



MINUTES

Southern Nevada District Board of Health Meeting

625 Shadow Lane
Las Vegas, Nevada 89106
Clemens Room

Thursday, June 24, 2010 - 8:30 A.M.

Vice Chair Strickland called the meeting of the Southern Nevada District Board of Health to order at 8:30 a.m. and led the Pledge of Allegiance. Vice Chair Strickland noted that a quorum was present. Stephen Minagil, Esq., Legal Counsel confirmed the meeting had been noticed in accordance with Nevada's Open Meeting Law.

Board Members Present:

Linda Strickland
Tim Jones
Kathleen Boutin
Jim Christensen, MD
Susan Crowley
Robert Eliason
Donna Fairchild
John Onyema, MD
Steven Ross
Barbara Ruscigno, RN
Lawrence Weekly

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

Absent:

Chris Giunchigliani
Stavros Anthony
Ricki Barlow
Joseph Hardy, MD
Mary Jo Mattocks, RN

Chair, Commissioner, Clark County
Councilman, Las Vegas
Councilman, Las Vegas
At-Large Member, Physician
At-Large Member, Registered Nurse

Executive Secretary:

Lawrence Sands, DO, MPH

Legal Counsel:

Stephen R. Minagil, Esq.

Other SNHD Board of Health Members/Alternates Present:

Lonnie Empey
Jimmy Vigilante

Alternate At-Large Member, Environmental Specialist
Alternate At-Large Member, Regulated Business/Industry

Other SNHD Board of Health Members/Alternates Not Present:

Travis Chandler	Councilmember, Boulder City Alternate
Tom Collins	Commissioner, Clark County Alternate
Karl Gustaveson	Councilman, Mesquite Alternate
Debra March	Councilwoman, Henderson Alternate
Frank Nemeec, MD	Alternate At-Large Member, Physician
Anita Wood	Councilwoman, North Las Vegas Alternate

Staff: Scott Weiss; Angus MacEachern; John Middaugh; Glenn Savage; Jennifer Sizemore; Bonnie Sorenson; Maria Azzarelli; Stephanie Bethel; Dennis Campbell; Steve Goode; Susan Labay; Ann Markle, Dante Merriweather; Robert Newton; Patricia O'Rourke-Langston; Gwen Osburn; Mars Patricio; Amanda Reichert; Walter Ross; Leo Vega; Deb Williams; Kent Wertz; Valery Klaric and Shelli Clark, recording secretary

ATTENDANCE:

<u>NAME</u>	<u>REPRESENTING</u>
Jaclyn Ayers	Self
Charles Baker	The Inner Circle Family Advocate
Tom Davis	Justice and Associates
Rod Garcia	CSN
Christie Garness	Special Events – City of Las Vegas
Shannon Harbow	NDEP
L. Earl Hawley	NCCI
K. Jacobi	NV Restaurants
Phillip Johnson	SA Recycling
David Marino	NVCCU
Justin Micatrotto	NV Restaurant Association/Raising Canes
Gary Milliken	SNHD Lobbyist
James Rees	NV Restaurant Association
A. Roachat	Gastronomy Management Group
Laurie E. Sanders	Alpha Environmental
Richard Saretsky	Self
Brandon Smith	SA Recycling
Alex Stokes, Jr.	Wynn Las Vegas/Encore
Phyllis Weaver	Weaver Construction Inc.

Vice Chair Strickland noted a quorum was present at the start of the meeting with Members Boutin, Christensen, Crowley, Eliason, Fairchild, Jones, Onyema, Ruscigno and Weekly seated.

BOARD OF HEALTH SERVICE RECOGNITIONS:

Ricki Barlow, Councilman – City of Las Vegas

Barbara Ruscigno, Alternate At-Large Member – Registered Nurse

Dr. Sands announced that Councilman Barlow has resigned from the Board, effective after the July meeting so he will be recognized at that time, in addition to Mary Jo Mattocks, who has served on the Board for several years.

Dr. Sands asked to recognize Barbara Ruscigno, who has served as the alternate registered nurse at-large member. During her short tenure she has been quite active and Dr. Sands said the

district would like to thank her for her time and express appreciation for her service. Ms. Ruscigno is going back into clinical practice, which is quite demanding on her time. He invited her to consider coming back to the Board in the future. Dr. Sands presented Ms. Ruscigno with a certificate of appreciation.

Member Ruscigno thanked Mrs. Clark for keeping a large board well-informed and organized. She said serving on the Board has been the best experience she has had in terms of community networking and seeing first-hand the services provided by the district. She said she has used the district's website to assist her patients, particularly with nutritional needs. She referenced the Get Healthy Meal Planner and commended staff for providing such a useful tool. She said the health district is a "well oiled machine" and said the community is well-served.

Dr. Sands said staff will present on the Get Healthy Meal Planner during Health Officer & Staff Reports later in the meeting.

Vice Chair Strickland thanked Ms. Ruscigno for her service and wished her well in her admirable profession.

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:** 5/27/2010
2. **Approve Payroll / Overtime for Periods:** 5/01/10 – 5/14/10 & 5/15/10 – 5/28/10
3. **Approve Voluntary Furlough Program Reports for Periods:** 5/01/10 – 5/14/10 & 5/15/10 – 5/28/10
4. **Approve Accounts Payable Registers:** #1230: 5/06/10 – 5/13/10; #1231: 5/14/10 – 5/20/10; #1232: 5/21/10 – 5/27/10; #1233: 5/28/10 – 6/02/10
5. **Petition #13-10:** Approval and Authorization of a Resolution Adopting a Cooperative Agreement for Coverage of Liability Claims and Related Expenses

Vice Chair Strickland asked if there were any discussion on the items brought forward on the Consent Agenda. Seeing no further discussion, she called for a motion to approve the Consent Agenda as presented.

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

II. PUBLIC HEARING / ACTION

1. **Memorandum #15-10:** ~~Application for Approval for Nevada Energy to Modify a Class III Landfill for Reid Gardner Station, Located at 501 Wally Kay Way, Moapa, NV 89025 (APNs 042-07-000-001, 042-07-000-002, and 042-07-000-004)~~ ***Withdrawn, to be re-noticed for hearing at a later date***

2. Application for Approval for Nevada Construction Clean-Up to Operate a Solid Waste Management Facility – Recycling Center, Located at 2745 North Nellis Boulevard, Las Vegas, NV 89115 (APN 140-17-703-005)

Vice Chair Strickland declared the public hearing open.

Walter Ross, environmental health supervisor/engineer, and Kent Wirtz, environmental health specialist II, spoke relative to this matter. Mr. Ross said that Nevada Construction Clean-Up has met all requirements to operate a recycling center as specified in Section 4 of the Regulations Governing Recycling Centers.

Staff recommends approval based on the conditions as outlined in the memorandum and a final inspection. Laurie Sanders, Dave Marino and Ron Garcia representing Nevada Construction Clean-Up were present to answer questions of the Board.

The facility plans to accept paper, metal, plastic, glass, e-waste and textiles. This will serve as a separation facility, or buy-back center, whereby the public may bring materials for recycling. Contractors must take their items to a materials recycling facility (MRF). Ms. Sanders said the MRF on site includes this new buy-back center – the facility will serve as an intake for the MRF, but is required to be separately permitted as a recycling center.

Member Jones asked if processes are in place to ensure the facility is not receiving and accepting contraband materials, including copper wire. Mr. Marino replied that the police department(s) sends email notifications regarding suspicious materials. If any materials matching the description come to the facility, the photos are taken of the load, as well as the customer's identification; the load can also be set aside without purchase until the items have been clarified. The police have been very involved with the center's operation to ensure no stolen items are accepted. Mr. Marino confirmed that when copper wire comes through a phone call is made to verify the origin of the materials and customers are turned away if not from a legitimate source.

Member Eliason asked if aluminum was also included as "contraband" materials. Mr. Marino said anything larger scale, such as that coming from equipment with a stamped ID number is automatically rejected.

Vice Chair Strickland asked the parties understood and were in agreement with the conditions as specified; the parties responded affirmatively.

Vice Chair Strickland asked if anyone else wished to testify on this item. Seeing none, she closed the public hearing.

A motion was made by Member Eliason to approve the application with the conditions as outlined; seconded by Member Crowley and carried unanimously.

3. **Memorandum #17-10:** Application for Approval for SA Recycling, LLC – Western Recycling Center to Operate a Solid Waste Management Facility – Recycling Center, Located at 1701 Western Avenue, Las Vegas, NV 89102 (APNs 162-04-703-001, 162-04-703-002 and 162-04-703-003)

Vice Chair Strickland declared the public hearing open.

Walter Ross, environmental health supervisor/engineer, and Dante Merriweather, environmental health specialist II, spoke relative to this matter. Mr. Ross said that SA Recycling, LLC has met

all requirements for a temporary permit to operate a recycling center as specified in the Regulations Governing Temporary Permits to Operate Solid Waste Disposal Sites.

Staff recommends approval based on the conditions as outlined in the memorandum and a final inspection. Brandon Smith, Phil Johnson and Tom Davis representing SA Recycling were present to answer questions of the Board.

The facility plans to accept paper, metal, plastic, glass, e-waste and lead-acid batteries.

Vice Chair Strickland asked the parties understood and were in agreement with the conditions as specified; the parties responded affirmatively. She also confirmed if the parties understood that the temporary permit is valid for six months and they can seek one six-month renewal for extraordinary circumstances. Again, the parties responded affirmatively.

Member Jones inquired as to why the facility chose to obtain a temporary permit versus a full permit. As this is a new facility, the operators chose to take advantage of the temporary permit process, which is a more streamlined application due to less detail and no public workshop was required. The facility will be able to begin operation sooner with a temporary permit. The applicants will be meeting with staff later this morning to submit the paperwork for the permanent application with the required permit fee.

Member Onyema noted the facility will only accept the items listed following due diligence and asked for clarification on this point. Operators will accept a load and complete a visual observation of the load prior to acceptance. Based on this visual observation it appears the load is acceptable; however once unloaded and processed if there are questionable items which cannot be accepted it is set aside. An example was offered that a load of steel is taken in with signs on the materials, or capacitors hidden from immediate view and these items are then not accepted for recycling. "Due diligence" is the facility's visual observation and inspection of any load presented for recycling.

Member Eliason asked if the facility has gone to the City of Las Vegas to meet necessary requirements. The property is zoned "M" and the City designates a recycling center as a "salvage yard." This is a permitted use based on eleven conditions in Zone M. A letter was presented to the planning department accepting those conditions and guaranteeing all conditions will be met. The approval of operations was done in the business licensing process, including approval by the planning department.

Vice Chair Strickland asked if anyone else wished to testify on this item. Seeing none, she closed the public hearing.

A motion was made by Member Fairchild to approve the application with the conditions as outlined; seconded by Member Crowley and carried unanimously.

4. Memorandum #18-10: Adoption of the Proposed Southern Nevada Health District Environmental Health Division Permit and Plan Review Fee Schedule; Consideration of Business Impact Statement

Vice Chair Strickland declared the public hearing open.

The following is a verbatim transcription of the public hearing concerning Memorandum #18-10.

Dr. Sands: Next item is Memorandum #18-10 – this is the adoption of proposed environmental health division permit and plan review fee schedule and Consideration of Business Impact Statement. And Glenn Savage, our director of environmental health is here to present on this item, along with Robert Newton who is the administrative analyst for the environmental health division; and Steve Goode, our environmental health manager. We've got the whole team up here.

Vice Chair Strickland: Good morning.

Glenn Savage: Good morning, Madam Chair, Board members. Glenn Savage, environmental health director. I brought with me today Steven Goode, to my right, who is the manager of operations and to his right, Dennis Campbell, manager of solid waste and compliance. And also in our crowd is Robert Newton, administrative analyst for environmental health. So I've got plenty of support here today.

The permit/plan review fee schedule before you, we would like to walk through that with you, but tell you that we did hold workshops in Laughlin and Mesquite, we had two here and we had also other discussions with different associations that represent industry here in our community. Recently there was some concern about the special events held at pools and fees associated with that and as I tried to explain to many, what we tried to do is just put a foothold, if you will, in the fee schedule for those type of events but that those events are still being defined through regulation that the State is working on, that we're working with the State on, and with industry...and so we're going to reference that in, when we get to that portion of the fee schedule, as "to be determined." So you'll probably see a TBD on an amended version of this fee schedule. And as I was looking at it this morning I noticed that the plan review for those special events also had a dollar amount figure and I will request that that be removed, and again instead enter in a TBD because we'll have discussions further with industry and the State as far as how we're going to regulate those pool special events in the future.

