



MINUTES - REVISED

**Southern Nevada District Board of Health Meeting
February 23, 2017 – 8:30 A.M.
Southern Nevada Health District, 280 S. Decatur Boulevard, Las Vegas, NV 89107
Red Rock Trail Conference Room A and B**

Bob Beers, Chair, called the Southern Nevada District Board of Health meeting to order at 8:30 a.m.

BOARD: Bob Beers – Chair – Councilmember, City of Las Vegas
(Present) Richard Cherchio – Councilmember, City of North Las Vegas
Douglas Dobyne – Secretary, Regulated Business/Industry
Chris Giunchigliani – Commissioner, Clark County
Marilyn Kirkpatrick – Commissioner, Clark County
John Marz – Councilmember, City of Henderson
Scott Nielson – At-Large Member, Gaming
Lois Tarkanian – Councilmember, City of Las Vegas
Rod Woodbury – Vice-Chair – Mayor, Boulder City

(Absent): Frank Nemeč – At-Large Member, Physician
Brian Wursten – Councilmember, City of Mesquite

ALSO PRESENT: None
(In Audience)

LEGAL COUNSEL: Annette Bradley, Esq.

EXECUTIVE SECRETARY: Joseph P. Iser, MD, DrPH, MSC, Chief Health Officer

STAFF: Heather Anderson-Fintak, Regena Ellis, Andrew Glass, Victoria Harding, Michael Johnson, Paul Klouse, Fermin Leguen, Jeremy Harper, Forrest Hasselbauer, Sharon McCoy-Huber, Michelle Nath, Jacque Raiche-Curl, Jacqueline Reszetar, Larry Rogers, George Ruiz, Herb Sequera, Adele Solomon, Leo Vega, Jacqueline Wells

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. RECOGNITIONS

- Dr. Iser read a letter into record on behalf of the Employee Events Committee thanking Member Nielson for his assistance with securing the venue for the SNHD Service Awards Recognition event.
- Dr. Iser introduced Larry Rogers and Herb Sequera, newly promoted Environmental Health Managers.

IV. PUBLIC COMMENT: A period devoted to comments by the general public about those items appearing on the agenda. Comments will be limited to five (5) minutes per speaker. Please step up to the speaker's podium, clearly state your name and address, and spell your last name for the record. If any member of the Board wishes to extend the length of a presentation, this may be done by the Chairman or the Board by majority vote.

Chair Beers noted Public Comment for Agenda item VII.1, Memorandum #01-17, Adoption of the Proposed Aquatic Facility Regulations and VII.2, Approval of Revision to Southern Nevada Health District Environmental Health Fee Schedule, will be heard at the time the item is discussed.

Regena Ellis, SNHD, SEIU, spoke regarding Petition #07-17, Delegate Authority for Approval of New Classification Specifications to Chief Health Officer. Referencing January 26, 2017 Board of Health Minutes regarding Petition #01-17, Approval of New Classification Specification for Helpdesk and Application Support Supervisor, the following was stated:

Member Kirkpatrick asked for clarification on the process of approving new classification specifications. Ms. Hudson stated by the Collective Bargaining Agreement (CBA) the District is required to inform the Union at least five days before the position is implemented. If there is any opposition as far as the determination as to whether it should be union eligible or ineligible, a meeting is scheduled within five days of the position being approved.

Following that conversation, Member Kirkpatrick asked how the positions were funded and how job classifications are created. She noted this was not answered at all.

Member Woodbury asked why the Board is required to approve positions because they are policy makers, and should not be micromanaging at the ground level. Dr. Iser explained it is long standing tradition and there is one sentence in the CBA that says new positions have to be approved by the Board. He added there has been discussion with Chair Beers regarding taking classification specification approval out of the purview of the Board and allow the District to create positions like probably every other governmental agency around here does. Member Woodbury remarked that classification specifications do not come before the board in Boulder City. Dr. Iser stated he would be happy to come back with a petition that would delegate that authority to the Chief Health Officer.

Chair Beers indicated the City of Las Vegas Board is not involved in classification specifications.

