



## MINUTES

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

625 Shadow Lane  
Las Vegas, Nevada 89106  
Clemens Room

***Thursday, February 26, 2009 - 8:00 A.M.***

Chair Giunchigliani called the meeting of the Southern Nevada District Board of Health to order at 8:04 a.m. and led the Pledge of Allegiance. Chair Giunchigliani noted that a quorum was present. Stephen F. Smith, Esq., Legal Counsel confirmed the meeting had been noticed in accordance with Nevada's Open Meeting Law.

**Board Members Present:**

Chris Giunchigliani	Chair, Commissioner, Clark County
Ricki Barlow	Secretary, Councilman, Las Vegas
Jim Christensen, MD	At-Large Member, Physician
Susan Crowley	At-Large Member, Environmental Specialist
Robert Eliason	Councilman, North Las Vegas
Tim Jones	At-Large Member, Regulated Business/Industry
Mary Jo Mattocks, RN	At-Large Member, Registered Nurse
John Onyema, MD	Alternate At-Large Member, Physician
Bubba Smith	Councilmember, Mesquite
David W. Steinman	Councilman, Las Vegas
Linda Strickland	Councilmember, Boulder City
Lawrence Weekly	Commissioner, Clark County

**Absent:**

Steven Kirk	Vice Chair, Councilman, Henderson
Joseph Hardy, MD	At-Large Member, Physician

**Executive Secretary:**

Lawrence Sands, DO, MPH

**Legal Counsel:**

Stephen F. Smith, Esq.

**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

**Other SNHD Board of Health Members/Alternates Not Present:**

Travis Chandler	Councilmember, Boulder City Alternate
-----------------	---------------------------------------

Tom Collins  
Frank Nemeec, MD  
Steven Ross  
Barbara Ruscigno, RN  
Gerri Schroder  
Stephanie Smith

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

Staff: Scott Weiss; John Middaugh, MD; Angus MacEachern; Glenn Savage, Bonnie Sorensen; Stephanie Bethel; Adrian Brown; Nicole Bungum; Dennis Campbell; Rory Chetelat; Alice Costello; Arta Faraday; Jing Feng; Steve Goode; Robert Gunnoe; Mary Ellen Harrell; Forrest Hasselbauer; Angela Jones; Jane Kopczak; Brian Labus; Daniel LaRubio; Ann Markle; Kieawa Mason; Patricia O'Rourke-Langston; Gwen Osburn; Naim Qazi; Amanda Reichert; Walter Ross; Patricia Rowley; Jane Shunney; Leo Vega, Jennifer Sizemore; Leisa Whittum; Deborah Williams; Valery Klaric and Shelli Clark, recording secretary

#### **ATTENDANCE:**

##### **NAME**

Neil Ackerman  
Deborah Ammon  
Orlando Arteaga  
Byron Autry  
Judy Ball  
Donna Barbee  
Maggie Beck  
Edward Berkley  
Dolores Bodie  
Sonny Boeckman  
Linda Bruckner  
Robert Brychel  
Tina Buffalin  
Lisa Camon  
Lucinda Cartagrna  
Julie Charburn  
Sandra Chavez  
Michael Cornwell  
Jean Cove  
Cynthia Curtis  
Ashley Dunaway  
Deane Frazer  
John Edwards  
Betty Evanson  
Katie Fellows  
George Fodor  
Michael Foley  
Christine Foresta  
Audrey Fulkao  
Steven Garber  
Charity Gibson  
Donna Gill  
Robyn Gill  
R. Godfrey  
Wes Goodman  
John Guarini

##### **REPRESENTING**

PI Land Las Vegas  
Picerne  
Stout  
City Wide Pool Service  
Hunt Pacific Management Corporation  
Griswold RE Management  
Pacific Islands Apartments  
Opulence HOA  
SEIU  
Discount Dumpsters  
Amber Ridge HOA  
Symphony Homeowners  
GSC  
Nicklin PM  
Pacific Islands Apartments  
CCWRD  
Hunt Pacific Management Corporation  
Benchmark  
BPL Properties  
Stout  
General Services Corporation  
Flamingo Chateau  
Oasis Apartments LLC  
HCPOA  
Jones Vargas  
Pacific Islands Apartments  
CME - HOA  
Pacific Islands Apartments  
Stout  
PI Land Las Vegas  
Allied Innovations  
VP, Riverstone Residential  
Pinnacle  
Red Hills  
Canyon Springs Pools  
HCPOA

Ron Hair	Adams Pool Solutions
Mary Ellen Hendricks	Braewood Hermitage
Jean Hill	Braewood Hermitage
Barbara Holland	H & L
James Huggins	Nicklin PM
Robert Hyden	Prime Group
Bill Jones	Standard Management
Herbert Johnson	Pinnacle
Darlene Kosahene	Lewis Operating Corp.
Robin Knight	Pacific Islands Apartments
Michael Lafex	Tuscany
Tim Lauren	Laughlin Bay Village HOA
Joyce Leshner	Elite HOA Management HOA
Mike Lim	State of Nevada
Brenda Lovato	GSC Property Management
Theresa Magoo	Rhodes Ranch
Susie Martinez	City of Las Vegas
J. Marsaw	Rock
Dave McClennan	Monterey Park HOA
Robert McNamara	B & R Property
Denny McQueen	Riverstone Residential/Sh. Ridge
Ron Mecham	Lifeguard Pools
Diane Meyer	Benchmark
Phil Michaelson	Benchmark
Julia Mooney	Amber Ridge HOA
Jerry Oliva	Stout
Scott Peters	ConAm Management
Johna Porticello	Level Management
Christy Preston	HCPOA
Ron Preston	HCPOA
Felicia Reed	GSC
Gary Reese	Mayor Pro Tem/Councilman, City of Las Vegas
Melody Richard	General Services Corporation
Liz Ritchey	Stout
Kammy Robertson	General Services Corporation
Katelyn Robertson	General Services Corporation
Gia Rodriguez	City of Las Vegas
Scott Seastrand	Discount Dumpsters
Patricia Simcik	Opulence Condo Association HOA
Richard Skurski	AMC
William Sunday	Personalized Pool Service
Alisha Terry	Pacific Islands Apartments
Penny Tourangeau	EBMC
Delores Troik	B & R Property
James Villaros	BPL Properties
Ray Visconti	Self
Jason Workman	PI Land Las Vegas
Norine Clark	SEIU / SNHD
Gail Gholson	SEIU / SNHD

**BOARD OF HEALTH SERVICE RECOGNITION:**

**Gary Reese, Councilman/Mayor Pro Tem, City of Las Vegas**

Dr. Sands recognized Mayor Pro Tem Gary Reese from the City of Las Vegas for his long time service to the Board of Health, both as a member from June 1995 – January 2009 and as Chair from January 2003 – June 2005. He thanked Mr. Reese for his calm leadership and devout dedication to ensuring protection of public health and safety.

Mr. Reese reminisced about his first Board meeting and the learning curve that comes with service on the Board. He expressed his appreciation for the opportunity to serve with his fellow Board members. He thanked his staff at the City for their support. He recognized that the Board will continue to do great things in the future.

**I. CONSENT AGENDA**

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

1. **Approve Minutes / Board of Health Meeting:** 1/22/09
2. **Approve Payroll / Overtime for Periods:** 12/27/08 – 1/09/09; 1/10/09 – 1/23/09; 1/24/09 – 2/06/09
3. **Approve Accounts Payable Registers:** **#1162:** 1/08/09 – 1/14/09; **#1163:** 1/15/09 – 1/22/09; **#1164:** 1/23/09 – 1/28/09; **#1165:** 1/29/09 – 2/05/09
4. **Petition #15-09:** Approval of Agreement with State Division of Environmental Protection: Small Quantity Generator Renewal
5. **Petition #16-09:** Recommendations for Appointment of Members to the Family Planning Advisory Council

Chair Giunchigliani asked if there were any further changes to the Consent Agenda or discussion on specific items; seeing none she called for a motion to approve the Consent Agenda.