So if you'd like we can start on page one and go through line by line...it's highlighted in a salmon color and also with a kind of red-purplish box that has some descriptors in it. Mr. Goode will start off and discuss this. One thing I just wanted to point out to the Board is that this is not an across-the-board every facility that we permit and work with fee increase – it is not. It's reflective of what industry has come and asked us to do to describe better what they do in a fee; also it's a regulation change we had with our food regulations the Board adopted a few months ago, and it's also reflective of any legislation that was passed by the legislature at the last session. So with those caveats, we'll have Mr. Goode begin.

Vice Chair Strickland: But I was just going to tell you, I don't know if it's on anybody else's laptop, but mine on here is not in salmon, so we have to look up there...

Shelli Clark: Go to page thirty-two and it will be in the salmon.

Vice Chair Strickland: OK, alright. Alright, thank you.

(Member Weekly left the meeting at 8:50am)

Steven Goode: Good morning, Madam Chair, Board members. As Mr. Savage has already spoken about, the fee schedule is pretty much spread out very simply in that there's been descriptors already written here to tell us why we're looking at these particular fees and if it's your pleasure, I can go through each one and kind of explain those to you. The first item we see here is that we've added in the little yellow box it says we've added "any food service permit" just for clarification purposes. Again, this is not an increase in any fees in this particular category – it's just a clarification.

Member Jones: What page are you on, Steve?

Mr. Goode: We're on page one of six. The very first item under "Food Service" it says "per drive up window" and "any food service permit." It's in salmon there.

Member Fairchild: Just for clarification for us on our computers, it's page thirty-two of thirty-seven.

Mr. Goode: I'll renumber these pages for...OK, so that was the top of page thirty-two. As we move further down on page thirty-two we have another salmon-colored area where we've added a new line of business, we're adapting to what our industry has given us and that's where...an example would be if we were in a Smith's market and they have in their deli area added seating to that area, that is something that's relatively new in a lot of our markets and so we're changing our fee schedule to properly address that particular issue.

Mr. Savage: And a comment on that too, is that with the delis taking on seating to provide comfort, if you will, for their clients, as one restaurant owner/operator said "well, if they're going to act like a restaurant and we pay for seating, then they should also." And we talked to the deli folks who were doing this business and they said they understood. And it's \$2.71 per, most of the facilities are looking at nine to ten seats, so it's an additional \$27 total.

Mr. Goode: Continuing we have our self-service pre-packaged food trucks. Again, that was just a clarification of what was already part of the fee schedule. As we continue to page thirty-three, the first item you see there, what we did there is we moved this entire group from where it currently is to the miscellaneous area to make it more cohesive. That's where we have the rest of our items that deal with this particular area. So we just moved that to make it an easier understanding for those who are reading the fee schedule.

Vice Chair Strickland: OK.

Member Jones: No change in the fees, just change in the location, where they are on the schedule.

Mr. Goode:

That is correct. As we continue down on page thirty-three we have an item that is a new line of business; now it's been something that's been operating out in our community for a while, however from a health district standpoint it seemed to be a new line of business and this is our tasting events. What we're speaking about here is where we may have like a chili cook-off where we have dozens, maybe even hundreds, of booths where an individual may be sampling their little container of chili, just for a contest per se. We found out that when our inspectors have been out at these facilities that we've only allotted a certain amount of time to conduct these inspections – we haven't had enough time to do them. As the Board is well aware of, environmental health has been tasked to be self-sufficient, so we're looking at every single minute that we're spending out there in the field and we want to make sure that we are addressing everything that we do appropriately. So we've added this new category where we have a tasting event and we have the fees assessed there with our time being right now \$112, \$118 an hour for our staff out there. One of the questions that came up regarding this issue was whether or not we would make sure that every single booth was inspected during this time and we believe that the fees that we've established here would allow for that. Most of these events require more than one inspector in order for it to be done in a timely fashion prior to it opening, so we've written our fees in such a way that we're able to accommodate inspecting all the booths prior to the opening of the event.

Mr. Savage:

One other comment to make is that we were given some supporting information from industry of their costs and what the special event cost would be currently and they have told us that they would actually save money with this fee set-up. So that would be a gain for industry. I'd like to go back to one area Mr. Goode skipped, just right above that, is annual event coordinator. That's a new line item. What we've heard from the Las Vegas Convention Center is that currently that have to pull what we refer to as an event coordinator for every event that they hold, and the Convention has a lot of events. And so if you would take basically the \$200 and multiple that, that's a lot of money. So they asked us if they could set up protocols and how they handle those events – bathroom facilities, hand sinks, other food, hot-warming devices, cold refrigeration in those events – and if so, would we consider an annual event coordinator fee, and we said sure. And we priced that out with their agreement of \$1,160. Again that would take care of four events at the current price. So again, a cost savings for industry and we will review their protocols and procedures. So again, be a win for them and a win for us.

Mr. Goode:

Right, as Mr. Savage said that is a new line of business for us. The next item here on page thirty-three are the swap meet food courts. What we did with that particular area is that we removed the descriptor that said "mall" because we know that a lot of casinos now have food courts and they're not necessarily a mall, so we removed that descriptor and in addition to that we added a per seat charge, reason being is that someone needs to be responsible for the general areas of all of these food courts. I'm sure all of us have either visited a casino or a mall and we notice that the seating area doesn't seem to

belong to any one in particular. So we've added that as a new line of business, so that the mall or the casino would be responsible for the sanitation of that area, which would include the restrooms.

Continuing down we did...do you want...

Mr. Savage: Yeah, I'll go ahead and speak on the mattress retail company, some of the miscellaneous public facilities. Currently we are in discussion with a number of the mattress retail and rental companies in our community. Some of you might recall that our Board of Health approved the mattress refurbishing regulations a couple of years ago, and industry's come back and asked us to amend those regulations to include others who are in the business of renting soft-fabric materials and also refurbishing soft-fabric materials, which would include box springs, mattresses, chairs and other things. So we have been working with Walker Furniture, Mr. Alterwitz, and others in our community to amend those regulations. We're hoping that we can bring those back to the Board in August or September this year. That's a foothold as far as what the pricing would be. Again if the Board would like me to, I can put a TBD by that, but that was just a number we had come up with, trying to figure out what our costs would be to do those kind of inspections.

Member Eliason: Will the bed bugs wait until August?

Member Jones: It would seem consistent to use the TBD if it's not yet determined.

Mr. Savage: Yeah, we can do that.

Member Fairchild: Madam Chair?

Vice Chair Strickland: Sure.

Member Fairchild: I really appreciate staff addressing the "ick factor" in this venue of industry. Thank you.

Mr. Savage: And again we can bring this back in a couple of months, but actually what we found is in our discussions that there are some businesses that are not cleaning or even attempting to sanitize rented furniture and we felt that with those regulations in place that that would, we would assume that was already happening. Well apparently it's not happening again so we're going to have to really take a look at how we amend those regulations.

Member Eliason: Well that would include like our convention people that rent furniture for conventions and stuff.

Mr. Savage: Potentially if they're renting from a local facility...

Member Eliason: Well and yeah, and more than that really within, because I have two warehouse, they rent furniture and I guess it dawned on me when you said that.

Mr. Savage: If you did have soft-fabric chairs or whatever that could be part of their business plan, yes, besides a homeowner or apartment renter. OK? Steve? He'll update you on the next page.

Mr. Goode: Right, we're on page thirty-four now. And Mr. Savage spoke about when we first introduced the fee schedule there have been a lot of questions about these seasonal pool events, and that is something that those who are part of that industry and regular civilians have asked us about and whether or not we're regulating them, whether or not we're out there, whether or not we're ensuring that the public health is being protected during these parties. So we've established this new category. As Mr. Savage has said, we've spoken with our industry partners; we're trying to set up a fee that would be reasonable for everyone to be able to pay. So we put the "to be determined" area there. What we're currently doing is developing a guideline for the industry currently so that they can practice good public health until we establish what the permit should be and how we will go about enforcing that.

Mr. Savage: Maybe just a little bit. Mr. Jones has volunteered his time and effort in working with us, along with others within industry, folks from the Hard Rock, Harrah's, other consultants in our community have begun working with us in establishing those guidelines which we hope will be part of the state regulation which is now being worked at the state level. During that interim time that we are, as Steve said, we're setting up these guidance documents to ensure good public health practices are taking place. I received an eight-page document yesterday from staff; it encompasses everything from filtration systems to food and alcohol being presented in the pool and spa areas to obstructions that are being built in those pools and spas. As one person said in industry, and I think it was one of Tim's members of his corporation said, the business plan is that the nightclubs have now been placed in the pool or the spa and I guess that was just about the best way to define it. So pools and spas are really not designed to be a nightclub; however we're going to be working to get things straightened out.

Vice Chair Strickland: I have a question. Is this those "party by the pool" things?

Member Eliason: Absolutely. Woo!

Vice Chair Strickland: Boulder's pretty mild so we don't have those things.

Mr. Savage: You can pull up some reality TV shows and watch the things that are going on.

Vice Chair Strickland: My question is if they do a "party by the pool" things and I'm going to sound really naïve, like every Friday as an example, does that become a special pool permit even though it's actually a pretty regular activity?

Mr. Savage: Right, what we're going to do, and one of the members of industry representing the Venetian told me that their business plan at the

Venetian would be every Friday night it would be the same type of event for like twenty-six weeks in a row – and for our purposes a special, let's just call it the DJ night where they bring a DJ in, set up the speakers and have other parts of the party, if you will – on Saturday it might be concert in the pool which is an entirely different stage or other things, and they might do that for twenty-six weeks in a row, and then Sunday it might be Ft. Lauderdale revisited at that. And so that's a different permit. And so I asked them, well it sounds like to me three different operations, three different special permits is what you'd be seeking; he said yes, that would be their plan and they would be willing to pay for each individual day for those twenty-six weeks. Why we've put the TBD is we don't know what that figure is, and what industry would be willing to pay and actually what it would cost us to go out and inspect those. We go out every Friday night, every Saturday, every Sunday and inspect twenty-six weeks in a row?

Member Christensen: Can I sign up for that?

Mr. Savage: Again at \$118 times twenty-six weeks times three, there you have it.

Member Christensen: I'll go help.

Vice Chair Strickland: Board members are not allowed.

Member Jones: We'll sign you up.

Member Christensen: Yeah, not a problem. Woo-hoo!

Mr. Savage: We'll deputize you in a few minutes.

Member Ruscigno: Yes, I have a question, Madam Chair. On the parties that I know about, where they're eating and drinking around the pool, and they're in and out of the pool, is there any special clean up that goes and water testing after this is done and they're up? Is there reinspection and all that?

Mr. Savage: That's what we're definitely pushing for to happen, because it doesn't take much to impact the water quality and we've already again had discussions with some of the industry people who have engineered some ways in trying to handle their filtration systems, dosing, if you will, with chlorine appropriately to meet the capacity of a number of bathers that are in those pools and spas. So they're thinking this thing through. And part of what you're asking, we're making that part of any guidance documents and hopefully in those regulations.

Member Jones: Some committee reflection on your question from an industry standpoint, there's an occupancy allowance for the pool, and whether that's a party or whether that's kids on summer vacation, it's the same number of people that are allowed. And so from a standpoint of engineering and managing the sanitation of a pool, in either process it's got to be leaned on, we have to coordinate between the health district and industry.

