the effect of a fully paid retirement and lack of Social Security deductions. This is also a term of salary negotiation. Member Hardy asked if the salary was budgeted. Mr. MacEachern said that the salary is budgeted based on the ranges; however caution is exercised when negotiating salaries with relation to experience and placement with peers. The salary range has been approved by the Board of Health.

Member Hardy expressed that he would like to meet someone and speak face to face, as this person is representing the Board.

Member Christensen also stated that he wants to stay within the budget constraints due to funding issues.

B. Next Steps for Attorney Selection Committee

Member Strickland agreed with the ranking of applicant #1. She noted that trial experience is very important. Experience arguing before higher courts is also beneficial. She finds value in multiple bar admissions. Applicant #1 has a large amount of trial experience, stays with each employer for a fair amount of time, has extensive experience with Open Meeting Law, labor issues, reporting to boards and administrators, and has three bar admissions. She expressed ambivalence with regard to applicants #2 and #3. Applicant #3 has extensive trial experience and served as lead counsel for a local company – this person could assemble a team if needed. This applicant also argued before the Nevada Supreme Court and has experience as a public defender.

Member Weekly polled the Committee for their preference for the top applicant:

Member Hardy:	Applicant #1
Member Christensen:	Applicant #1
Member Weekly:	Applicant #1
Member Strickland:	Applicant #1

C. Recommendations

Member Weekly informed Dr. Sands that the Committee's recommendation is to offer the position to applicant #1. Dr. Sands indicated that he can arrange a meeting with the applicant before an offer is extended.

Member Hardy said he would feel comfortable meeting the applicant. He said it is fair to look what your experience will be with that person. He doesn't want to stand in the way of hiring; it would be nice to meet the applicant but is not required for him.

Member Weekly said that applicant #1 has set the bar very high for himself. He expressed concern about padding resumes, but appreciates and respects Member Strickland's explanation concerning trial attorneys.

Dr. Sands said his two goals in recruiting for this position are to ensure the best legal representation for the Board of Health and the health district is retained; also he wants to hire someone that all parties are comfortable with, be it the Board, staff or himself. As the chief executive, it is his job to acquire legal counsel and ensure that the person can represent the district well; if the Board is not comfortable with the person, the goals cannot be achieved. He again said that he would like to offer the committee the opportunity to meet the recommended candidate before an offer is finalized.

Member Weekly appreciates the offer and said that in sitting on boards that not having good representation to ensure that your best interests are looked after, it is that board's responsibility. He is not there to run the health district, but as a board member he wants to make sure he is doing his part and ensuring there is appropriate legal coverage.

Member Christensen stressed the experience of applicant #1, he understands how to prioritize and who the client is.

Member Strickland said she would not need to meet the candidate – she said that Dr. Sands knows the personalities of the Board and can assess if that person can work well with the Board. She said it would not be of value for her to meet the applicant.

Member Weekly said to extend the opportunity to the chair, vice chair and secretary to meet the applicant, and to other interested Board of Health members. He acknowledged Member Hardy's discomfort with a committee making the final decision and not including the full Board.

Member Hardy said that committee can make the action – he was uncomfortable with the large number of people on the committee.

Member Weekly said that the committee's recommendation is to hire applicant #1. Mr. Minagil asked to clarify that before the offer is extended an opportunity be extended to the Board officers and the committee to meet the applicant.

Dr. Sands asked for direction in the event the selected applicant declines the position. Member Weekly said the committee will need to meet again to discuss further options.

III. PUBLIC COMMENT

Public Comment is 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.

Member Weekly asked if any member of public wished to be heard. Seeing no one, Member Weekly closed this portion of the agenda.

IV. ADJOURNMENT

There being no further business to come before the committee Member Weekly adjourned the meeting at 10:10 a.m.

Respectfully Submitted,

Lawrence Weekly, Committee Member

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