*A motion was made by Member Eliason to approve the Consent Agenda as presented; seconded by Member Mattocks and was unanimously approved.*

**III. PUBLIC HEARING / ACTION**

1. **Memorandum #01-09:** Application for Approval for Discount Dumpsters, LLC to Operate a Solid Waste Management Facility – Construction and Demolition Waste Short-Term Storage Facility, Located at 3031 Devary Lane, Las Vegas, NV 89156 (APN 140-16-103-006 and 140-16-103-008), SNHD Control No.: CDW01-XXX-01

Chair Giunchigliani declared the public hearing open.

Naim Qazi, plan review manager, spoke relative to this matter. Mr. Qazi said that Discount Dumpsters, LLC has met all requirements for a construction and demolition waste short-term storage facility as specified in Section 4 of the Construction and Demolition (C&D) Waste Short-

Term Facility Regulations and satisfied all special use permits require by Clark County. This is the first time this type of facility has come before the Board for approval. The business plan calls for twenty-four hour transport of construction and demolition waste to the facility. No processing of waste will be permitted on site and the facility is not open to the public.

Staff recommends approval based on conditions and final inspection; one condition is the ability to provide proof of financial assurance to cover the maximum cost of hiring a third party to conduct the plan for closure. Scott Seastrand, representing Discount Dumpsters was present to answer questions of the Board.

Chair Giunchigliani noted that zoning for this facility was approved in 2006. Since that time, Commissioner Collins has requested that all Materials Recovery Facilities (MRF) and recycling facilities have off-site improvements – this particular facility will require screening, which Mr. Seastrand noted is in place. Mr. Seastrand stated that all waste is transported to Nevada Construction Clean-up. This is a contingency plan in the event waste cannot be taken directly to a permitted MRF. No waste materials leave the containers at the facilities – it is stored until transport to the Western Elite facility, which is fully permitted and operational per the state of Nevada Waste Management Division.

Chair Giunchigliani asked if the waste would be transported to Apex or Nye County. Mr. Seastrand said no transports are done to Nye County. Transporting to Apex is an option; however they are not obligated to use any one landfill. Chair Giunchigliani asked that Mr. Seastrand ensure that whatever company is used to receive the waste abides by the established regulations. Mr. Seastrand said again the contingency plan is take the waste to a permitted MRF rather than Nevada Construction Clean-up. If all plans fail the facility has approval to take the containers to Western Elite. Chair Giunchigliani recognized it was a good business plan to take contingencies into consideration.

Chair Giunchigliani asked if he understood and agreed with the conditions as outlined and in agreement. Mr. Seastrand responded affirmatively.

Member Smith asked if it was the standard for applications to take twenty months to obtain approval – he noted this application started in 2007. Dr. Sands remarked that there are other approvals necessary at the city and county levels before the application was come before the Board.

Glenn Savage, environmental health director, said that in recent years businesses have been given an opportunity to recycle waste, others are seeking approval to short-term waste storage – regulations have been developed as businesses needs arise. Staff is working with the business operators to shorten the plan review process; however zoning and land-use permits are required before staff can move the application further.

Chair Giunchigliani noted that the Nevada Revised Statutes need to be updated to reflect that not all recyclables are solid waste. She encouraged staff to keep neighborhoods informed in the public workshop and hearing processes.

Mr. Savage noted that both Stephanie Smith and Robert Eliason have worked in their jurisdiction to keep the community informed about tire recycling. As a result, a fee was instituted which generated revenue for the community.

Chair Giunchigliani noted that the Mr. Seastrand and his business are exemplifying being proactive and she commended him for being off to a good start. Mr. Seastrand reiterated that his business is the first of its kind in Clark County and it was a learning process for all involved.

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

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

2. **Memorandum #03-09:** Application for Approval for P.I. Land Las Vegas, LLC to Operate a Solid Waste Management Facility – Recycling Center, Located at 4775 E. Cheyenne Avenue, Suites C&D, Las Vegas, NV 89115 (APN 140-17-511-005), SNHD Control No.: RC031-XXX-01

Chair Giunchigliani declared the public hearing open.

Naim Qazi, plan review manager, spoke relative to this matter. Mr. Qazi said that P.I. Land Las Vegas, LLC has met all requirements for a recycling center as specified in Section 4 of the Recycling Center Regulations and satisfied all special use permits require by Clark County. Again, this is the first facility of this type in Clark County. Industrial clients will bring used tires to the facility for recycling, which will be broken down into crumb rubber, ferrous metals and nylon fluff will be segregated and sent to off-site facilities for recycling. A condition of providing financial assurance to cover the maximum cost of hiring a third party to conduct the plan for closure is required.

Staff recommends approval based on conditions and final inspection. Neil Ackerman, representing P.I. Land Las Vegas was present to answer questions of the Board.

Chair Giunchigliani asked what crumb rubber was. Mr. Ackerman shared a sample with the Board – crumb rubber is a manufactured product derived from tire shred without the use of heat or chemicals. The product is used as a base for artificial turf due to its ability to compress; it is also use extensively to pave roads due to its durability and longevity, and decreased occurrence of potholes. The Department of Environmental Protection classifies all handling of waste tire materials as passenger tire equivalents (PTE), or twenty pounds per tire. Once processed the byproducts are not called waste, but regulated as such.

Chair Giunchigliani suggested that staff prepare regulations that can differentiate between waste that becomes a reusable product versus solid waste.

Member Barlow inquired as to the process for discarded metal from the tires. Mr. Ackerman said the metal filings are extracted and as they run through the processing line, three magnetic drums pull out the filings, which are sent to Silver Dollar Recycling. The nylon fluff can be used to reinforce concrete casts, particularly in pottery and planters.

Member Weekly asked for clarification on the designated third party if a closure occurs. Mr. Ackerman said there are no other licensed facilities in Nevada and out-of-state facilities are not accepted as current regulations specify the business must be licensed in Nevada. He is in discussion with trash clean-up companies for quotes on removing all waste materials; additionally he has spoken with environmental clean up companies and engineers regarding remediation of the facility's interior and disposal of processed crumb rubber. All Nevada businesses have been unable to provide bids due to lack of qualifications. Member Weekly said this information is key to the Board and staff – he asked that this information be provided as soon as it is received.

Member Weekly asked what the projected traffic flow is. Mr. Ackerman said there would be minimal traffic as tires would only be accepted from licensed tire retailers, trash collection companies and companies which process tire shred, which would be delivered in 100-cubic yard trucks.

Chair Giunchigliani sought to clarify that the application can move forward with the condition #7 pending. Mr. Ackerman said that the closure plan must be met before the business can be operational. He noted that staff has been excellent in their assistance with his application.

Mr. Savage said his staff will provide contact information to Mr. Ackerman of used tire facilities in Illinois who can provide contacts for similar businesses. They could possibly work with the clean-up companies to develop a business plan.

Member Steinman asked how many non-processed tires are permitted on site at any one time and if they are visible from surrounding properties; he also asked what type of regulations relate to the fire risk of stored tires. Mr. Ackerman said the local fire district regulations require high pile storage to minimize risk of combustion. This plan has been approved; however the interior fire suppression must still be addressed. At any given time, tire shred and whole tires will be on site which could be as much as 42,000 tires, none of which will be visible. All tires will be stored in bins, which cannot exceed the ten-foot high bin. The goal is to process forty tons daily in two shifts, which equates to 4,000 tires per day. The facility plans to process 16,000 tons of tires annually, which equates to 32 million pounds of tires not in the landfills, or 1,600,000 PTEs.

Member Crowley asked if tires would be accepted solely from Clark County. Mr. Ackerman said that a certain population density is required to have a profitable business of this type and as a result tires will be accepted from all of Nevada as well as parts of southern California.

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

Mr. Ackerman asked for an exception to allow the facility to begin storing a supply of tires, as well as the ability to test the equipment and begin training employees. Based on the quotes received for financial assurance he asked the Board for permission to receive and stores tires, as well as test equipment and train employees with the understanding that no full processing would be done.