- Member Ruscigno: I know from my end, some of clients that I have I tell them to stay out of pools for communicable reasons.
- Member Jones: Certainly.
- Member Ruscigno: So...
- Mr. Savage: The other thing that I might add is that this process will also impact the jurisdictions you represent because it's very likely that a building department's going to be involved, or a fire department, especially if they're building again castles which overhang into a pool area; again if you're putting in a nightclub where you have speakers and electronics involved and you have lighting systems and generators and we've seen even the addition of petroleum products into the pool for some fiery scene. Again, it sounds like building department or fire's going to be involved with us in this adventure.
- Member Boutin: Madam Chair?
- Vice Chair Strickland: Yes.
- Member Boutin: What are castles?
- Mr. Savage: We actually saw a, well one of the resorts build a castle...
- Member Boutin: Oh, an actual castle...
- Mr. Savage: ...an actual castle and our issue was that some people who...
- Member Eliason: Cinderella could let her hair down.
- Mr. Savage: ...well yeah, and some folks got kind of underneath the castle, that's an obstruction and the lifeguard...makes it very difficult for them to see a person who has had too much to drink underneath that obstruction and it could cause a drowning quite frankly. So we want to work with them to talk about limitation and security, life guards and others, too, to make this thing work, if we can.
- Vice Chair Strickland: And I remember in one of our past meetings we had a discussion about how you're supposed to have a certain amount of walking area the pool that's unobstructed and all that, so do they, like in the castle example, if that area's not there for walking around do they get like a variance for that requirement or how does it work?
- Mr. Savage: You know if they would seek a variance, I don't want to go too far too out there, but I'm not sure we would support a variance, again, if that would impact someone's safety. Instead, you know, maybe they if that's what they would like to have as far as part of their design for this party or this event, post security people; put up barriers or something where people can't enter the pool, kind of back behind the stage...I mean there's thing that they can do that again we could more than recommend, but really tell them they need to get, along with the building department.

Vice Chair Strickland: So I guess maybe my better question would have been all those requirements that we have for these other things, like the walking-around distance, walk around the pool and stuff, those are still all in play...

Mr. Savage: Right.

Vice Chair Strickland: ...even with these permits?

Mr. Savage: That's correct.

Vice Chair Strickland: OK.

Mr. Goode: OK, continuing on page thirty-four in the center. We have a number of fees that have been added to be make it more in line with all of the other fees that we currently have. We believe that our body art section had been neglected for a while. They have, or the community has started to bring in big events into our community, and because these events are more on the forefront we have established a late fee for those artists that come in with less than 30 days of letting us know that they're going to be participating in an event. Again we need to be extremely efficient and effective in our timing for our staff and whenever we have things occurring, or an event that's going to occur without giving us enough notice, we need to be able to pay for our staff to be out there. So we've added a number of late fees to this particular area. Again this is new, a new fee and specific to our tattoo/body art.

Vice Chair Strickland: OK.

Mr. Goode: As we continue to the bottom of page thirty-four, there's been one item that has been deleted. The first item you see there was a "failed reinspection following a downgrade to 'B'" inspection. We felt this was redundant to the item that's right under there, an "inspection following downgrade to 'C.'" One must understand when we're out there doing inspections and we go back to re-inspect a facility after it's been downgraded to a "B" and they don't get back up to an "A" they're either closed or immediately downgraded to the next lowest grade, which would be a "C." So that's just a redundancy that we took out of the fee schedule. But like Mr. Savage has already spoken about our mattress refurbishing, again a new line of business and we needed to add this to the fee.

And finally towards the bottom of page thirty-four we have some training. What environmental health has done in the past is whenever an operator out in the community has asked for us to come in and conduct some training for them, we would gladly do that because our business is the business of public health and we want everyone to be trained as well as possible. But again looking at whether or not we were efficiently using the time for our staff, we thought yes that's a very appropriate use of their time; however there should be a fee associated with that if we're going to be out there providing additional training for a facility that may not understand or has had a problem

complying with our regulations. So we've added that as a new line of business.

Member Jones: When we're going to the food regulations training coming up in July/August, that's not a charge.

Mr. Savage: That is correct.

Mr. Goode: That is correct.

Mr. Savage: I was going to add to that, but I'm glad you brought it up, Tim. What I can do is hand out to the Board members what the training is and if you take a quick look at it (**attachment #1**), we have basically booked our training officers from the first part of July all the way through to October 1st. And we've already guesstimated that we'll have close to 6,000 attendees from industry who would go in and get the training and we're offering that free. So that's not part of this at all.

Member Eliason: Madam Chair?

Vice Chair Strickland: Yes?

Member Eliason: I hate to go back, but why do we have the difference on the tattooing and the art? \$73 for the late fee and \$232? Why wouldn't they be somewhat closer to each other? A late fee for the late body artist event fee for \$73 and go down three or four lines and you've got a breakdown of that. Are they different? One's the body art and one's the artist.

Vice Chair Strickland: One looks like booth. One's the artist.

Mr. Goode: The first fee that we have there, the \$73, you're right in that that is the artist themselves, where they come in and apply and they're late applying for that event. The final one at the bottom there is the event coordinator.

Member Eliason: Well...

Mr. Goode: I'm sorry.

Member Eliason: ...I guess I'm not clear on the bottom of the one right above it, why would we have a breakdown one with five days, six to ten and eleven to fifteen. I mean, why don't they do that with all the late kind of things. I'm not saying the dollar amount, but breaks it down between...

Mr. Savage: The artist and the event itself.

Mr. Goode: Right, exactly.

Mr. Savage: Basically the difference is the artist versus the event itself. The body art plan is they do bring in multiple artists that do come in to these events and they seem to have a tendency to add on artists late. So

an event that might only have ten artists now has twenty artists. Sometimes they might be...

Member Eliason: But then we'd have twenty new booths, too, wouldn't ya?

Mr. Savage: Sometimes they might include a booth; or sometimes they might be affiliated with a booth. So there's kind of a split in that and that's what staff's trying to recommend.

(Member Onyema left the meeting at 9:15am)

Member Eliason: I guess my question would be why wouldn't staff want that for the artist, too – one to five, six to ten, eleven to fifteen up there?

Mr. Savage: Because the artist is an individual.

Member Eliason: Well it's easier no matter, I mean, just an artist or a booth, it's easier to inspect a booth than it is an artist?

Member Christensen: We'll get a body scanner out there.

Mr. Goode: It's actually the event not the booth. For instance the first item there is an artist can come and apply for an event, let's say three days before the event and it will cost him \$73, because that's an additional inspection that the inspector will be required to do. The second item there that you were speaking of is the actual event, so an event not being scheduled at all and seven days from today now this event will happen.

Member Eliason: But my, I guess my point I'm trying to make is when an event's late your artist is late, more than likely.

Mr. Goode: There's a possibility. There are a number of times when we've received applications for the artists, just like in a food venue and a special event, we'll receive the special event people coming in prior to the event coordinator coming in and applying for the event.

Vice Chair Strickland: Dr. Christensen?

Member Christensen: Just for my own education. When the artists come, they usually bring their own tools and then we're inspecting the booth for...

Mr. Savage: Sanitation, biohazard...

(Member Onyema rejoined the meeting and was seated at 9:17am)

Member Christensen: Now are they bringing all their tools, such as their sterilizers, all of that stuff?

Mr. Goode: Usually in these special events they are all disposables, so it's not sterilizers they'll be bringing. They have enough on supply that, of course, they wouldn't be reusing nor having to sterilize before the next day.

- Member Jones: But that would be the point of inspection – somebody was going to use reusable they would have sterilizing equipment....
- Mr. Goode: Correct. Correct.
- Member Jones: ...in order to make sure the reusable were...
- Dr. Sands: I think the idea, correct me if it's differently, is that since we do have regulations county-wide for regulating body art, tattoo and piercings for on-going establishments, we want to be sure that if people are coming in even for a special event, that they're in compliance at minimum with those regulations as well. It would be a big disconnect if we required that of our ongoing establishments in the community and didn't require that of people coming in on a temporary basis.
- Member Christensen: So do we have any of these body art things at the pool yet?
- Member Fairchild: Oh, great idea.
- Member Jones: We have temporary, I guess, it's like body painting-type of thing at pool events.
- Member Boutin: Actually there's one at the Mirage, but it's inside. It's a tattoo parlor/bar.
- Member Jones: Right, it's not at the pool.
- Member Christensen: Well it's probably the pre-anesthetic.
- Member Boutin: Boy you're on today. Jim.
- Member Fairchild: And that's regulated, too.
- Member Christensen: Yep.
- Vice Chair Strickland: I have a question, and I've never been to any of these things, again I'm from a pretty mild jurisdiction...
- Member Christensen: We know you go to church on Sunday.
- Vice Chair Strickland: ...if you have a booth at one of these things and all the booth consists of is an artist, then are we getting an artist fee and a booth fee and we kind of double dipping there or not?
- Mr. Goode: We don't believe that we're double dipping and yes, we would be getting both the booth and the artist, because in a booth there can be a number of artists. It's both that we're inspecting, though, we're inspecting the area for the artist themselves and the sanitation of the entire booth. The booth itself is the responsibility of the event coordinator, so they're the ones responsible for that; the tools that the individual artist is going to be using is their responsibility. So that's what we're inspecting for there.

- Mr. Savage: So if Sin City Tattoo might have the booth but in the booth might have the artists Tim Jones and Dr. Christensen might be the artists in that booth...
- Member Eliason: Woo-hoo!
- Mr. Savage: ...so we have to...
- Member Eliason: That would be interesting, wouldn't it?
- Mr. Savage: ...inspect what they are doing and inspect the overall booth.
- Member Jones: I can tell you there was a large conference at Mandalay Bay earlier in the year and numerous groups and the process was inspecting booths, I know the health district staff went through looking at backgrounds and training and methods of...process of each of the artists and that combination seems to be effective.
- Vice Chair Strickland: OK, alright. Thank you.
- Mr. Savage: I was just going to go ahead and pass this around about Tim's question about the training for the food program, so the Board members can get just an idea of what we're doing.
- Mr. Goode: The final item on page thirty-four we have our mosquito control. As some of you Board members may already be aware, the mosquito abatement program, or the vector control program, is transitioning currently. It's managed pretty much through environmental health currently; however the municipalities have chosen to take over the responsibility of a number of the areas, including the application of pesticides and the like for both green pools and general areas out in the community. So what we've done is we've reduced our fee schedule because we will no longer be doing the initial treatments generally speaking. We'll only be doing those in those areas where the municipality's asking us for assistance. So we've changed and we've added a new line of business. Where if we're going to be doing treatment support we are charging \$118, which is what we were saying is our hourly rate for that application. And I know that Mr. Savage and Dr. Sands have been going to the municipalities trying to find out how they would like for this transition to happen. What we've decided is that for the next fiscal year, this fiscal year coming up, is that we, the Southern Nevada Health District, will continue supporting and continue applying pesticides that we're asked to but there will be a transition over the next year.
- Mr. Savage: I'll jump in. And we've been having meetings with the different jurisdictions: we've visited Henderson so far, we visited North Las Vegas just a couple of days ago, we plan on going to Mesquite and having discussion with...City of Las Vegas is also scheduled...all of the jurisdictions will have discussions. Boulder City I believe we've lined something up in July with Ms. Mayes. So we'd like to see what the transition and how they'd like to see it run through their code

enforcement program and their public works program and also with our support.

Vice Chair Strickland: But this is a one...just \$118, not \$118 per hour?

Mr. Savage: That would include our time, staff time, writing reports, using chemicals, travel, administrative support....it's the whole ball of wax.

Vice Chair Strickland: Wow.

Member Christensen: \$118 or \$118 per hour?

Mr. Savage: \$118 per hour.

Member Christensen: When's it start? When the phone goes down?

Member Eliason: Yes.

Vice Chair Strickland: Portal to portal?

Mr. Savage: What's...I mean there's been...some of the jurisdictions wanted to begin July 1st, other jurisdictions we want to have discussion and decision made. There's also discussions about having some sort of memorandum of understanding or agreement for the transition of the program itself, and that has yet to occur. I know the City of Las Vegas has been working on that; North Las Vegas has also been talking with the City to kind of emulate what they're doing.

Member Christensen: And then we're going to have an on-going spot check evaluation to make sure that everyone's consistent.

Mr. Savage: Yes and staff has already began training a couple of weeks ago, a training in this very room, sixty code enforcement and public works people went to a training, understanding chemicals and treatment, lifecycles of mosquitoes and valuable information for them to know. And yes we are going to be doing spot checking and we'll have people in the field working with the jurisdictions to ensure that things are being done correctly.

