



Southern Nevada District Board of Health Meeting

625 Shadow Lane
Las Vegas, Nevada 89106
Administration Conference Room #1

Monday, September 22, 2008 - 1:00 P.M.

Chair Giunchigliani called the meeting of the Southern Nevada District Board of Health Attorney Selection Meeting to order at 1:14 p.m. Stephen Minagil, Legal Counsel confirmed the meeting had been noticed in accordance with Nevada's Open Meeting Law.

Committee Members Present:

Chris Giunchigliani
Steven Kirk
Linda Strickland

Chair, Commissioner, Clark County
Councilman, Henderson (telephonically)
Councilmember, Boulder City (telephonically)

Committee Members Absent:

Joseph Hardy, MD
Lawrence Weekly

At-Large Member, Physician
Commissioner, Clark County

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

Staff:

Scott Weiss
Angus MacEachern
Robert Gunnoe
Shelli Clark

Director of Administration
Human Resources Administrator
Human Resources Supervisor
Executive Assistant and Recording Secretary

It was noted for the record that Member Christensen excused himself from the committee as one of the candidates is a patient of his. The committee now consists of five members.

II. DISCUSSION / ACTION

A. Review Applicants for Attorney position

Dr. Sands reported that an offer was made to the candidate recommended by the committee at the previous meeting; however after the offer was made and accepted the applicant later

declined the position due to changes in his personal life. One applicant from the previous list has since accepted another position; the third candidate remains in consideration for the position. Staff reviewed the applications on file and two additional candidates were brought forward due to their experience fitting with the job qualifications. All three candidates were interviewed by Dr. Sands and Mr. Weiss. Additional background information is being gathered presently.

Chair Giunchigliani asked for clarification on the years of experience required for the attorney position, which is four years experience in government/civil law or ten years in continuous private practice. Angus MacEachern, human resources administrator, stated that when the position was initially created this was the minimum experience felt appropriate. This decision was arrived in consultation with the current attorney and district management.

Chair Giunchigliani asked if any of the candidates were minorities. Dr. Sands said that Applicant A noted activity in law school with a minority group.

Member Strickland asked if there were a requirement of four years of experience. Chair Giunchigliani said that in the future she would hope that strict requirements do not narrow the field too much to limit the selection to a particular candidate. Member Strickland expressed concern that Applicant A did not fully meet the experience requirements. Dr. Sands said in the interview, the applicant noted that while working as a department manager he handled administrative law cases as he was the only attorney on site. Member Strickland said that sometimes a person will pass the bar and then decide to pursue other interests – this can result in a person working in a capacity that does not require legal requirement or bar admission.

Chair Giunchigliani asked if letters of recommendation are received. Dr. Sands said that we request references and then follow up with those references.

It was noted that Applicant B has over thirty-five years of experience in Las Vegas and has been recently in private practice. A majority of his experience has been representing public entities, including work in Pahrump and Nye County. Several years ago he served as the assistant city attorney for the City of Las Vegas.

Member Kirk asked if the attorney is able to see outside clients. This could result in the person serving two clients at the same time, while he is supposed to be on district time. Also the attorney may not be giving his full attention to the district. Dr. Sands said that the attorney cannot have any other outside employment and the district is the exclusive client. Applicant B in the interview said that he could conclude some of his current cases and others could be referred out. The requested salary was the posted salary.

Applicant C is also currently in private practice. Mr. Minagil said that lawyers in private practice typically pay bills and overhead first, then pay themselves a salary from the balance. This is the salary which is taxable. Insurance costs come from the overhead, as is rent and any office staff.

Member Strickland said that one of the applicants serves on the editorial board for the Nevada Lawyer. She believes that this person writes articles and reviews those of others for publication. If the function is strictly an editorial position, she has no issue; however if the person is submitting articles for consideration by others on the editorial board there could be a concern.

Mr. Minagil said that the duty first and foremost is to the health district as a client and would be precluded by the professional responsibility rules from submitting opinions or writing articles contrary to the interest of the district.

Dr. Sands said that as long as the parameters are well defined including the role and relationship of representing the district there would be no issue. Chair Giunchigliani said that this would need to be negotiated, in addition to salary and no outside employment. The terms will be negotiated by management.

Member Strickland said that Applicant C would be a good candidate to review due to prior experience in the public sector and time spent in the public defender's office. This person also argued cases at various levels including the Nevada Supreme Court. He is licensed in two states which can be beneficial if the need arises. He spent a reasonable amount of time with each employer which is a good indicator when looking for an attorney.

Chair Giunchigliani asked if this applicant's experience with DIR has been verified. She said that this experience lends itself to the applicable knowledge and skills required of an attorney including open meeting law.

Dr. Sands disclosed that he and Applicant C have a mutual friend in Arizona; however he has not worked with him and did not ask him to apply.

B. Next Steps for Attorney Selection Committee

Chair Giunchigliani asked where Applicant C ranked previously. Dr. Sands said that he was previously ranked as number three, though applicants 2 and 3 were fairly close. When looking at the applications again, Applicant A and B were added to consideration as their experience working with government agencies and administrative law matched what we are looking for, as well as their length of time in the community.

Chair Giunchigliani asked if the attorney will be on probation and have performance reviews. Dr. Sands said that all employees are on probation for the first six months of employment. At the end of six months, the employee is moved to regular status, released from employment or probation can be extended if there are some issues or certain certifications are needed.

Member Kirk said that he feels that Applicants B and C are close, but he would lean towards Applicant C. He is concerned that Applicant B may be getting close to retirement; it can take a few years to learn the position and the leadership in each entity. He appreciates Member Strickland's comments and perspective, in addition to what each Board member feels is important as the job is not just being an attorney, but navigating through each municipality to get work done and using political savvy when needed.

Member Strickland said that considering the length of practice and potential outlook for retirement are very important. Applicant C was admitted to the bar in 1986 whereas Applicant B was admitted in 1974. She also is concerned that choosing someone who is seemingly late in their career could come on board and get a feel for the position and then opt to retire shortly thereafter. She agrees that Applicant C is the first choice.

C. Recommendations

Mr. Minagil noted that the Board gave authority to the committee to direct Dr. Sands as to whom employment should be offered.

Member Kirk asked for the salary range of the position. Mr. MacEachern said that the posted range is \$103,000 to \$144,000 annually.

Member Strickland motioned to recommend to Dr. Sands to extend an employment opportunity to Applicant C, and Applicant B as the second choice; seconded by Member Kirk. The motion carried unanimously.

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.

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

Dr. Sands noted that Mr. Minagil will work most of this week and staff is working on a contractual arrangement with him during the interim transition period. The committee saw no problem with this arrangement. Dr. Sands also said that a report from the committee was agendaized for the September 25th Board of Health meeting in the event future business is necessary. Staff will update the Board as to the status of the employment offer.

IV. ADJOURNMENT

There being no further business to come before the committee Chair Giunchigliani adjourned the meeting at 1:38pm

Respectfully Submitted,

Chris Giunchigliani, Committee Chair

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