Member Crowley referred to the conditions outlined in the application that require an understanding of how to safely handle materials on site. She asked how this request would influence the outlined conditions. Mr. Ackerman said approval of the fire suppression system on the interior is pending.

Member Steinman inquired why a full capacity of PTEs was necessary for testing and training purposes. Mr. Ackerman noted that it takes time to build the supply. Local suppliers would rather deliver tires to the facility versus a landfill.

Member Eliason asked how long it would take to reach storage capacity. Jason Workman, owner of the facility, said it would take approximately three months. He further noted that all fire code permits have been granted.

Member Crowley asked that the status of each condition be reviewed and how each would be affected by moving forward without a permit. Mr. Ackerman addressed each condition individually:

- 1) Operations must be consistent with the permit application including the Operations Plans and Report of Design, submitted November 14, 2008 as amended – cannot be addressed until facility is operational
- 2) Operations must be in compliance with the latest revision of the SWMA Regulations Governing Recycling Centers, NAC 444A.200 to 444A.470 inclusive, and all other applicable laws, statutes and regulations at all times – conditional upon facility being permitted
- 3) This facility must maintain approvals from Clark County for applicable land use(s) and maintain all applicable business license(s) and permits – both were obtained prior to submitting the application for a permit
- 4) The applicant has applied for but must obtain an air quality approval or exemption from the Clark County Department of Air Quality and Environmental Management (DAQEM) – the facility received authority to construct from Air Quality but until the assembly line is constructed Air Quality will not grant authority to operate
- 5) The applicant has applied for but must obtain a fire department approval or exemption from the Clark County Fire Department – all fire code permits have been issued
- 6) The applicant must submit a satisfactory revised plan for closure – the plan for closure was addressed in this meeting
- 7) The applicant must submit satisfactory revised cost estimates and proof of financial assurance to cover the maximum cost of hiring a third party to conduct the plan for closure – this item is tied to the closure plan; two quotes came in at \$43,000 and another for \$55,000 to remove all PTEs on site. The facility is willing to put additional monies in a bond for any clean-up during the storage period.
- 8) The applicant must pay an annual fee to SNHD for the Waste Management Permit, which is issued annually, after the final inspection is conducted and the permit to operate is issued – the amount of the fee is unknown at present but will be paid upon request.

Member Weekly asked for staff's input on this request; he expressed concern that this request was not addressed before this point. Mr. Savage noted that until all conditions are met no permit will be signed per the Board's previous direction, including a financial instrument in place. All jurisdictions must sign off on any conditions pertaining to them as well before a permit is issued.

Chair Giunchigliani asked if a process is in place which would allow for temporary storage. Member Christensen asked if the Board is comfortable not only with storage of tires, but testing of equipment. Member Crowley said in essence the granting of this request would approve operations without a permit – she suggested that legal counsel review this request. Member Mattocks expressed concern that a precedent would be set.

Member Eliason asked if a temporary storage permit is available, which would allow for storing tires until the final permit is received. Member Crowley said the request is also to test the equipment. Member Eliason said all the pieces must be in place for this to occur. He suggested granting a temporary permit to store items, and grant the final permit once all conditions have been met.

Member Onyema asked if this was the first facility of its type in the nation. Mr. Ackerman said that a plant in Phoenix supplies the equipment; however this is the first time they have decided to construct a facility. The temporary permit would grant the opportunity to store equipment in preparation for beginning of operations. Granting this temporary permit is threefold in purpose: to train staff, test equipment, and establish a supply of tires for when the facility is operational.

Member Eliason said that the County will not grant permission to test/operate until all permits have been signed. Member Onyema asked how other facilities have handled the training issue in the past; he further asked if staff could be trained at another facility.

Mr. Workman stated that once all permits are in place it will take approximately one month to be at operational capacity. He said that 60,000 tires will be necessary during that month to test equipment and provide training – he is anticipating processing a maximum of 5,000 tires per day, which is eight days of storage (40,000 PTEs). As only potentially 600 tires may be received a day, he needs a supply in place in order to operate efficiently.

Member Crowley proposes that financial assurance be processed in pieces, to allow for storage and the full permit would be issued after 90 days for processing pending receipt of the second level of financial assurance.

Mr. Savage asked that Board to agree to a condition to allow for this to be documented. Member Christensen noted that this is a processing and storage facility. The permit needs to be broken up somehow to address both parts of the operation.

Member Smith reiterated that every business is held to certain standards, and he supports separating the storage and processing elements of the permit.

Chair Giunchigliani acknowledged this would be more comfortable for the Board. She said that establishment of a two-step process for financial assurance would be implemented to first allow for storage of a maximum of 55,000 PTEs, followed by issuance of a full permit once the full financial assurance obligation is met.

Member Crowley said that the language of condition #7 must be changed to reflect the two-step financial assurance requirement; she suggested a 90-day threshold for the final step.

Chair Giunchigliani asked to trail this item until staff is able to compose language to address this issue. Staff met with Mr. Ackerman and Mr. Workman.

Chair Giunchigliani asked if anyone from the public wished to speak on this issue. Seeing none, the public hearing was closed.

Mr. Workman noted that this facility will be the showcase and committed to the Board to run a good business. The facility will employ twenty individuals.

3. **Memorandum #04-09:** ~~Application for Approval for AAA Recycling, LLC to Operate a Solid Waste Management Facility – Recycling Center, Located at 4565 East Hammer Lane, Las Vegas, NV 89115 (APN 123-32-201-007), SNHD Control No.: RC030-XXX-01~~ ***Application withdrawn by applicant 2/19/2009***
4. **Memorandum #02-09:** Adoption of the Revised Regulations Governing Individual Sewage Disposal Systems and Liquid Waste Management: Consideration of Business Impact Statement

Chair Giunchigliani declared the public hearing open.

The following is a verbatim transcription of the public hearing concerning Memorandum #02-09.

Dr. Sands: That is the adoption of the Proposed Regulations Governing Individual Sewage Disposal Systems and Liquid Waste Management and Consideration of Business Impact Statement. And again, Mr. Naim Qazi, plan review manager and staff will provide a briefing on this and be able to answer any questions you may have.

Chair Giunchigliani: It's your day today.

Naim Qazi: I would like to ask your permission to talk a little bit longer on this issue. We have worked on this issue for the last two years and finally we have reached this point. We are proposing changes and revisions to our septic systems regulations. Please note that the last time these regulations were amended was in 1994 when the liquid waste management was added; otherwise all the information was taken from adoption in 1984. The current regulations are out of date. It includes provisions for clay pipes, asbestos metal, septic tanks that are no longer in use. The current regulations do not include the latest waste water treatment technology used by US EPA. The current regulations do not include some of the recommendations included for preventive maintenance of individual sewage disposal systems brochures as well as the information we put on the website. During the 2005 legislative session Nevada Revised Statute was changed. We have reviewed our Memorandum of Agreement with the state, who has jurisdiction over commercial septic systems in Clark County. The Memorandum of Agreement is at the end of this package. We have added an ISDS hearing officer process to better deal with compliance issues and public complaints. We believe that this management of septic systems will fall in line with the solid waste management and enforcement process. Your approval of these regulations will clarify the operations and assist in protection of the public. We have not added any regulation in the statute. We have not received any complaint from the public. In the past we've tried to implement individual septic system regulations but were not successful. Therefore we are asking for an enforcement authority. Some of the benefits we will have from these regulations revisions are: number one: we have ordered the certification of ISDS to protect potential home buyers. There is currently no Nevada state law that requires certification of septic systems prior to the sale of the property, unlike California, Arizona, Utah. SNHD's certification of septic systems is often requested for FHA and FHA-backed loans. This will protect potential home buyers and the lender. There is no cost to the public with the adoption of these revised regulations. And presently we are not asking for any increase in fees. These regulations will not impact the building department. We have made every effort to reach out to the community; we informed and helped them understand the proposed changes. We publicized the workshops via newspaper announcement. We have conducted three workshops: one here, one in Sandy Valley and one in Overton. We went to Sandy Valley in the night-time to accommodate community request. And most of the questions asked by the public were related to their individual situation or clarification, which we have answered appropriately. Questions and suggestions pertaining to proposed rules and regulations are addressed and incorporated as appropriate,

except one suggestion that was made by Mr. Sam Carter, who is from the Orenco System, to change the nitrate level from 20 mg per liter to 10 mg per liter. The level of 20 mg per liter was established by EPA; therefore we have to follow this standard. This package that you have, ladies and gentlemen, proposed regulations and detailed of comments and answers. And lastly, my staff members Dan LaRubio and Adrian Brown have done a great job in putting this package together, conducting public workshops and working with the state to amend their regulations, are here to answer questions you may have. Thank you very much.