Member Eliason: And if you're called out by a municipality and you come out say to a home in North Las Vegas...two months later you come back out to the same address. It's still only \$118, because someone, I feel, later on someone should be dinged a little harder because they're not addressing the issue that's causing the mosquitoes.

Mr. Savage: Right. And for North Las Vegas, Robert, there's discussion about how code enforcement might do the treatment; code enforcement might also just drain the pool. And they've told us that they'll use their fining capabilities or lien capabilities to handle that individual...

Member Eliason: I'm talking if the health district...

- Mr. Savage: The health district would not even charge anyone at that time because North Las Vegas was doing the work.
- Member Eliason: But we get to a point where we've gone back for a second time to the same address and there ought to be a fee doubled that or something along those lines, for the same address within a six month period or something.
- Mr. Savage: Right, we work with the jurisdiction on those costs and do the notification process, the building process also.
- Member Christensen: It's a big problem.
- Member Jones: The health district is still doing the general environmental assessments, capturing the mosquitoes and analyses...that's not coming...
- Mr. Savage: We call that part of our surveillance program and we would continue looking at areas that historically have been an issue, some of the washes have been an issue, some of the irrigation areas up near Mesquite, which is in the County, and we'll continue to monitor those through surveillance and also work with our EPI department towards human cases also.
- Vice Chair Strickland: So, just so I understand this completely. If, let's just say hypothetically Boulder City asked you for treatment support and so we pay the \$118 and you had to go out to Boulder City say three or four times for treatment support, it would still be only \$118 you would charge us?
- Mr. Savage: It would \$118 times one, two, three, four, ten, whatever.
- Vice Chair Strickland: But if on one treatment support you spent five hours with us (which I know is a lot of time), and another time you only spent two, it would still only be \$118 for the five hours or it would be \$118 times five?
- Mr. Savage: It would \$118 times five; \$118 times two.
- Vice Chair Strickland: OK. Great. That's what I wanted to make sure.
- Dr. Sands: That's correct.
- Vice Chair Strickland: And is it billed portal to portal?
- Mr. Savage: The \$118 would include us getting in a vehicle here and driving all the way to Boulder City...
- Vice Chair Strickland: Yeah...
- Mr. Savage: ...we've built that in and that's kind of an average cost.
- Vice Chair Strickland: OK. Right.

- Member Eliason: Well, Mesquite's getting a bill, that's a long ways away from us.
- Member Fairchild: Yeah, but I've seen Glenn drive.
- Mr. Savage: It's also interesting with the statistics that we've put together, that Boulder City and Mesquite, which are the furthest distances, have the less amount of problems, or less reported problems to us. The City of Las Vegas and the County has had the majority of the complaints we've had to investigate over time.
- Vice Chair Strickland: Thank you.
- Mr. Goode: Continuing to page thirty-five. The top of the page we have an entirely new section. As all of you know we've approved new food regulations, they are not active yet, but they've been approved and one of those items in there is the idea of HACCP plans, waivers and operational procedures. There are a lot of new and inventive ways to prepare foods out there in our community and they may not be in line with what the government, the FDA, has considered to be safe necessarily in and of themselves. So each of the businesses can apply for a waiver, or show us how they keep these foods safe as they go through the cooking process. With that, again, we were looking at how much time this would take our staff to review these plans. And because we know that it would be a significant amount of time, depending on the complexity of the food that's being prepared, we'd added this new section. This is something that industry has requested and because it's part of our regulation it is something that we're mandated to do.
- Mr. Savage: There are some one-time costs also. In discussion with different associations representing industry, once the waiver of HACCP plan has been submitted and asked for the review happens, it can just be one-time for that procedure or protocol for that facility. We're also looking at how it can be shared with multiple locations so if McDonald's come in and their corporate protocol for a certain food product or how they're handling foods can be applied to all thirty-two franchise stores in our community, we're looking at one review and I think an administrative fee of like \$50 just so we can add that onto their permit for that certain location and it's done.
- Member Jones: That's one time, one year and if it's good for the next ten years you're not paying a fee...
- Mr. Savage: You're not paying a fee every year. It's just a one time.
- Member Jones: That's good.
- Vice Chair Strickland: OK.
- Mr. Savage: And I could also just make comment on that. Just recently, this could be expanded also to materials, we had two restaurants in the resort corridor that asked to have us review one was a slate plate – it was manufactured over in France and nice piece of material but we had

questions as far as leach-ability from that stone material with, in conjunction with the food product associated, was it microwavable, could it withstand heat or dropping or whatever, so we did a review of that because we did that prior to this being approved it was a free consultant if you will. Another example was a tiki wood type of product, which is very absorbent and it was discussed that the tiki wood was applied with some sort of resin material, well resin material, chemical, food products, acidity, heat, can it actually work? And again staff did research on that and were able to approve it, again it was a lot of staff time and effort. So that gives you a couple other examples of things we'd like to work with industry, if you will be protecting public health but also as a consultant for them.

Member Christensen: Is that just a simple Google search or I guess...

Mr. Savage: I have staff sitting in the audience today...the amount of paper that she provided to me was more than a simple Google search.

Member Christensen: Well, no, but I mean Google gets you pretty much anywhere you want to go. But are these specific scientific databases that you're going into?

Mr. Savage: It could be databases, it could be information from the manufacturer, it could be that chemical that they're using and MSDS sheets associated with that. Any test data as far as presentation with different types of food products, again wash-ability, durability comes into play, so there's a lot of...

Member Christensen: Does the federal government do a lot of testing on a lot of this?

Mr. Savage: I don't believe so, especially the one where the slate plate was from France.

Member Christensen: Yeah, that's what I was saying is somewhere someone has to do all the testing on this.

Member Jones: NSF can do them.

Mr. Savage: NSF is a good foundation that will put their stamp of approval and do a lot of that testing. If it was that simple, make life easier for us. But when we don't see those kinds of seals on it, that it's gone through a foundation of testing then we have to do our research.

Member Crowley: Madam Chair?

Member Fairchild: But are you also doing the testing in house?

Mr. Savage: We're not doing the testing, although some staff members have done the "drop test" on some of these materials on their own to see about durability, but no we depend on manufacturers and others to provide that information to us.

Member Crowley: So we don't do any chemical testing ourselves?

- Mr. Savage: No.
- Member Christensen: You didn't see the lab?
- Mr. Savage: OK. Want to talk about "portable unit for service of food?" It's just a descriptor...I'll go ahead and go through some of these other ones. General Plan Review, "portable unit for service of food," again staff came to me and just wanted to change the descriptor to make it more clarified, clarification for businesses, so that's just a word change, nothing to do with fees at all. The one below that is the seasonal pool event permit which I acknowledged early our meeting today that over in the right column instead of having what, \$250, we ought to just scratch that out and put "to be determined." So if you'd like to make that note, I know Shelli's saying she will, so we'll do that, because that would be part of that whole process of seasonal pool event dialogue we'll have. Below that is an area of tattoo/permanent make-up. Body piercing was actually added to that and it should have been a stand-alone, so that was just an error in that descriptor so we're just doing a strike-through for that. The next one, the annual event coordinator per fixed location the hourly field rate...what we found is that many times the work that we do with the annual event coordinators we gave them kind of a general cost and sometimes it would be too great of a cost and sometimes it was too less of a cost, so what we actually decided is just giving them an hourly rate. They were very acceptable to that and we would do our very best job in documenting our time spent so that the charge that they'll incur would vary, for the amount of time we spent on a project, the hourly rate. And the one below that is the farmer's market vendor low-risk...
- Vice Chair Strickland: Glenn, I think...
- Mr. Savage: Yes?
- Vice Chair Strickland: ...Susan had a question.
- Mr. Savage: Yes?
- Member Crowley: I actually wanted to say that that actually is a good idea...it reinforces for the operators that they need to be very open and help you through the process rather than withholding anything. So it actually opens up a process so it has an added benefit.
- Mr. Savage: That's a great comment and we agree wholeheartedly and I think industry does want to work with us and open up and provide us that information. Again, we don't have to do research...
- Member Crowley: Right.
- Mr. Savage: ...and field visits and other things to verify if they bring it to us during that initial stage of bringing it.
- Vice Chair Strickland: Yeah, it's good.

Mr. Savage: And I can also tell you that we're trying to apply this to other business plans, we'll probably be doing that in the future. Below that is farmer's market/low-risk vendor/high-risk and the coordinator. And I believe we were putting this in a different area and we just need to spell out what that plan review was for those types of business plans. It's interesting that the other day we had a meeting with one of North Las Vegas' clients who is involved in farmer's markets and swap meets and all and were able to clarify exactly what their business plan was and when that was all said and done they ended up saving a load of money. So thank you, Robert, for...

Member Eliason: Taking money out of your pocket.

Mr. Savage: Yeah, thank you.

Vice Chair Strickland: Glenn, is there some place in this document that definition of what is a vendor low-risk versus vendor high-risk?

Mr. Savage: It is actually found in the farmer's market regulation itself, which is part of the food regulations you just adopted.

Vice Chair Strickland: OK.

Mr. Savage: Normally the difference in low-risk for farmer's market has to do with presentation. If it's just a matter of presenting melon, it's a low-risk. Once you start slicing up a melon and offering it up for sampling, then you get involved in refrigeration issues, sanitizing that product if you will, there's more involved in it, so the risk is different. And it's explained in our regulations.

And the last one on page thirty-five is self-service pre-packaged food truck, and again that was just a clarification of our descriptor for industry, no change in fee with that. Going on to page thirty-six, the top mattress retail company...again that's a position, a footprint that we can use in the future for those amendments to those regulations. You can see that \$118 is basically kind of an hourly rate because we feel that is what it's going to take us to do the plan review for those types of facilities. So far industry has not had an issue with that, but I'm sure we're probably have further discussion on that in the future.

Vice Chair Strickland: Were these going to TBDs, too?

Mr. Savage: We could probably go ahead and put a TBD by that also, although I have to tell you, a figure that was higher than that was discussed at another meeting where industry actually thought that they would be paying us even more, so we can go ahead and change this to TBD. Right now we're giving them the "blue light special" I guess as far as a rate goes.

Vice Chair Strickland: Maybe we're giving a blue light special because...

Member Jones: You're not ready to hold this fee...you may need to change it, so because it may change let's say TBD.

Mr. Savage: OK, so let's go ahead and change to TBD and put that in the record then.

Vice Chair Strickland: And Donna?

Member Fairchild: Glenn, just for a point of clarification and I think it would probably make it easier for everyone who uses this fee schedule. There needs to be some kind of indicator...which fees are hourly fees and which fees are origination fees or general fees, a one-time situation, because it could be a little misleading to look and see \$118 and as a business person I'd think "oh, great \$118," not knowing that that is an hourly fee. So if you perhaps identify that it would be better.

Vice Chair Strickland: That's a good point. That's why I got confused on \$118 on the vector control issue, sort of...it is misleading I guess.

Member Christensen: And highlight it, OK? I mean, per hour is not going to work, you're going to have to do something else because...even though it's in plain English they'll skip it.

Member Jones: If another column tell you that it's hourly, one-time or an annual type...

Mr. Savage: Thank you. Those comments...I'm sure Shelli's putting those in the public record. We'll look at that when the meeting's over and Mr. Newton, who does this for environmental health, is sitting in our audience and I'm sure he's taking notes. So we'll take all your comments. Thank you. Moving further down, again, on plan review miscellaneous fees a new added line of business, again mattress refurbishing. Again this is just a footholder that again we could make the change to put in TBD at this point in time. And it is page thirty-six. Go over to page thirty-seven and Mr. Campbell gets his opportunity now to speak on about four areas that are listed on page thirty-seven.

Dennis Campbell: Good morning.

Vice Chair Strickland: Good morning.

Mr. Campbell: Page thirty-seven, the first...right at the top of the page, is the waste asbestos hauler/transport permits. Basically what we've done here, this fee has already been established for a period of time, we just added in a one-time fee to make it clearer that if it's a one-time project there's a fee; if it's a on-going fee there's an additional fee for each additional transport permit. Under the regulations any time asbestos is transported it has to be disposed of in an industrial cell Class I landfill and they have to track there. We're actually taking on some responsibilities from the County when it comes to tracking waste asbestos. We're actually doing a workshop this afternoon to talk about how we're going to be carrying out this program. We have been, in the past, issuing transport permits, but we hadn't been charging for them, but now we need to do a better job of tracking where the asbestos is going, and making sure that it's handled in an appropriate manner. So that's the first one.