Adrian Brown: Just a point of clarification, the change Orenco System were asking for was to change to 10 parts per million to 20 parts per million, and that change we couldn't accommodate because of US EPA requirements.

Chair Giunchigliani: Okay, thank you. And Commissioner Weekly has a question.

Member Weekly: Thank you very much. And I'd just like to say, sir, that you're absolutely right. Your staff, Mr. LaRubio and Mr. Brown, have been absolutely wonderful for us. And I know we've had to deal with a number of controversial issues with this matter, and I can tell you to have that type of enforcement in place truly helps us tremendously. And so I just want to commend those two gentlemen publicly, because they've been...

Mr. Qazi: Thank you so much.

Member Weekly: ... to a number of our meetings and they've helped us through a number of these particular issues. So I want to put that on the record and am definitely in support of these.

Member Crowley: Madam Chair?

Chair Giunchigliani: Yes?

Member Crowley: I have two questions, and you can take them in any order you want. The first one is that with the certification required of the home buyer before he can sell his home, if it has an ISDS, how does a home owner who has an older ISDS that isn't perhaps built to what would be today's standard, how do they get that certification without replacing the entire unit. And let me ask a second question and they you can roll them together probably, roll your answers together. Then also, how extensive can their repairs be before they trigger a requirement that the entire system be replaced with something that is up to today's standards.

Mr. Brown: Okay, to answer your first question. Whenever we do a certification, an inspector goes out, the septic tank lid has to be removed, there's an inspection inside the septic tank, along with the records, and based on that on-site inspection it's determined whether or not the septic

system can be expected to function satisfactorily and that report is submitted and management signs off on the certification.

Member Crowley: So it's a certification of functionality not necessarily materials of construction or piping, it's just functionality.

Mr. Brown: Exactly, because that's what's stated on the certification that FHA requires from us. To answer your question regarding repairs, if you'll look, we came up with a definition for repairs in the revised regulations, and that is on, give me a second please, that is item 1.57 and we say what the ISDS repair is and based on that definition, if it falls outside of the definition then we would necessitate installation of a new system.

Member Crowley: Could you repeat back for us what that definition is?

Mr. Brown: Okay, sure, I can read it for you. ISDS repairs, section 1.57: "At the discretion of the health authority, the repair of an individual sewage disposal system is any action that allows for the unrestricted movement of effluent, which includes: the flushing and unplugging of solid pipes, installation and repair of inlet and outlet tees, and the removal and replacement of solid pipes only. Repairs include, without limitation: adding a distribution box, adding a riser for septic tank lid(s), septic tank lid replacements, centering connection to manifold (header line), adding an end cap to leach line(s), and the installation of aeration risers. Repair work does not require the issuance of an ISDS permit; however, an inspection by the Health Authority at the applicable fee may be required (see Section 16).

Member Crowley: So, for example, if someone had a tank that needed to be replaced, that would probably not be considered a repair.

Mr. Brown: They would need to apply for a permit.

Member Crowley: OK. But if there isn't a leach field...the leach field isn't really part of the ISDS, is it?

Mr. Brown: Well, it is. Then the individual sewage disposal system includes both the septic tank and the soil absorption field.

Member Crowley: If they make repairs on that...

Mr. Brown: It doesn't require a permit from us...

Member Crowley: OK, even though it wasn't stated in here...

Mr. Brown: For example, if there's like a distribution box that's going to be switched out, we'd have to inspect to make sure that the distribution box is installed per regulation.

Member Crowley: OK.

Mr. Brown: And that would require a permit, because when it comes down to issuing a permit, then there's a concern about proximity to municipal sewer, which can bring in a whole list of other requirements.

Chair Giunchigliani: Let me follow up on that, if I might, because a leach field was the other question. So it's considered an ISDS, just another form. Now usually engineering-wise there's a certain, you require a percolation test and then there's a block wall that's below grade...

Mr. Brown: Correct.

Chair Giunchigliani: ... and also has to be in place, correct?

Mr. Brown: You're talking about the volume match. And we define what a volume match is in the revised regulations.

Chair Giunchigliani: OK. So if one is missing, because there's been some, I know, on Mt. Charleston that were never properly done. Someone goes to sell, they would have to...

Mr. Brown: They would have to uncover...

Chair Giunchigliani: ... come into compliance.

Mr. Brown: ...exactly, because if we...we cannot certify a system that doesn't meet the regulation and we can't see the extended function satisfactorily when we inspect it and see what the repairs are, there's a permit that needs to be applied for.

Chair Giunchigliani: And none of this impacts gray water, or reclaimed water, just effluent that you're dealing with?

Mr. Brown: No, it doesn't.

Chair Giunchigliani: And didn't we just get some kind of...somebody owed us money based on a lawsuit or something and they were giving us money to educate about pharmaceuticals in the water, because part of this deals with, in your effluent disposal?

Mr. Brown: I'm not privy to that.

Chair Giunchigliani: I just read something in the paper that somebody got paid, part of what their agreement was in lieu of dollars was to give the health district money for educating people on how to properly dispose of their drugs.

Dr. Sands: No one's contacted us about that yet, but we'll be on it.

Chair Giunchigliani: You'll be right on that one!

Laughter

Chair Giunchigliani: And then finally, for me at least, an FHA question. So they're the only ones that are required...

Mr. Brown: Currently they are the only lending agency that requests certification from the local health authority. There are times where other lenders may request it if they have suspicion that there are things that need to be looked at.

Chair Giunchigliani: And so as we in the local governments are dealing with a portion of the stimulus package that's coming down on foreclosures and planning, I know we did stuff with training people for energy efficiencies and things like that. We might have to modify, or make sure our housing staff in our various localities are aware of this requirement as we try to put people into foreclosed homes. And I don't think that there would not be an allowance for utilizing funding for that part of it, but it may not be part of the plans right now. So we should, just maybe, kind of, remember that that's a component, possibly. Any further questions from Board members?

Member Crowley: Just a general comment and that's I want to share Commissioner Weekly's comment. I want to compliment you on the presentation of this information, because it was easy to read, you could see where the changes were, the language made sense, so thank you.

Mr. Qazi: Thank you very much.

Chair Giunchigliani: Jim?

Member Christensen: I, too, want to say it's a great presentation. The one question that always dogs this Board is, and this doesn't speak to it, is the density of the ISDSs and the question of we're going to have to, at some point in time, bite the bullet to say and figure out if there's any more ISDSs allowed and/or do you have to hook up to a public sewage system. So I'm just, you know, having sat here for ten years, we still have yet to bite that bullet. And that date is coming soon.

Chair Giunchigliani: Will this regulation and changes be on our website, then, so the public can access it?

Mr. Brown: Yes.