- Member Eliason: What if it goes over the county line and it's out of our jurisdictional...
- Mr. Campbell: Basically right now if waste asbestos has been collected in a facility here, the only facility that it can be disposed of right now is Apex Landfill in their industrial waste cell. So any facility in Clark County that's creating waste asbestos has to have a waste asbestos transport permit and that material has to be taken to Apex Landfill – it's the only facility available.
- Member Eliason: I guess, and I agree with you on that, I guess I'm completely clueless thinking through this, which with our friends just up 93 that's just over the county line, could an individual get their permit from us and end up at their with no kind of protection whatsoever?
- Mr. Campbell: No, because that is a Class III landfill, you're speaking of Western Elite and that is a Class III landfill – waste asbestos has to go to a Class I landfill that has an industrial cell specifically designed, because once it's deposited into that cell it has to remain in that particular cell...
- Member Eliason: Do we get a receipt somehow...
- Mr. Campbell: That's correct, it's part of the permit...
- Member Christensen: So we issue the permit and then we make sure it's checked in.
- Mr. Campbell: That's correct and then we work...right now we're working on the process with Republic Services...
- Member Crowley: However, oh I'm sorry.
- Mr. Campbell: ...because they're the ones mainly that operate Apex Landfill.
- Member Crowley: However it wouldn't make a lot of economic sense because the transport would be quite a bit more expensive, but someone could go outside of Clark County to a Class I landfill. It wouldn't make a lot of sense to do that, but if you for some reason didn't want to go to Apex you could go to other landfills...
- Mr. Campbell: But if it's been created within Clark County, been generated, our permit would specify...specifically says it has to go to Apex Landfill.
- Member Crowley: Oh...
- (Member Member Boutin: left the meeting at 9:45am)
- Mr. Campbell: But we just had Mohave Generating Station in Laughlin has two contractors that just came in for their permits to transport waste asbestos from the Mohave Generating Station to Apex.
- Member Crowley: And actually it probably would be closer for them to go to a Class I landfill in Arizona.

- Mr. Campbell: It would be but the way the permitting process and the way the regulations read they need to go to a permitted Class I landfill within Clark County.
- Member Eliason: I guess...
- Mr. Campbell: There is a Class I landfill in Laughlin...
- Member Crowley: Yeah.
- Mr. Campbell: ...but it doesn't have an industrial cell so it has to come this direction.
- Member Eliason: And I guess I'm really ignorant. They don't...what's the penalty if not they don't go to a Class I?
- Mr. Campbell: Then we'd probably take them through our Notice of Violation process because we can use that process as well, because they're failing to comply with the conditions of the permit.
- Member Fairchild: And would that be a violation of federal regulation as well, most likely?
- Member Crowley: Only possibly – if there's a Class I landfill that's closer say for the Laughlin folks, they may have had a desire to take it to that closer landfill but what we're doing is requiring that they bring it up to Apex for some reason, I'm not exactly sure if I understand that, but...
- Mr. Campbell: Yeah, it's because of the way the regulations read it has to go into a Class I landfill with an industrial cell specific for that asbestos, because once asbestos is deposited in a landfill it's in a specific area that they keep GPS readings on it so it's not disturbed.
- Member Crowley: There are other conditions, too...
- Mr. Campbell: Yeah.
- Member Crowley: ...it has to be covered every day, there are special things that you have do with a cell that holds asbestos and landfills have to be familiar with that.
- Mr. Campbell: Yes.
- Mr. Savage: And to follow up on Robert's question, if we were to find that someone was taking this to an unpermitted site, still within our state, we would provide that information to the holder or issuers of that permit with an example you used, would be the state, the EPA, and let them know our findings and let them do what they need to do enforcement-wise. Otherwise we find that within in our community, yes, we would go to our hearing officer for violations of what we would allege.
- Vice Chair Strickland: Following up on what Susan was saying about the Laughlin example; if they took this asbestos out and they wanted, I know they're supposed to go to Apex, but if the...the Arizona facility was closer and it was one that was a type I and it had the ability to hold and keep it in

the cell that you're talking about, can they give us evidence that they took it to a facility that had the appropriate type of cell and it was the appropriate type of landfill?

Mr. Campbell: I would guess they could because as part of their...they would have to...there has to be a survey done on, every time there's a project – how much the volume of waste asbestos present in the facility – and if they can provide that evidence to us that it was going to an approved facility I don't believe we could really prevent that from occurring.

Vice Chair Strickland: OK.

Mr. Campbell: But we would need to know, we're supposed to track where that waste asbestos is going, so...

Vice Chair Strickland: Right, so you could incorporate that into your records to show that we as the health district had done our duty based on the representation but I would think there'd be something formal from that landfill saying this came in on such and such a day, this is what was done with it...

Mr. Campbell: That's correct. Generally speaking, when it comes to solid waste other states are very reluctant to take our waste and as we tend to be very reluctant to take in solid waste from outside the state...

Vice Chair Strickland: Mm-hmm.

Mr. Campbell: ...but if they can provide that evidence, then yeah, that would satisfy the conditions.

Member Crowley: And that's not a hard thing to do, because there's a manifesting system...

Mr. Campbell: Yeah, that's correct.

Member Crowley: ...that is well-followed and I guess as part of the permit we could require that a copy of that final manifest get forwarded back to the health district and that would like solidify where it went...

Mr. Campbell: Mm-hmm.

Member Crowley: ...when it went there, that they received it, it's covered, it's...

Member Eliason: You have the same issues with Mesquite and Utah.

Member Crowley: Yeah, yeah, that's right.

Mr. Campbell: OK. Moving on, the next one is the new line of business – scrap metal dealers, and we've added this one in based on Assembly Bill 233, which requires that people dealing with scrap metal now have to be registered with the Solid Waste Management Authority and so we're going to be amending our recycling center regulations to incorporate the requirements of Assembly Bill 233 and getting it...so

we added this fee in as a new line of business for that...to satisfy those requirements.

The next one we've added in the cost of publishing public notices. Whenever we do a public workshop, any time we're preparing an application for a fee, for a permit we have to have a public workshop and incorporate public comments and we have to post that notice in a number of newspapers, so what we've included in this is the cost of publishing those public notices, as part of that general public workshop requirement.

Member Jones: How much is that then, Dennis?

Mr. Savage: A few hundred dollars.

Mr. Campbell: Yes.

Mr. Savage: I've seen it upwards of \$500...

Mr. Campbell: Yes.

Mr. Savage: ...posted in the different newspapers and the different requirements that they have, lettering size, I mean there's all kinds of different requirements.

Member Jones: So if XYZ Disposal wants to have a permit then they're going to have that cost.

Mr. Savage: Yes.

Mr. Campbell: Yes.

Mr. Savage: Versus us paying it out of our pocket.

Mr. Campbell: OK, the next item was under waste management plan review, waste tire hauling business...we've stricken that one on the plan review side simply because there is no plan review required for a waste hauling business. There's an application that they have to fill out and it comes under our general operating section, so this was a redundancy that wasn't necessary, so it was stricken.

Again, the next item down was scrap metal dealers, somebody's going to be dealing with scrap metals they're going to have to go through our solid waste plan review section, and so we've added in a new line of business on that particular area.

The next item down is any variance or waiver...we've added this section in...we've been getting some requests recently for waivers of requirements and we did not have under the solid waste plan review side we did not have a line item for charging a fee for that, reviewing those waiver requests. So what we've done is just taking the same language that's under our general plan review section and added it in to solid waste plan review.

(Member Member Boutin: returned and was seated at 9:50am)

And then the last item under solid waste management was a, if somebody was to submit a request for a modification to an existing permit it incorporates scrap metal dealers, again under requirements of Assembly Bill 233, we've added in a new line of business for that. Other than that, for the rest of the solid waste and compliance fees, nothing else as follows.

Vice Chair Strickland: OK. Great presentation, very detailed. I know we've been asking you questions just as we're going along getting our comments. Were there any further questions or comments from the Board at this point? This is a public hearing, so let's open it up for public comment. Any members of the audience or public who wish to come up and ask questions or testify or...No? OK, we'll go ahead and close that and bring it back to the Board and entertain a motion at this point.

Member Jones: So moved with the adjustment on the TBD items.

Vice Chair Strickland: Yeah, I believe we have the TBD line items for the pool special events, the mattresses, and I think you were going to also designate the per hour things that were being charged versus the flat fee type things.

Mr. Savage: That's correct.

Vice Chair Strickland: OK. Do we have a second?

Member Christensen: Second.

Steve Minagil: Excuse me, Madam Chair. Just for the record, Mr. Jones your motion...

Scott Weiss: Hello?

Mr. Minagil: ...your motion is made to adopt is made following consideration of the business impact statement in the materials, is that correct?

Member Jones: That is correct.

Mr. Minagil: Thank you.

Vice Chair Strickland: Alright, we have that clarification and we also have a second with that clarification. Yes?

Member Christensen: Yes.

Vice Chair Strickland: OK. All in favor say "aye."

(Member Ross joined the meeting via phone at 9:52am)

Member Ross: Hello?

- Board members: Aye.
- Mr. Weiss: Councilman Ross, hold on one second.
- Vice Chair Strickland: Those opposed? And motion carries. Oh, you have something?
- Dr. Sands: No, I just wanted...we have Councilman Ross from the City of Las Vegas phoning in because we have items that require a quorum of elected officials in order to proceed so...
- Vice Chair Strickland: OK.
- Dr. Sands: ...so he's joining us with this next item.
- Vice Chair Strickland: OK, who's that joining us?
- Dr. Sands: Councilman Ross from the City of Las Vegas.
- Vice Chair Strickland: OK. Thank you.

A motion was made by Member Jones, following consideration of the business impact statement, to adopt the Southern Nevada Health District Environmental Health Division Permit and Plan Review Fee Schedule with the following changes: TBD line items for pool special events, mattress facilities, and to add a column or otherwise clearly designate whether the charge is hourly, one-time or flat-rate; seconded by Member Christensen and carried unanimously.

III. REPORT / DISCUSSION / ACTION

- Petition #14-10, Resolution #01-10:** Approval of Augmentation to the Southern Nevada Health District (SNHD) General Fund 705 for FY 2010 Budget

Dr. Sands introduced Scott Weiss, director of administration and Mars Patricio, financial services manager who presented on this item. Mr. Weiss said Nevada Revised Statutes 354 requires that if the district spends more money than approved by the Board an augmentation to the original approved budget is necessary. Receipt of additional federal funds in excess of what was anticipated is one reason for augmentation. The health district received federal funds related to H1N1, the *Communities Putting Prevention to Work* (CPPW) grant effective March 19, 2010 and some additional funding related to family planning. As with most grants these are reimbursement grants – the district is reimbursed by the federal grant following expenditure of funds. This item is to increase the budget equal to the amount actually spent related to these grants, which is equal to \$5.4 million on both the revenue and expense side. Mr. Weiss noted this needs to be considered as a public hearing.

Member Boutin noted that during her briefing Mr. Weiss informed her these funds are restricted. Mr. Weiss said any grant funding is restricted, and in this case the funds were restricted to H1N1, CPPW and family planning respectively. These funds are not related to the general fund in any way.

Vice Chair Strickland opened the public hearing and asked if any member of the public wished to comment on this item. Seeing none, she closed the public hearing.

Mr. Minagil noted that Member Ross is participating via telephone and has yet to be sworn as an alternate Board member for her current term and asked for permission to administer the Oath of Office.

Stephen R. Minagil, Board Legal Counsel, administered the Oath of Office to the following elected alternate member: Steven Ross – City of Las Vegas.

A motion was made by Member Fairchild to approve the Augmentation to the Southern Nevada Health District (SNHD) General Fund 705 for FY 2010 Budget; seconded by Member Christensen and carried unanimously.

2. Petition #19-10, Resolution #02-10: Approval of Augmentation to the Southern Nevada Public Health Laboratory (SNPHL) Enterprise Fund 770 for FY10 Budget

Scott Weiss, director of administration and Mars Patricio, financial services manager presented on this item.

Mr. Weiss said this item is similar to the previous item. The district has a proprietary fund for the Southern Nevada Public Health Laboratory (SNPHL) and additional federal grants were received for this program as well which were not budgeted in the approved budget for FY10. To account for these grants, and to take into consider the auditors' note to budget for depreciation, an augmentation is again necessary. When the note came in with the FY09 audit report, the budget for FY10 had already been approved and did not include depreciation expenses. This has been included in the FY11 budget, which was approved at the last meeting. This item is to augment the FY10 budget for SNPHL to account for both the receipt of additional federal funds and to account for any depreciation.

Vice Chair Strickland asked if these federal grant funds are also restricted, which Mr. Weiss confirmed.

Member Boutin asked even though this is an enterprise fund and the grant monies are restricted if the district can collect interest from the \$3.5 million and apply that to the general fund. Mr. Weiss said the interest money has remained in the proprietary fund account to allow for an ending fund balance, similar to the general fund, which is done to account for any unforeseen emergencies and alleviate the need to transfer monies from the general fund. Member Boutin said if any unrestricted expenditures arose not covered by the grant these monies could also be used. Mr. Weiss confirmed this statement.

Vice Chair Strickland opened the public hearing and asked if any member of the public wished to comment on this item. Seeing none, she closed the public hearing.

A motion was made by Member Crowley to approve the Augmentation to the Southern Nevada Public Health Laboratory (SNPHL) Enterprise Fund 770 for FY10 Budget; seconded by Member Fairchild and carried unanimously.

3. Petition #15-10: Approval of Revisions to Southern Nevada Health District Nursing Services Fee Schedule

Scott Weiss, director of administration; Mars Patricio, financial services manager; and Bonnie Sorenson, director of clinics and nursing services presented on this item.

Mr. Weiss reported that nursing staff annually reviews services and any increased costs related to vaccines and pass-through expenditures. This item will increase the fees for some

vaccinations, due to increased cost of said vaccines. During the most recent Title X audit it was noted that the sliding fee scale be adjusted to current federal poverty level. The only correction to the documents provided is on page five (page four of the fee schedule) the items listed as “per visit” should read “per test.”

Member Christensen asked if the \$20 fee listed for Rocephin was an administrative cost, as he did not see a vaccine price. He also noted that the per vaccine cost is very low and the district is extending a great deal to the public.

Patricia O’Rourke-Langston, community health nurse manager, said Rocephin is the preferred medication to treat gonorrhea. The district offers a flat fee of for service of \$30 which includes treatment, and does not break out specific costs. Bicillin historically fluctuates in pricing so this medication is broken out. Member Christensen said the public needs these services and the district offers a tremendous deal on vaccines and medications. Ms. O’Rourke-Langston concurred that this is “the best deal in town.”

Member Onyema asked if the point of care testing for STDs were cultures or serum. Ms. O’Rourke-Langston replied the point of care testing will be swab-based once introduced and results will be available within 30 seconds of dropping the swab in the table-top vial. Clients will then be treated for either bacterial vaginosis or trichomoniasis. Point of care testing for Herpes (HSV) does not exist – this is a serology test which will need to be placed in a different section of the fee schedule. This item will be stricken from the fee schedule and if a point of care test comes available in the future this item will be brought back for the Board’s approval.

Member Jones asked if there is a general range for the price increases listed on the sliding scale. Mr. Weiss said some prices were up and others down. Under Title X requirements, the services listed are mandatory and must be provided from 0 – 250% of poverty level. Below poverty level there is no charge for service; anything up to 250% of federal poverty level is offered as a discounted rate. The fees are non-discretionary from a program perspective. Mr. Weiss said from his recollection the increase was generally \$5.

Vice Chair Strickland asked if this should be a public hearing. Mr. Minagil said in an abundance of caution, public comment should be sought.

Vice Chair Strickland opened the public hearing and asked if any member of the public wished to comment on this item. Seeing none, she closed the public hearing.

A motion was made by Member Christensen to approve the revisions to Southern Nevada Health District Nursing Services Fee Schedule including the change on page four from “per visit” to “per test” and striking “HSV” as a point of care test; seconded by Member Ruscigno and carried unanimously.

4. Receive Report from the CHO Annual Review Committee; Approval of New Chief Health Officer Employment Agreement for the period of July 1, 2010 – June 30, 2013 (Committee: Chair Giunchigliani, Members Christensen, Fairchild Strickland and Vigilante)

The following is a verbatim transcription of the CHO Annual Review Committee report.

Dr. Sands: The next item to receive report from the chief health officer annual review committee and approval of the new chief health officer employment agreement for the period of July 1, 2010 through June

30, 2013. Committee members were Chair Giunchigliani, Members Christensen, Fairchild, Strickland and Vigilante.

Vice Chair Strickland: Well, I was a member of this committee so I guess I'll go ahead and talk about it. We had several discussions regarding this employment agreement and I think that the final employment agreement, as well as the proposed drafts are included in the materials that are provided to the members of the Board. I did see a couple of things that I had questions or issues and I just wanted to address those. I think that on, one of them would just be more of a typographical or change in wording perhaps, and it would be on page five, line three. There's a sentence which begins "in the following manner" with a capital "I." I think that probably following the word "arbitration" there should maybe a comma with a small "i" for in so it's one sentence. So it would read...

Dr. Sands: What line was that?

Vice Chair Strickland: "...**EMPLOYER** which relates to or arises out of the employment relationship between the parties shall be settled exclusively by binding arbitration. In the following manner..." So page five, it would be line 119, or the third line on that page. And then the only other thing that I wondered is we had discussed the issue of curability, ability to cure under paragraph five, termination of agreement, and I didn't know if we as a Board wanted to allow cure for subsection iii – right now it only allows cure for subsection iv. And that would be beginning at line 67 of page three, but specifically going to line 70, which is talking about the loss of the required licensing or no longer being able to perform your statutory qualifications. I didn't know if we wanted to allow you the opportunity to cure that as well, or I don't even know if you can within 30 days, but right now the cure is only allowed for intentional breach of the agreement. So those are my comments on it.

Member Boutin: Madam Chair, I have some comments as well.

Vice Chair Strickland: Certainly.

Member Boutin: I'm going...I'm a "nay" vote on this one and I just want to explain why for the record. But as far as the contract I have two points to make. It does talk about merit increase, longevity pay increase, cost of living raises but doesn't specify an amount, and I'm not sure how that's worked out, or if it was worked out in the previous contract. But I do have a question about the base salary. Is there an increase of this contractual salary from last year?

Dr. Sands: What it is is that under the current agreement it does allow for cost of living increase as other employees in the district receive so that's an increase that I've received over the last three years – that's only been based on cost of living.

Member Boutin: OK, so just to explain my "nay" vote. When so many of us are having such difficulty, including the elected officials themselves and we're not

taking merit increases or longevity pay or cost of living or car allowances, we're making a lot of concessions to the tax payers, and this is not personal – you do a fantastic job, but for the record I'm just going to have to vote no on this because I feel that there's an imbalance with what the other jurisdictions are doing with their dollars in comparison to what the health district is doing.

Vice Chair Strickland: Well I certainly understand. I think what we as a committee were trying to do was, that's why we had that discretionary "may" language, so when the performance review came up we could have the opportunity to do that. But I agree with you...I've been battling this in my jurisdiction as well what we're going to be doing with this thing. So other comments or questions from the Board?

Member Onyema: If I may...

Vice Chair Strickland: Certainly.

Member Onyema: ...the language of the contract, you may correct me, is "may" not "definitely" may take place. Second, this contract is for a period of time from 2010 to 2013...

Vice Chair Strickland: Correct.

Member Onyema: ...we are not assuming that the economic situation will be stationary without any improvement and will the language of "may" merit increase or general wage is still conditional upon the Board approving that. So I don't see that as in any way negative aspect of it. Looking at the amount of base salary, when one does a comparative review of what is the norm across the nation, this appears to be in the ballpark. So I don't see anything wrong with the pay and salary. And also, even if difficult economic times one is also paid what he's worth. And if the job of the chief health officer/medical officer qualifies for this amount of money then that is fair. And I think that is fair.

Vice Chair Strickland: OK, and you know in that regard, what I say...I will also indicate that when I saw the amount that was being paid, I had some concerns as well, because from a jurisdictional standpoint we've had some difficulties in my jurisdiction but I was somewhat relying on something that Dr. Christensen had said in one of our meetings about the credentials that are needed for this position and there are a limited amount of people...

Member Christensen: Correct.

Vice Chair Christensen: ...that hold those credentials and so therefore you almost have to pay what you get. You're kind of like the Maserati, I guess, you know of doctors. I mean I don't know how else to say it, but so I don't...I had to take that into consideration as well.

Member Christensen: Madam Chair, he's not really the Maserati of doctors, it's just that they don't train a lot of doctors and a lot of people just don't go into this as a career field. And his salary is commensurate with what, you know,

because I looked at jurisdictions likes, tried to get apples to apples, and we're right in the ballpark. We're not at the high end and we're certainly not at the low end – we're sort of right in the middle. When you look at the responsibilities he has, it's 24/7/365 and it's really hard for him to get away...

Vice Chair Strickland: Mm-hmm.

Member Christensen: ... I mean because anytime he has to take time off, you pay for it. You pay for it on the front end when you go and then you sure as heck pay for it on the back end when you come back and the cell phone's always on because there's always a catastrophe waiting to happen. So, the salary is appropriate, it's fair, we put in the language of "may" because we all understood that these are difficult economic times and we're hoping that things improve, and that allowed us flexibility over the term of the contract to make appropriate adjustments as needed. I can say that this has been one of the most contentious and highly regulated performance audits. We now have over, well I mean he's gotten 360° evaluations, plus we have goals and objectives, plus, you know, never before has a chief health officer had this much scrutiny. You know, maybe that's good, maybe that's bad but I think that this process has drug out way too long. I think that this process has been a little bit contentious in the sense that, you know, it's hard coming to contracts and do things but, you know, he needs a long-term contract so he can do long-term planning and long-term goals so that we can keep this health district on track. And to drag an evaluation process out like this detracts from his ability to do his job. And next time it comes up it's like "Oh, God here it comes again." It's almost like me taking my board exams, it's like...I mean it's a necessary evil, but you have to do it. But this process, and I'm been here ten, almost eleven years, this has been the worst that I've seen. And I think that he does a phenomenal job; he has tremendous responsibilities and is juggling a lot of things in catastrophic times. I mean we have seen things in this town that I never would have dreamed. And we've gone through this things and, you know, we've handled it with integrity and with a huge attempt at being transparent, so much so, more so than we ever have been, and you know, I think that we need to move this forward and I'm definitely a "yeah" vote and I worked hard to try and have people understand the difficulties that he's in – this isn't an easy job at all.

Vice Chair Strickland: Let's hear first from Tim and then we'll hear from Barbara.

Member Jones: I would just make two quick points. I think that the organization structure that we have here at the Southern Nevada Health District combines both the administrative responsibility as well as the medical responsibility. And if you took a look at other structures such as the State of Nevada or other jurisdictions, they have two positions – they have the medical officer and the administrative officer. This is a combination. Second to that I would say that, you know, with all due reflection on the hardship going through a number of municipalities I don't think it's luck that the health district has been able to maintain its budget and maintain its performance. There have not been layoffs,

there have not been reductions in services; certainly there's been a reduction in amount of tax dollars available but all that said it has been administered in a manner to maintain service and to maintain staff here. And I think that should be reflected in the contract abilities as well.

Vice Chair Strickland: Right. And Barbara.

Member Ross: Madam Chair?

Member Ruscigno: Yeah, I just want to align myself with both with Dr. Christensen and Mr. Jones...

Member Ross: Madam Chairwoman?

Vice Chair Strickland: Oh yeah, hold on a second, we have Barbara speaking then we'll get to you, Mr. Ross.

Member Ross: Thank you.

Member Ruscigno: With all due respect, Madam Chair, we really don't isolate the liabilities that go along with, and with what Dr. Christensen said 365 days a year, 24/7. There's a lot of liability that goes along with this well. And I think most of us in the healthcare community, whether professionally or medically, so I mean our liability is just out there no matter what. So we don't really get compensated for the liability that you're up against as well. So...

Vice Chair Strickland: Yeah. Mr. Ross, your turn.