Chair Giunchigliani: And to follow up on that, Jim, that's an excellent point. The County, actually, with the Water Rec I have several homeowners' associations, whatever, public housing that are private, that built their own systems. And now the folks are coming to the County saying "let me in, we want to hook up to the county standard" and so on and so forth. And staff actually has a consultant that's looking at...we can't pay for that – that's not our responsibility. Those people pay for that. But what standard do they have to come to and then how can we let them...and we're actually looking at our policy to no longer allow for, if they want to build it, it has to be built to county standards at the get-go, not after the fact when they try to come in. So that is a policy, that

at least in Clark County, we just recently did. So maybe the other jurisdictions may want, well we're all county, but I think North Las Vegas has your own treatment. Shame on you. But anyway, but I think that may not be a bad idea to take a similar policy/direction that they have to come up to whatever your standard is to hookup in order to be part of their permitting for constructing that housing division, so that you don't have the issue of how they can then later connect upon request, which would save them money in the long run and the taxpayers who should not be obligated to it. Any other further comments from the Board? A motion?

Member Crowley: Move for approval.

Member Christensen: I'll second.

Chair Giunchigliani: And second...

Dr. Sands: Excuse me – you have to get public comments.

Chair Giunchigliani: I apologize. I'll come right back to that. Does the regulation include the change from the 20 to the 10, the correction?

Mr. Brown: That was just a clarification because the letter that we got from Orenco, they were trying to ask us to change the requirement.

Chair Giunchigliani: OK. Alright. And we'll now open this for public hearing. Is there anyone who wishes to testify, please come forward, state your name. Good morning.

Julie Charburn: Good morning, Chairwoman. My name is Julie Charburn; I'm with the Clark County Water Reclamation District. I want to thank you for giving me this opportunity to speak this morning. First I would like to answer one of your questions – it was the Water Reclamation District that is going to be working on the prescription drug disposal program and we will be working with the health district on that program.

Chair Giunchigliani: I didn't dream that. OK.

Member Barlow: Did you bring the check?

Laughter

Ms. Charburn: And generally, too, we also agree with your statement that you just made – we do believe that all stakeholder agencies and interest groups will need to work together in the future to address the poignancy of the septic system in the urban areas. We know that, you especially in your district, have a lot. We believe that agencies working with public health, planning, water resources and water treatment will need to collaborate not only on future regulations but for creative means to protect the environment and better manage our limited water resources. From the creation of funding programs for septic conversions to discussions on limiting septic permits for specific

time duration, we believe that the subject is worth regional effort and we do look forward to working with everyone involved on that.

Chair Giunchigliani:

Excellent.

Ms. Charburn:

In regards to the specific regulations before you, we do ask for your consideration for two suggestions. One is that the requirement be added between section 2.2.4 and 2.2.5 stating that the application shall not be processed without an inquiry response to municipalities or agencies within the jurisdiction of the property or from the public works department setting forth whether the property fits the criteria to connect to a public system.

Chair Giunchigliani:

Do you have that in writing that you can submit to staff or we can make copies?

Ms. Charburn:

Staff already has it.

Chair Giunchigliani:

OK, good.

Ms. Charburn:

And also, to change section 2.4.5 which currently reads: "a letter from the municipal sewer agency within the jurisdiction of the property or from the public works department stating that they have no objection to the installation of the commercial holding tank" be changed to read "an inquiry response from the municipal sewer agency within the jurisdiction of the property or from the public works department setting forth whether the property fits the criteria to connect to the public sewer."

Chair Giunchigliani:

OK, to staff, is that, are those comments acceptable?

Mr. Brown:

Yes, we are, let me explain the discrepancy. We got the response from Water Rec at 4:29pm on Friday. We had to send the Board of Health memo off that morning. We cannot make any changes when we send it off to you, so this is why this is being addressed...

Chair Giunchigliani:

OK.

Mr. Brown:

...at this time.

Chair Giunchigliani:

Thank you for explaining that. Susan?

Member Crowley:

And I do have a question, too. It sounds like what we're doing is revising the language so that there has to be a response from the agency that the inquiry was made of before something can be granted as opposed to just an inquiry being made. Do you have any idea on how long it's going to take one of the entities to respond back for a homeowner that wants to install...

Mr. Brown:

Let me explain. Right now we use the Clark County GIS Open Door program, which has sewer line locations for the City of Las Vegas and Clark County – it's a measuring utility that we use to make sure that

the 400 feet is adhered to. If it's at 410, 399, we call the engineering section at the Clark County Water Reclamation District for clarification and they normally send us a letter or they give us a verbal approval on the telephone and based on that we decide if we're going to issue a permit or not.

- Member Crowley: OK, so it's...
- Mr. Brown: Currently it's in our operational plan at this time. But we specifically want it to be placed in the regulations.
- Chair Giunchigliani: Do you have objection to the recommendations?
- Mr. Brown: No, no. Thank you.
- Chair Giunchigliani: We'll work with you. OK, thank you very much.
- Ms. Charburn: Thank you.
- Chair Giunchigliani: Questions? Any further questions?
- Member Crowley: I'll amend my motion to ...
- Chair Giunchigliani: Let me just see if there's anybody else that...Is there anyone else that wishes to testify on this regulation? OK, we'll close the public hearing.
- Member Crowley: I'll amend my motion to include the changes that were just requested that our staff has agreed to.
- Member Christensen: The Second agrees.
- Chair Giunchigliani: Any further discussion? See none, all those in favor say "aye."
- Board members: Aye.
- Chair Giunchigliani: Opposed? Motion carries. And we commend you and your staff.
- Mr. Qazi: Thank you very much. I will take these people to lunch now.
- Chair Giunchigliani: This was the easiest to read regulations. It's really been very helpful. Thank you.

*A motion was made by Member Crowley to adopt the proposed regulations as; seconded by Member Christensen and was unanimously approved.*

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

- Petition #14-09:** Approval of Engineering Plans Funding Request and Authorization for Staff to Brief the Clark County Board of Commissioners Concerning the Main Facility Replacement Project

Scott Weiss, director of administration was present to answer questions of the Board. There was no discussion.

*A motion was made by Member Barlow to approve the engineering plans funding request and authorization for staff to brief the Clark County Board of Commissioners concerning the main facility replacement project; seconded by Member Crowley and carried unanimously.*

**The following is a verbatim transcription of the trailed public hearing concerning Memorandum #03-09.**

Chair Giunchigliani: For the audience's benefit, it looks our rubber hit the road and they're back ready to make a presentation. I think all of them are lined up there. So the item that we trailed regarding the rubber tire...

Mr. Ackerman: So you guys all enjoy seeing the lawyer made run to serve you?

Chair Giunchigliani: Yes, it was pretty good.

Mr. Ackerman: I believe we've reached...

Chair Giunchigliani: Can you please restate your name...

Mr. Ackerman: This is Neil Ackerman appearing on behalf of P.I. Land Las Vegas. I believe we've come up with acceptable language that will satisfy this Board's concerns and staff's concerns. We would say that article 7, or condition 7 would be changed that we would be approved to store 42,000 PTEs, passenger tire equivalents, of waste tire, tire shred, rubber crumb, nylon and metal, which would, that way there's no exceptions to what's in there, 42,000 PTEs total, subject to us providing financial assurance to the district in the amount of \$60,000, which we determined was actually in excess of what should the cost of cleaning that up. No operating permit will be provided until a final closure plan and supplemental financial assurance is provided to the Board.

Chair Giunchigliani: Is that agreeable? Alright, is there anyone that wishes to testify publicly on that component? Seeing none, we'll close that portion of the public hearing. And turn it back to the Board. Susan, do you?

Member Crowley: Move for approval with the recommendations as conditions with the amended #7 that you just read.

Member Mattocks: Second.

Chair Giunchigliani: It's been moved and amended; seconded to amend item #7 and adopt the rest of the recommendations that are listed in our report. All those in favor say "aye."

Board members: Aye.

Chair Giunchigliani: Opposed? Motion carries.

Member Weekly: Opposed.

Chair Giunchigliani: Opposed? OK. Motion carries. Thank you.

*A motion was made by Member Crowley to approve the application as submitted with the conditions outlined, with the amendments to condition #7 as follows: "The applicant must submit satisfactory proof of financial assurance in the amount of \$60,000, which will limit the storage capacity of the facility to 42,000 passenger tire equivalents (PTEs), including whole and shredded waste tires and tire-derived materials (i.e., crumb rubber, ferrous metals, and nylon fluff). The storage capacity may not exceed 42,000 PTEs until the applicant submits satisfactory revised cost estimates and proof of financial assurance to cover the maximum cost of hiring a third party to conduct the plan for closure"; seconded by Member Crowley and carried with Member Weekly voting nay.*

## **2. Receive Report on Human Resources Audit; Direction to Staff**

Dr. Sands noted that a report was made at the June 2008 Board of Health meeting regarding the results of the initial Employee Satisfaction Survey, which was conducted in November 2007. The Joint Labor/Management Committee reviewed the results which were shared with staff and Board members in May 2008. The survey indicated high levels of satisfaction in many areas; however the areas of dissatisfaction centered around communication and consistent application of district policies, particularly personnel matters. In response to these results and comments received from both employees and Board members, an outside consultant was hired in August 2008 to conduct an external audit of the district's human resources (HR) functions and identify both strengths and opportunities for improvement, particularly in regard to promoting positive employee relations.

Raymond Visconti, HR consultant, addressed the Board. The executive summary was shared with the Board (attached). Mr. Visconti previously served as the Clark County Human Resources Director and has over twenty years of private sector experience in this field. He has a master's degree in applied research and evaluation. He noted that the purpose of the assessment was to review the HR function, as well as the district as a whole, and make recommendations to improve efficiency and effectiveness of HR, taking into consideration management and employee input. He surveyed HR professionals from the cities of Las Vegas, North Las Vegas, Henderson, University Medical Center (UMC), Southern Nevada Water Authority (SNWA), and Las Vegas Convention and Visitors' Authority (LVCVA) to perform a comparative analysis. The Employee Satisfaction Survey was reviewed, with areas of concern noted. He also spoke with the Director of Representation from SEIU and obtained the union's perspective on areas of concern. He met individually with district HR staff to better understand HR administration and the district; he also met with the Executive Team to discuss the overall operation of HR and the district – he identified areas of improvement and solicited suggestions. He noted that employees are satisfied with their salaries and benefits and feel comfortable both in their jobs and being utilized purposefully.

The first key finding indicated that the handling of deficiencies in performance is a concern. He recommended identifying performance factors for each classification so all employees are aware of what is expected of them; a second suggestion was to revise the performance evaluation tool, with management and employee input, so performance deficiencies are addressed. A performance improvement plan was recommended to provide training to identify and correct deficiencies and mandate supervisor/employee meetings to monitor and provide feedback to employees. The Joint Labor/Management Committee will be working together to determine performance factors and evaluating the current performance improvement plan tool to better address employees' concerns.

As noted, there was concern about inconsistent application of policies and procedures in the district. By providing collective bargaining agreement training to managers and supervisors, this is easily rectified.

Employees expressed concern about advancement opportunities, training and promotions. The recommendation is provide training in job-specific areas, as well as cross-training. This provision is in the collective bargaining agreement. Mr. Visconti also recommended training in the hiring and promotional process, including how to complete both employment and supplemental applications, how to represent oneself in writing and improving test-taking skills. Creating job equivalencies for education/experience was also recommended – staff is currently working on this project. The list of eligible candidates for each position has been expanded from three to five.

Staff is working to improve intra- and inter-departmental communications. The business plan is also being conveyed better to employees. A recommendation was made to have more team-building activities, including training in this area. The district and SEIU are meeting with the Federation of Mediatory and Conciliatory Services as a means to further improve employer/employee relations – this is free service for public entities.

Lastly, Mr. Visconti recommended dedicating a position to employee relations – the district is the only entity without such a position. Having this type of position will allow the HR professionals to focus on consultative and development matters while having a dedicated position to focus on the labor and management teams to handle grievances, counsel supervisors and managers in employee relations-type issues, train supervisors and managers in dispute resolutions and performance evaluation processes. This position would report to the director of administration with an indirect report to the human resources administrator. Other entities, including the Las Vegas Metropolitan Police Department and agencies in California have a similar reporting structure.

Member Barlow asked which entities were used to compare the health district to in regard to size and demographics. All public entities in Southern Nevada were reviewed, including all municipalities, the water authority, convention authority and UMC. The most comparable agency was the LVCVA, which was 550 employees, eleven HR employees and three individuals assigned to employee relations matters – the health district has approximately 550 employees, nine HR employees and no employees specifically assigned to employee relations matters. Other entities, such as UMC and the City of Las Vegas, were much larger and could not provide comparable results.

Member Barlow expressed concern about creating this type of position during difficult economic times. Dr. Sands reported that in his experience positions of this time are eliminated during economic downturns, and it is during these difficult times that the positions are most needed. By creating this position there will be a more level playing field for both labor and management by providing a resource to all employees. This position would allow for contractual issues to be dealt with early and thereby avoid costly and/or contentious resolutions. It would also improve and promote positive employee relations and workplace.

Mr. Weiss noted that labor is 75% of all budgeted dollars. By addressing any risk management or labor issues early on we can avoid more costly modes of resolution such as mediation and arbitration. It is fiscally responsible to create this position as there would be a return on the dollar in the cost savings from more costly resolution venues.

Member Barlow expressed further concern about costly training and suggested a more economical approach would be to provide higher levels of training from the HR section or designated departments to increase job specific training. Dr. Sands responded that training must occur, whether with or without this position. Investing in this position is a comprehensive package. An intermediary is necessary to address many issues – the position could serve as a counselor, coach or go-between to resolve issues before they escalate further. Member Barlow asked if there is the capacity on the existing HR department versus hiring an additional person. Dr. Sands said this could be done; however existing workload would need to be redistributed as there are many other functions assigned to HR, including payroll, benefits and review of classification specifications.

Chair Giunchigliani asked that an organizational chart with job specific duties be provided for the HR section. She also asked where training dollars are denoted in the budget. Mr. Weiss said there are specific line items in the budget for in-state, out-state, and training materials. Chair Giunchigliani noted that a standard of all HR departments is training; she suggested collaborating with other entities for training purposes.

Member Smith stressed that management needs to be held responsible for doing their jobs and be the first line of supervision and response. He questioned the hiring of another person to do conflict resolution and not holding management accountable. He said that managers and supervisors need to be trained appropriately in recognizing and addressing problems before they escalate to top administrative levels.

Angus MacEachern, human resources administrator said that training is handled in the district in several ways: HR provides district-wide training for matters affecting the entire district such as HIPAA, safety and managerial/supervisory training; divisions provide more specific operational training for the workflow of the specific division. The workforce development team, composed of representatives from all divisions, is working together on training aspects of the district due to the highly professional nature of the district and necessary collaborations on certain issues. Training is done throughout the district and is done where the training is most effective – nurses training nurses, inspectors training inspectors, etc. HR keeps a record of all trainings done across the district.

Member Barlow said this information conflicted with what was previously shared concerning the nature of the new position. Mr. Visconti said the training aspect of the position is a small piece: the nature of the position is to coach and counsel managers and supervisors to ensure compliance with, as well as consistent and fair application of the collective bargaining agreement. The position will also address modes of communication to ensure any potential problems are resolved at the lowest possible levels. The position would function as a conduit for management and labor.

Member Barlow felt this was the responsibility of the HR administrator and part of his daily duties. Mr. Visconti noted that the HR section carries full risk management and payroll, which other HR departments regionally do not perform. Creating an employee relations position would further align the district and LVCVA in comparability. Member Barlow felt that by working with staff these needs could be addressed without hiring an additional person.

Chair Giunchigliani noted that everything is linked back to the Employee Satisfaction Survey – employees expressed discomfort in going to HR with problems/concerns with management. She felt that with bifurcation of the HR roles and adjusting certain HR job duties the discomfort with employee relations could be resolved. She suggested having one person designated to address all employee relations matters versus the day-to-day HR operations. She said that

there must be a confidence level by all parties in selecting this person. Member Barlow further suggested creation of an ad hoc committee to use the professionalism of all staff to police certain issues.