Member Ross: Thank you, Madam Chair. I appreciate that and I appreciate everyone who's speaking and on behalf of Dr. Sands. And Dr. Sands this is no disrespect to you, I think this is going to send a wrong message in regards to this agenda item, Dr. Sands, for this pay increase. I'm having a hard time with it even though I agree with everything everyone here has said about your responsibilities, the level of liability that you're faced with and all the wonderful things that you've already done with this district. I am having a hard time swallowing this. And I'm not sure I can support it just because I think it sends a wrong message. Now is not the time. Every local government is being faced with it. I believe Councilwoman Boutin may have mentioned that when this agenda item first began. I'm having a hard time moving forward with this.

Member Eliason: Madam Chair?

Vice Chair Strickland: Yes?

Member Eliason: There was...there's not a pay increase as part of this contract, is there? It's a "may."

Member Christensen: No.

- Member Boutin: Madam Chair?
- Member Crowley: Well the...
- Vice Chair Strickland: Go ahead, Kathleen.
- Member Boutin: I don't...and this not...Dr. Sands does a fantastic...I used to work here under two previous chief health officers and Dr. Sands is heads and shoulders, by and large without any question the most sophisticated, professional and intelligent of the three that I've worked with and is probably worthy of more than \$255,000 a year considering the budget that he has to manage and the employees. Just for the record though, as an elected official I want you to understand, it's very hard...I don't know one public...I cannot think of one public employee in a managerial position, in an elected position, in an entry-level position in Southern Nevada that is even eligible or may be getting a pay raise in addition to a car allowance. And as an elected official this puts in a very vulnerable position to have to vote for even a "may" and so I won't...I don't want...you've done a great job, Jim. I wasn't around for any of the previous evaluations or...I'm not even really sure what you were speaking about. But in no way does this mean that Dr. Sands is not worthy of his base salary – he absolutely is.
- Vice Chair Strickland: OK, and with that said, I mean, the base salary is the \$255,095.57 and it's the other things that are the discretionary things that we're talking about under the wording of "may" upon the yearly performance evaluations – we have the opportunity if we so believe that he's worthy of it, our budget allows for it, we can award additional things. But it's obviously the \$255,095.57 that is, you know, part of this contract that we must pay...
- Member Boutin: Add the \$600 a month car allowance.
- Vice Chair Strickland: And the car allowance of \$600...
- Member Christensen: Madam Chair?
- Vice Chair Strickland: Yes?
- Member Christensen: This is not a pay raise for him. He for-go...he for...
- Dr. Sands: Went.
- Member Christensen: ...went. Thank you. He for-went his COLA. What this is, his previous salary was just brought up to where it was and that's why it looks like it's a pay increase. This is not a pay increase. Nothing has changed. He hasn't asked for anything. We've taken the COLA, we've taken all of the...we've taken his longevity pay, his COLA and we've put that into a "may" so that we can reward or not reward as a merit at the end of his, or at the end of the year based on the situation. It's not a pay raise. It isn't.
- Member Crowley: So what...

- Member Fairchild: Madam Chair...
- Vice Chair Strickland: Sure.
- Member Fairchild: ...if I may. You know what I don't understand is as a committee we have beaten this horse to death.
- Member Christensen: It died six years ago.
- Member Fairchild: This document came out of hours of discussion on this contract and in fact the committee voted unanimously to forward this contract to the Board for consideration. Therefore I think that if there were all of these concerns they should have been brought up in committee, they could have been addressed at that time, now's the time to bring it forward and, you know, with all due respect to all public employees, is in many of our jurisdictions employees are in fact still getting perks and benefits much higher than the private sector. And even here in the Southern Nevada Health District the employees are still getting pay increases and benefits and why shouldn't Dr. Sands be allowed that same consideration?
- Member Boutin: We don't need to have a unanimous vote on this Board. We...
- Member Fairchild: Oh, I understand that, Kathleen. I'm just saying that all things being equal, Dr. Sands should be given the same consideration as every other employee of this health district.
- Member Boutin: Out of respect for Dr. Sands I just wanted to explain why I was voting no...
- Member Fairchild: And I appreciate that.
- Member Boutin: ...and I commend Councilman Ross for doing the same.
- Vice Chair Strickland: OK. I know that you've been raising your hand, Mr. Vigilante. Are you...
- Member Jones: He was on the original...
- Member Vigilante: I was actually on the original committee when Dr. Sands...and I was actually on the latest committee...
- Vice Chair Strickland: Would you come to the podium, if that's OK?
- Member Vigilante: I was on the original committee for Dr. Sands back when Dr. Kwalick was leaving and I was also on the most recent committee. And exactly what Dr. Christensen said, I support 100% because that's what it was all based on, plus it was based (his original salary) on a different time frame in our society. It wasn't the economy of today, it was the economy of that time, which was a lot better. But with all due respect, exactly what Dr. Christensen said, is exactly what we based it on at that time and what we based, what you say unanimously on

what he does...he does do a job that is unique because it's a whole bunch of areas – it's not just one thing – 24 hours a day he has to be available, and that's why we based, exactly what we based the situation on both times.

Vice Chair Strickland: Alright.

Member Vigilante: And I believe Mr. Empey was on the original situation, too, when we were determining...when Dr. Sands was coming in on the salary. I just wanted to add that so you guys understand why I was raising my hand pretty much, because I've been there both times.

Vice Chair Strickland: OK, thank you. I didn't want you to think I was ignoring you. Just from the perspective of an elected, yeah I appreciate Kathleen's position and Mr. Ross' position. And I looked at it though, from the standpoint that he really wasn't getting a raise but we did put the "may," the discretionary, and that gave me some feeling of security that in the event things go awry we can not...we can forgo giving any of the other compensation benefits that fall under the discretionary category. So, and I just wanted to ask Dr. Sands...that issue that I brought up about the curing on sub-category iii...do you have any concerns about that, or do you like it the way it reads right now?

Dr. Sands: OK, I'm fine either way. I think that depending on the situation for that third area – the loss of licensure, the loss of qualifications – I mean that might give some options because if it is something that can be cured, we can address it versus making it an absolute, so I think your suggestion probably makes sense from that point of view.

Vice Chair Strickland: OK. And I don't know how long it took to cure.

Member Christensen: To be honest with you, nobody does.

Mr. Weiss: Madam Chair, I was just going to say, coming from an operations perspective, your comment was well-taken from a continuity of services for the district anything that can be done to allow a cure, if it's appropriate and if there's ability to do it, I think it's beneficial for the district as a whole.

Vice Chair Strickland: OK. Alright. So that would result in a modification to line 72 of page three which would read "prior to termination as provided then in sub-parts iii and iv above, so you just add that "iii and" before that "iv" and then that other change is that typographical thing I pointed out before would be my recommendation.

Mr. Weiss: And just for clarification that would be line 119, Madam Chair?

Vice Chair Strickland: Yes, it was. Alright so, any further comments or questions, concerns from the Board? Yes, Dr. Sands?

Dr. Sands: I just want to say, with all due respect to Member Boutin and Member Ross, I can certainly understand your stand, your position – I don't take offense to it. And I know as all public officials, but particularly

electeds, you're having to make some decisions in very difficult times, and so I certainly respect the difficulties some of the decisions are causing. I'll just say again, as I said at the committee, I think that reflects well in the contract is that certainly we've been able to manage our resources well enough that we haven't had to go as far as not only layoffs but actually look at changing up the benefit package for anybody in the district. About, as I said before, when we get to that, if we ever get to that, I certainly am part of that and I think some of the changes that we made in the contract, the verbiage, reflects that. And as I said before, I think it, on my end, I think it would be poor leadership to allow, make changes to other employees' benefits and not be part of that. And so that's my commitment.

Vice Chair Strickland: OK. Well with that said then I'll entertain a motion.

Member Fairchild: Move for approval with corrections.

Member Christensen: Second.

Vice Chair Strickland: OK, we have a motion and a second. All those in favor say "aye."

Board members: Aye.

Vice Chair Strickland: Those opposed?

Member Boutin: Nay.

Member Ross: Aye. And Dr. Sands? This has nothing personal reflected of you. I still think this sends a bad message for this Board.

Vice Chair Strickland: OK, that would be two nays. And Mr. Ross, you were a "nay," right?

Member Ross: That is correct.

Vice Chair Strickland: OK, so motion carries.

Dr. Sands: Thank you.

A motion was made by Member Fairchild to approve the CHO Employment Agreement with the changes discussed; seconded by Member Christensen and carried with Members Boutin and Ross in opposition.

5. Receive Report from the At-Large Member Selection Committee for Two-Year Term Beginning July 2010; Selection of At-Large Members/Alternates by the Elected Board Members (Committee: Chair Giunchigliani, Members Weekly and Wood)

Dr. Sands noted no committee members were present at the meeting and he read the recommendation into the record:

Environmental Specialist
Lonnie Empey

Environmental Specialist Alternate
Kathleen Peterson

Physician

Jim Christensen, MD

(selected on the basis of education, training, experience or demonstrated abilities in the provision of health care services to members of minority groups and other medically underserved populations)

Physician Alternate

Frank Nemec, MD

Physician

John Onyema, MD

Physician Alternate

Joe Hardy, MD

Registered Nurse

Nancy Menzel, RN

Registered Nurse Alternate

Michael Collins, RN

Regulated Business / Industry

James Vigilante

Regulated Business / Industry Alternate

Timothy Jones

Vice Chair Strickland referenced the minutes of the At-Large Member Selection Committee meeting, and said there was some discussion in regard to compliance with statutory requirements and asked Mr. Minagil to address these concerns.

Mr. Minagil said in carrying out his due diligence as Board counsel he must ensure the Board is aware of two particular issues with this item. First, the memorandum included with the packet includes the following recommendation: "The Committee further recommends switching the member and alternate after one-year to allow for growth and experience serving on the Board." Nevada Revised Statutes (NRS) 439.362.3 requires members to serve terms of at least two-years. He said this recommendation would be counter to the requirements of NRS and asked that this recommendation not be included in any motion.

The second issue occurs when a person or business comes before the Board with an application or variance who may also have private business dealings with a Board member. It is important to bring this issue forward when the Board is considering appointments for the at-large member positions as ethics in government rules come into play. The law does not define what constitutes a "conflict of interest" – it speaks of a test that must be applied. If a situation occurs where someone comes to the Board for permitting or a variance and that person or entity has had business dealings with a sitting Board member – this would apply most often for at-large members – the test must be applied. The first test asks: "Is the independent judgment of a reasonable person sitting as a Board member reasonably affected by this private commitment to the interest of others?" If yes, a disclosure of that relationship and how that relationship and commitment would affect the vote must be made on the record, a disclosure at least. The second test asks: "Is the independent judgment of a reasonable person sitting as a Board member materially affected by its private commitment to the interest of others." The Board member must disclose the relationship, and disclose what effect the private commitment to others would have on his vote. If yes, abstaining may be required. Abstention, while required is not favored because it deprives the public of that Board member's expertise, voice and service. In the event a person or entity comes before the Board that has had business dealings with an at-large Board member, it must be disclosed and there may be abstention depending on the application of the test.

To further complicate matters, if there are two at-large Board members in business together and a person or entity comes to the Board, and one Board member decides he has an ongoing relationship and a contract with the person or entity, and he must abstain from voting. Does the business partner abstain? The application of the test is the same and said Board member must determine whether the independent judgment is materially affected by his commitment to his business partner, another Board member. This is a potential issue, though it has not occurred

to date. It is a developing issue and is not black or white. Mr. Minagil said information on ethics in government should be provided to Board members going forward. Elected officials receive this information when they enter office; however at-large Board members are not recipients of this important information. He cautioned Board members to be careful and seek legal advice when in doubt.

Member Fairchild asked what would happen if the Board was at quorum and two members recused themselves based on these types of issues and quorum was lost on that item. Mr. Minagil said this would impact the vote on that particular item.

Vice Chair Strickland clarified that there are individuals who have been recommended to serve as at-large members have existing business relationships. She said the Board should take this into consideration if they are going to accept the recommendations. Mr. Empey and Mr. Vigilante are business partners and if they are both sitting Board members there is question as to whether or not a problem arises with ethics. She noted that it could result in a quorum issue if they must abstain on certain items and asked if the Board wanted to go down this path.