Chair Giunchigliani noted for the record that the Board was also discussing item #3 under Report/Discussion/Action in conjunction with this item, as they are directly related.

Member Onyema noted the issue identified is improving management/employee relationships. He noted that supervisors have some biases when dealing with employees working directly under them, which can create a difficult situation. He said the position being sought would be a way to bridge the gap between management, labor and HR to resolve issues before heading to more costly resolutions. He acknowledged that the HR administrator may not be able to be everywhere when needed or when immediate intervention is necessary. There needs to be a liaison when needed, as well as to educate staff on the collective bargaining agreement. He said that the decision to fund the position or reorganize HR is ultimately Dr. Sands' decision; he recognized the need for this role and wants to ensure that employees are satisfied.

**3. Petition #13-09: Approval of New Classification Specification and Position for Labor Relations Specialist, Recommended Schedule 27 (\$68,661 - \$95,834) *continued from January 22, 2009 meeting***

Chair Giunchigliani said that there is further work to be done before the Board can move forward with this request, recognizing that there should be someone more involved with employee relations. She suggested using the Joint Labor/Management Committee to review what is available from HR and the skill sets of each employee in that section. She said that managers should be trained to be managers and use evaluation feedback from employees on how managers are performing. She recommended that no action be taken at this time; she asked that staff continue to report back as well as provide an HR organizational chart with job duties outlined for each staff member.

Member Jones asked if Mr. Visconti was able to ascertain if an existing HR staff member had the skill set to perform the employee relations function. Dr. Sands said part of the assessment was to determine if the HR section was staffed appropriately and performing the correct duties. Mr. Visconti said that the HR staff is very credentialed and educated. He said that there are staff members who possess the necessary communication, facilitation, logic and reasons skills.

Member Jones asked who provides management training, including sexual harassment, workplace violence and the like. Dr. Sands replied that HR staff provide this required training, include policy training. He further noted, in response to Member Smith's comments that managers and supervisors must be accountable – this position would not change the responsibility of management, but serve as a resource for all staff. The position would also function to ensure consistent application of all policies in the district, as well as adherence to the collective bargaining agreement.

Member Jones said this discussion today is resultant of the perception of lack of success in terms of employee management relations – this issue is not prevalent in the other agencies surveyed. There are some successes to be learned from the other agencies. Mr. Visconti said that these types of issues exist in every organization; however it only comes to light outside the organization when the employees are vocal or how it is or is not handled by the chief executive. Dr. Sands noted that employees attend the ODC classes offered by Clark County frequently. More specific management training is being developed internally.

Chair Giunchigliani said that having a “quasi HR” in each section is unacceptable and can lead to inconsistent application of policies, as is occurring at the county. She said that promoting from within is not always the best option – candidates need to know how to deal with people, facilities, how to communicate and possess the right skills. We cannot promote people “just because.” She said in reviewing the training component we need to develop ideas as to how we can do business more collaboratively – we need to better utilize our resources, including people and money. Member Mattocks noted that just because a person does a job well doesn’t mean that same person can manage unless afforded the necessary skills and training, including dealing with labor relations.

Chair Giunchigliani said it is about a trust level and confidence. She suggested developing a career ladder for management/supervisory type positions. Some employees do not want to progress to management, but that may be the only promotion opportunity. She asked that we further identify in the budget where training is offered.

Norine Clark, chief steward spoke in support of hiring this position. She stated, on behalf of the union, that this position will serve to strengthen efforts to provide better communication and resolve issues. The union is looking forward to working with an employee relations specialist and hopes the Board approves this position.

Chair Giunchigliani responded that the Board has no appetite to hire a new position; however they are sensitive to the needs of this type of position.

**4. Memorandum #09-09: Consider Changes to the Board of Health Meeting Schedule**

Chair Giunchigliani noted that Mrs. Clark did a phenomenal job of compiling the meeting schedules of all different committees in the county. She recommended that the meeting remain on the same day, but change the meeting time to 8:30am to better accommodate schedules. Following the municipal elections this item may come forward as new Board members are seated.

*A motion was made by Member Weekly to change the meeting time of the Southern Nevada District Board of Health to 8:30am beginning March 26, 2009; seconded by Member Steinman and was unanimously approved.*

**5. Receive Report on Legislative Planning for 2009; Direction to Staff**

Chair Giunchigliani thanked Jennifer Sizemore, public information manager for the efficient and helpful BDR tracking information provided to the Board. Ms. Sizemore noted that Dr. Hardy introduced a BDR that would allow a hearing officer process for rental properties. A second BDR was introduced to protect information the health district must provide in civil cases – this is resultant of the litigation in which the district is involved with the endoscopy centers.

Stephen Smith, Board legal counsel, said this information is modeled after the OSHA statute which protects clients, officers and investigators from testifying in civil proceedings as a “free expert” and being taken away from their primary duties. In response to the numerous requests for information, and to protect patient information, staff is preparing privileged logs.

Chair Giunchigliani asked if we indemnify our staff or if there is a mechanism to do so as they are testifying on behalf of the district. She asked Mr. Smith to research this information. Mr. Smith said that all employees of any government entity are part of the sovereign immunity and discretionary immunity, which would include SNHD employees. She said UMC physicians and other professionals are sitting in on hearings and language is missing to indemnify them to

participate in that process on behalf of UMC. The county is looking at recommendations for this process. She said that we also have the opportunity to enact this provision as a policy of the Board. She asked if we have the same policy to at least, regardless of what happens with the legislative session, to protect our staff from suit based on testimony. Mr. Smith said this has not been looked at. She asked that this be reviewed and brought back before the Board for potential action – she does not want anyone testifying on behalf of the district to be at risk.

Member Christensen acknowledged this is a new area and it creates a gray area for non full-time employees. Mr. Smith asked if UMC physicians are considered employees of a local government or state entity. Member Christensen said for litigation purposes this would be helpful, but at present they are not. Chair Giunchigliani said that Mr. Hugh Greely was hired as a consultant by Clark County to review the matter. Member Christensen said this could impact the hearing officer process for the health district as well.

Chair Giunchigliani again asked for this information to be researched and brought back to the Board. She said she wants to protect our staff as they deal with this new medical area. She thanked Ms. Sizemore for the information.

#### **IV. 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.

Barbara Holland noted that over 100 individuals were present to address the Board concerning the Virginia Graeme Baker Act. She expressed her concern over conflicting information and lack of information regarding the Act itself. She is concerned with the delay in the plan review and permitting process. She asked for permission to open the pools and have regular inspections as needed for the home owners' associations and properties she manages. She noted that Arizona is able to do installations for a much lower cost.

Member Weekly asked if public workshops have been conducted to discuss the regulations and how the Virginia Graeme Baker Act affects pool owners and businesses. Dr. Sands said staff has participated in educational webinars sponsored by the Consumer Product Safety Commission (CPSC) – these are available on our website for contractors and pool operators to view. Staff has been meeting regularly with operators and contractors in small groups, but no forum has been held. Member Weekly suggested conducting a public forum to massage the issues and come back to the Board with recommendations.

Member Weekly said he would not want to put employees in harm's way, but he said that our employees are doing their job and asked for cooperation from the industry concerning this Act. He said again a public forum would be beneficial, including medical staff to address pool safety as the district goes a good job in promoting pool safety and reducing accidental deaths.

Chair Giunchigliani directed staff to meet with pool operators. She asked Ms. Holland to register with zoning at Clark County. She suggested that an e-mail distribution list also be created at the district for public outreach matters. She verified that Ms. Holland is seeking for the following: 1) expedite the permit approval timeline; 2) have the inspection be done at the regular re-inspection time rather than waiting for the re-inspection now; 3) can the permit include a statement that

operators understand they must be in compliance with the Virginia Graeme Baker Act and thereby waiving any other necessity.

Brenda Lovato stressed the urgency of this matter. Her residents are seeking access to the pools and spas. She asked that the pools be allowed to open immediately. Residents want to lower their fees due to lack of availability of amenities.

Chair Giunchigliani said no action can be taken today; however staff is present and she asked for Dr. Sands to address the concerns brought forward.

Penny Tourangeau said she represents the largest property management firm for community associations in Nevada. She said homeowners are expressing concerns that the pools are closed. Residents are seeking to lower their fees due to lack of availability of amenities. She is also concerned about conflicting information received from staff.

Ron Hair said he has shared the same information with staff over the last ten months and no action has occurred. He is concerned with the delay in obtaining permits and approval. He noted that the health district employs quality people, but he cannot obtain the information he needs. He offered training to the staff for further collaboration in regard to pool operations.

Member Strickland asked if permits have been issued and all documentation is in place showing modifications have been done, why pools are being re-inspected.

Julia Mooney expressed her concern over conflicting information, as well as the escalating bids for pool modifications to become compliant with the Act.

Christy Preston said this is a mental health issue – residents use pools for both recreation and medicinal purposes. Children use the pools during the heat of summer.

Donna Barbee said this is becoming a financially difficult issue. She said some residents do not have the money to retrofit their pools.

John Edwards said that there is nothing in the Act relating to re-inspections – only CPSC can inspect the pools for compliance with the Act.

Chair Giunchigliani asked if anyone else wished to address the Board. Seeing no one, Chair Giunchigliani closed the Public Comment portion of the meeting.

Chair Giunchigliani noted that no action could be taken today, but asked if pools could be opened. Dr. Sands said staff has been in contact with the Nevada State Health Division (NSHD) and discussions are underway. Several other states have defined positions on the Act and staff is reviewing a technical bulletin from the NSHD. We are hopeful that this will provide some answers and direction.

Glenn Savage, environmental health director said that the technical bulletin is being written by those who write the Statutes and is under review by the State Board of Health as well as the Attorney General. He said that any operator who currently holds a permit can open their pools. He noted that as staff does not enforce the Act, there are certain liabilities concerning this and the operators are responsible to explore those liabilities for their individual pools and spas. It becomes complicated because some of the work migrates to a remodel and the state regulations force inspection of remodels. If the community is willing to sign a certification that they are in compliance with the Act and/or regulations, the district will sign the certification and the pools can be opened.

Annual inspections will begin on March 15<sup>th</sup> and all inspectors will be following standard operating procedures (SOP) to ensure consistency in the inspection process. Industry is welcome to assist and participate in the SOP training. Staff is committed to work with the HOAs and strip businesses to ensure compliance.

Chair Giunchigliani noted that at times it appears that government is working slowly, but work is being done. Mr. Savage said that information from CPSC is constantly changing and that impacts the work of the contractors. Staff is available to meet with contractors as necessary. Chair Giunchigliani suggested that the operators file complaints with the Office of Consumer Affairs as well.

Member Barlow expressed concern that Open Meeting Law could be breached. He suggested that the Board direct staff to meet with the HOAs and operators at a later time. Chair Giunchigliani agreed that the Board was close to violating Open Meeting Law and suggested that upon conclusion of the meeting that the Clemens Room be used to meet with the individuals in attendance and provide further direction. Mr. Savage agreed to this request.

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

Chair Giunchigliani noted that several Board members had to leave in the interest of time. A sub-committee of the Board remained for the reports. She also asked Scott Weiss, director of administration, to report back on counter-signatures on the Accounts Payable Registers.

Dr. Sands announced the Great Basin Public Health Leadership Institute – this year the program is open to senior executives and CEOs of community agencies, as well as Board members. Member Christensen has expressed interest. If other members are interested in attending, they are to let Dr. Sands know. There are three off-site meetings over the next year. Public health leadership from two states will meet together for training and also do strategic planning for public health issues in each state.

The Board also received information regarding the stimulus package from the National Association of City and County Health Officials (NACCHO) and what funding is available for public health. Staff is in discussions with the state concerning \$300,000,000 going to CDC for the discretionary vaccine program. There may be funding for chronic disease prevention and wellness, as well as to address health-care associated infections. Dr. Sands is working with the HONORreform group regarding the safe injection practices campaign with the Nevada State Medical Association to rollout educational materials. Chair Giunchigliani noted that the healthy homes initiative is tied to the stimulus package to move people into foreclosed homes.

Dr. Sands thanked the Board for the opportunity to travel to Washington, D.C. and speak at the press event for the rollout of the Safe Injection Practices Campaign. During this trip he visited each of our congressional delegation offices. He discussed the importance of funding to the CDC for education for safe injection practices and health-care associated infections research.

Budget briefings will commence next week. If anyone would like a briefing, they are requested to contact Shelli.

Chair Giunchigliani appointed the Chief Health Officer Annual Review Committee. Member Kirk asked to participate on this committee. Members Barlow, Strickland and Weekly were appointed to the committee.

Member Weekly asked that in the future when there are items such as the tire recycling item that he would sincerely appreciate Mr. Smith's involvement in the discussion because the item was trailed and staff were allowed to meet with the applicant's attorney to compose language which the Board acted upon. He said he voted in opposition because it is the responsibility of the Board's attorney to guide them in terms of items and language approved and this did not occur. He further expressed concern over the Board's entering into gray areas and potentially violating Open Meeting Law and putting themselves in a precarious position. He said he would appreciate Mr. Smith's stepping up to the plate and alerting the Board that those are roads that do not need to be traveled. He said that he would appreciate seeing these actions from Mr. Smith.

In the interest of time, Chair Giunchigliani asked that the following reports be tabled to the March 26, 2009 Board of Health meeting. She asked for Dr. Sands to convey her apologies to the staff who prepared the presentations.

- **Clark County Health Status Report 2007 Supplement, Volume II**
- **10 in 10 Challenge**

**VI. INFORMATIONAL ITEMS**

***DULY NOTED***

**A. Chair and Board of Health Information**

1. Letter from City of Las Vegas appointing David W. Steinman as member through June 30, 2009
2. Appointment of Chief Health Officer Annual Review Committee

**B. Chief Health Officer and Administration:**

1. Monthly Activity Report, Mid-January 2009 – Mid-February 2009
  - a. Letter from Chair of the Assembly Committee on Health & Human Services to Dr. Lawrence Sands concerning the 2009 Legislative Session
  - b. Information from Safe Injection Practices Campaign Launch in Washington, DC February 11, 2009
2. Financial Data: Revenue and Expenditure Report for General Fund, Capital Reserve Fund and Public Health Laboratory Fund for the Month of January 2009
  - a. Grant and Agreement Tracking Report, as of February 12, 2009
3. Public Information Monthly Report, Mid-January 2009 – Mid-February 2009
  - a. Letter of Appreciation from Mountain View Hospital to Susan Eiselt, PIO administrative secretary

**C. Community Health:**

1. Monthly Activity Report, January 2009
  - a. January 2009 Disease Statistics
  - b. Letter of Appreciation from the Office of Infrastructure, US Department of Homeland Security to Jane Shunney, public health preparedness manager

**D. Environmental Health:**

1. Monthly Activity Report, January 2009
  - a. Email from ROW Custom Enterprises, Inc. regarding Pool Plan Review staff: Lorraine Forston, Valerie Hirata, Whitnie Taylor and Mallory Jett-Edwards
  - b. Email expressing appreciation to Gerry Bletsch, environmental health specialist II
  - c. Letter of appreciation from John Marchiano, Esq. to Glenn Savage, environmental health director

- d. Email from Clark County Parks & Recreation expressing appreciation to Susan LeBay, training officer

**E. Clinics and Nursing:**

1. Monthly Activity Report, January 2009
  - a. Monthly Statistical Report – January 2009
  - b. In-service calendar
  - c. Letters of Appreciation

**VII. ADJOURNMENT**

There being no further business to come before the Board, Chair Giunchigliani adjourned the meeting at 11:06 a.m.

SUBMITTED FOR BOARD APPROVAL

---

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

/src

attachments