Member Eliason asked if recommendations would be accepted from the floor; Vice Chair Strickland responded affirmatively.

Member Boutin asked if Mr. Empey were still employed with the health district. Dr. Sands confirmed he has retired. She further said in the spirit of full disclosure either Mr. Empey or Mr. Vigilante should come forward and discuss their business relationship before the Board. She also inquired as to compensation for at-large members and if they are held to the same standards as elected officials. Mr. Minagil said all Board members, whether elected or at-large, are public officers as defined by NRS. Member Crowley said the state of Nevada adopted ethics standards by which all Board members are bound, regardless of membership status.

Jimmy Vigilante stated that during his tenure various Board members have abstained on different items, whether due to business relationships or due to membership on county and city boards. He said if the issue is known in advance, he would either disclose the matter or have the alternate attend in his stead. Mr. Empey and Mr. Vigilante provide food and beverage safety consultation services. Mr. Vigilante said in his tenure there have been no conflicts of interest with his clients – the situation being described today has not occurred.

Member Eliason asked if the Board wanted to consider the recommendations separately or as a group. Vice Chair Strickland asked to take each recommendation separately due to the issue at hand. The elected Board members agreed to take each recommendation separately.

A motion was made by Member Eliason to recommend Susan Crowley as the Environmental Specialist at-large member with Lonnie Empey as alternate; seconded by Member Fairchild and carried with Member Boutin in opposition.

A motion was made by Member Eliason to accept the committee's recommendation of Jim Christensen, MD as the physician at-large member (with conditions) with Frank Nemecek, MD as alternate; seconded by Member Fairchild and carried unanimously.

A motion was made by Member Eliason to accept the committee's recommendation of John Onyema, MD as the physician at-large member with Joe Hardy, MD as alternate; seconded by Member Fairchild and carried unanimously.

A motion was made by Member Eliason to accept the committee's recommendation of Nancy Menzel, RN as the registered nurse at-large member with Michael Collins, RN as alternate; seconded by Member Fairchild and carried unanimously.

Member Eliason asked that the committee's recommendation be reversed to retain Member Jones as the regulated business / industry representative. Member Fairchild asked Member Jones if he were comfortable remaining as the seated member versus serving as an alternate. Member Jones said he prefers to be the seated voting member; however he will do whatever necessary to assist the Board.

A motion was made by Member Eliason to recommend Tim Jones as the Regulated Business / Industry at-large member with Jimmy Vigilante as alternate; seconded by Member Fairchild and carried unanimously.

Lonnie Empey thanked the Board for the opportunity but voiced his resignation as the alternate environmental health specialist at-large member. Vice Chair Strickland accepted his resignation and asked for a new motion.

A motion was made by Member Eliason to recommend Kathleen Peterson as the alternate environmental specialist at-large member; seconded by Member Fairchild and carried unanimously.

Vice Chair Strickland noted for the record that Jimmy Vigilante also voiced his resignation as the alternate regulated business / industry member. She asked if there were any additional applications to consider. Mrs. Clark shared copies of the remaining applications with the Board. Vice Chair Strickland noted applications were provided for Kam Brian and Linda Simpson. Member Jones asked if the Board had to consider a recommendation at this time. Member Fairchild recommended sending this alternate position back to committee for consideration and bring a recommendation back to the elected Board members at a later date. Member Jones suggested that the pool of applicants be expanded to allow for more people to apply for the alternate position. He said there could be industry representatives who assumed that both he and Mr. Vigilante would continue in their current positions and may not have applied initially; he would like to ensure that all interested parties be able to apply. There is no limit to the number of applications received.

A motion was made by Member Fairchild to direct staff to open a two-week recruitment for the alternate Regulated Business / Industry at-large member position for committee review, and bring the recommendation to the August Board of Health meeting; seconded by Member Eliason and carried unanimously.

(Member Onyema left the meeting at 10:54am)

Per the action of the elected Board members, the at-large members to be seated at the July 22, 2010 meeting include:

Environmental Specialist
Susan Crowley

Environmental Specialist Alternate
Kathleen Peterson

Physician
Jim Christensen, MD

Physician Alternate
Frank Nemec, MD

(selected on the basis of education, training, experience or demonstrated abilities in the provision of health care services to members of minority groups and other medically underserved populations)

Physician

Physician Alternate

John Onyema, MD

Joe Hardy, MD

Registered Nurse
Nancy Menzel, RN

Registered Nurse Alternate
Michael Collins, RN

Regulated Business / Industry
Tim Jones

Regulated Business / Industry Alternate
** Vacant **

On a separate note, Member Boutin asked to withdraw her nomination for chair. She said she had spoken with Chair Giunchigliani about the time constraints that would be placed upon the chair. She stated she conferred with both Mr. Minagil and Mrs. Clark following the nomination of officers meeting. Mrs. Clark had requested something in writing, but Member Boutin was unable to get it to her in advance of the meeting, so she opted to withdraw her nomination on the record.

(Member Ross left the meeting at 10:55am)

Member Fairchild asked with Member Boutin's withdrawal of her nomination for chair if the committee should reconsider nominations. Dr. Sands said the matter is not agendized; Member Fairchild said she was asking a procedural question of counsel. Mr. Minagil advised the item should go back to committee. Dr. Sands indicated that when Chair Giunchigliani is back in town the matter will be brought to her attention.

(Member Boutin left the meeting at 10:56am)

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.

Vice Chair Strickland asked if anyone wished to address the Board.

Richard Saretsky brought his concerns regarding A-1 Organics, a local composting company, to the Board. He said the noxious odors coming from the facility are not in compliance with the permits and conditions thereof related to odor control and whether or not the facility is continuously monitoring odors. He said he and his neighbors are frequently subject to odors, forcing them inside their homes. He said with warmer weather the odors will get worse. The fumes are not contained to the composting facility. He said neighboring schools are also affected by the odors. He expressed concern over the contaminants that may be in the odors and any long-term health effects of breathing these odors. There have been no studies of the impacts of this facility on the residential properties to the east of Jones Avenue or south of the facility. He said A-1 Organics is partly in violation of the permits issued by the health district and he requested a public hearing to receive input from the homeowners and residents impacted by the fumes. Mr. Saretsky said there is no hotline at the facility for residents to express concern about the odors; residents have contacted Air Quality and they are aware of the situation. In addition to a public hearing, facilities handling waste products from various businesses, the facility should be relocated to a more rural area, such as Sloane, to be a good distance from residents and children.

Vice Chair Strickland thanked Mr. Saretsky for his comments and noted this item was not agendized, therefore the Board cannot take action. She asked if anyone else wished to address the Board. Seeing no one, she closed the Public Comment portion of the meeting.

V. HEALTH OFFICER & STAFF REPORTS

2009 Report to the Community

Dr. Sands referred Board members to the 2009 Report to the Community which was at their seats this morning. He thanked the PIO staff, particularly Jennifer Sizemore, Stephanie Bethel and Julie Hurd for the spectacular job in compiling the information. The publication is a useful tool to promote health district services and educate the community about public health. Copies are available from PIO and will be available online as well.

(Member Eliason left the meeting at 11:02am and quorum was lost)

TB Staff Recognition

Bonnie Sorenson announced that Laurie Hickstein received the inaugural TB Nurse Award from the National TB Controllers Association for outstanding service in providing TB services in the community. She is accepting the award on behalf of the TB program, though it was given to her. Dr. Sands said we will include this recognition on the next month's agenda. Dr. Sands said the entire TB staff works exceptionally well as a team, despite physical relocation over the last few months, but also in their investigations with outbreaks in difficult circumstances and situations.

Communities Putting Prevention to Work (CPPW) Action Institute

The CPPW leadership team met in San Diego last month for the Action Institute. Deb Williams, chronic disease prevention and health promotion manager, thanked Member Fairchild for her willingness to serve on the leadership team and attend the institute. The meeting provided an opportunity for the Centers for Disease Control and Prevention (CDC) to provide an overview to leadership team members. Kathleen Sebelius, director of health & human services gave a letter (**attachment #2**) to the team thanking them for serving, welcoming them to the project and congratulating them on the award. SNHD was one of forty-four communities funded out of 286 that applied for this grant award. The national initiative focuses on obesity and tobacco use because these are the leading preventable risk factors contributing to chronic disease in our country. SNHD received funding to address tobacco use and exposure. Tobacco use is the single most preventable cause of disease, disability and death in the United States and more than 43,000,000 adults across the nation smoke and an estimated 443,000 die prematurely each year from smoking or exposure to secondhand smoke. This is a critically important issue to address. CDC reminded leadership team members that a very prescriptive set of evidence-based strategies will be used to further efforts to reduce tobacco use. The health district will focus on policy and environmental change because it is unreasonable to expect people to reduce their behaviors unless we change the policy and environmental context within which health decisions are made. The leadership team attended workshops and met with CDC and national experts to learn more about the strategies and how they can be tailored for application in Southern Nevada. The leadership team then began to plan for implementation.

Member Fairchild recognized both Ms. Williams and Maria Azzarelli for their commitment to this project. The institute provided an opportunity to network with other leadership teams from agencies as diverse as Hawaii and Oklahoma. The strategies presented can be tailored to the needs of Southern Nevada and Clark County specifically for tobacco prevention and cessation. She is pleased to be part of the team and looks forward to continuing to work with staff and the entire leadership team. She said a white child born in 2000 or later has a 30% chance of developing diabetes; a Latino or African American child has a 50% chance of developing diabetes. This is the first generation that will not outlive its parents. She said this is very disturbing and as public health partners we need to do all we can to work towards healthier nutritional habits, making healthy choices the easy choice, and help people understand that quitting smoking now will save lives. She said she is taking that to heart as well.

Get Healthy Meal Planner

Amanda Reichert, health educator II, shared information about the Get Healthy Meal Planner, which is the district's newest online program (**attachment #3**). The community can register to use this program by visiting <http://www.gethealthyclarkcounty.org/vitabot/index.html>. The program launched in May and serves as a personal nutritionist for users to plan complete, healthy, balanced meals using a person's favorite foods. The program also features an interactive report card to show where nutritional deficiencies occur as well as how well a person is doing getting essential vitamins and nutrients, including fat, fiber and overall caloric intake.

Users will be able to set goals upon registration, including a starting point to better gauge how the user can benefit from the meal planner. Users can enter in their daily meals by picking from a pre-populated list or creating their own meal items. As more meal items are entered the report card changes according to nutritional information. The program also offers suggestions on food choices to improve the report card. Users can also select pre-made meal plans that meet all daily nutritional needs, which can be modified to an individual's taste or needs (such as vegetarian).

Users can print out the meal plan per day or per week. Member Ruscigno noted that a shopping list can also be generated from the meal planner. Member Jones said the challenge with a fantastic tool such as this is users who may have English as their second language or those with limited computer skills. Ms. Reichert said the site is being translated into Spanish and will be available in the coming months.

VI. INFORMATIONAL ITEMS

DULY NOTED

A. Board of Health:

1. Letter of Resignation from Councilman Ricki Barlow, City of Las Vegas, effective July 1, 2010

B. Chief Health Officer and Administration:

1. Monthly Activity Report, Mid-April 2010 – Mid-May 2010
 - a. Letter of Appreciation from the Department of the Air Force to Dr. Lawrence Sands
2. Financial Data: Revenue and Expenditure Report for General Fund, Capital Reserve Fund and Public Health Laboratory Fund for the Month of April 2010
 - a. Grant and Agreement Tracking Report, as of May 17, 2010
3. Public Information Monthly Report, Mid-April 2010 – Mid-May 2010

C. Community Health:

1. Monthly Activity Report, May 2010
 - a. BHCQC Notice to Facilities
 - b. May 2010 Disease Statistics

D. Environmental Health:

1. Monthly Activity Report, May 2010

E. Clinics and Nursing:

1. Monthly Activity Report, May 2010
 - a. In-service calendar

VII. ADJOURNMENT

Vice Chair Strickland noted she will not be at the next meeting and thanked the Board for the opportunity to serve as Vice Chair over the last year.

There being no further business to come before the Board, Vice Chair Strickland adjourned the meeting at 11:20 a.m.

SUBMITTED FOR BOARD APPROVAL

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

/src

attachments