Member Giunchigliani noted there is Commission involvement with classification specifications at Clark County. Member Giunchigliani added that a petition could be brought forth to remove the Board approval from the classification specification approval process; however, if it is stated in the CBA, the CBA is the controlling factor. Also, these issues of disagreement should be worked out before bringing the documents before the Board. Member Giunchigliani added Clark County rarely adds positions after the budget is adopted.

Dr. Iser stated he was hired to make decisions and come back to the Board with recommendations and he trusts that his staff has gone through the best processes to bring him up to date. He routinely hears there is a distrust of management and getting past that requires some trust on the Board's part that management is doing the best that it can in trying to create a twenty-first century Health District.

Ms. Ellis then referred to the Collective Bargaining Agreement between the Southern Nevada Health District and SEIU Local 1107 which is a written legally enforceable contract between management and the employees represented by the union. Article 1 – Recognition and Bargaining Unit Membership, states:

Pursuant to the provision of the Local Government Employee-Management Relations Act, Chapter 288 of the Nevada Revised Statutes, the Southern Nevada Health District, hereinafter referred to as the "District," recognizes the Service

Employees International Union, S.E.I.U. Local 1107, hereinafter referred to as the "Union".

The District and the Union agree to comply with the provisions of NRS 288.160 (Recognition) and NRS 288.170 (Determination of Bargaining Unit Status).

The District shall notify the Union in writing, of its intent to eliminate a bargaining unit classification.

The District shall notify the Union in writing, of its intent to establish any new classification, prior to implementation and state the determination of whether the new classification is or is not a bargaining unit classification.

Under "Definitions" in the CBA, "classification" is defined as a group of positions sufficiently similar with respect to their duties and responsibilities that the same job title may reasonably and fairly be used to designate each position allocated to the class, that substantially the same minimum qualifications may be required and that the same schedule of compensation may be made to apply with equity. A position description, salary schedule and title approved by the Board.

Ms. Ellis indicated this language has been in the CBA for at least ten years, was discussed in the last bargaining unit session and it still remains in the contract. She noted the Board was listed in the current contract as approvers for classification specifications. Ms. Ellis noted "Supervisor" is defined as a District employee holding a supervisor title in a Board approved classification who is responsible for supervising the work of others. She asked that Petition #07-17 is not approved by the Board. Member Woodbury previously stated that the Board members are policy makers, and should not be micromanaging at the ground level. Ms. Ellis believes she has explained in detail that to approve this petition is a clear violation of the CBA, a legal binding agreement. If approved, the Board will be responsible for costs to enter the legal system, paid for by the public. The Union believes the petition should not be passed due to all of the discussions cited above.

Victoria Harding, SNHD and SEIU, noted the definition of a classification indicates that a position description, salary schedule and title has been approved by the Board. It has been in the contract for a long time for a reason. In the last contract negotiations, it was discussed and remained in the contract as a benefit to the employees. Ms. Harding recalled sending an email to the Board approximately twelve to eighteen months ago, advising them that classifications were not coming to the Board and at some point it was going to come back and bite them. Ms. Harding does not recognize any classification that is not Board approved. Ms. Harding said that approximately a year and a half ago, employees had their jobs changed and evaluated under a different job classification and were never told. Regarding a comment made by Andy Glass stating that Ms. Harding walked out of a meeting, at that time, the discussion was about classifications and Mr. Glass told Ms. Harding that management will do what it wants to do, whenever it wants to do, with whatever justification it wants to do it. There is a contract in place, employees, management and the Board has to abide by it. Ms. Harding does not know how to grieve a Board decision, but she may have to figure it out. Ms. Harding feels it is not just new classifications that should come before the Board, but any change in the position description as well. She asks that Petition #07-17 is not approved by the Board.

Cindy Autry, City Wide Pool Service and Bill Sawdey, Personalized Pool Service, are concerned about the expense and challenges of maintaining the pools after the automatic feeders are installed if the pool regulations are approved. Ms. Autry expects problems with space for the feeders in addition to the mandate for separation of chlorine and acid. Mr. Sawdey has experienced issues with automatic feeders, resulting in unbalanced pools expensive repairs. Ms. Autry and Mr. Sawdey hope the proposed pool regulations are not approved.

Seeing no one else, the Chair closed this portion of the meeting.

V. ADOPTION OF THE FEBRUARY 23, 2017 AGENDA (for possible action)

A motion was made by Member Giunchigliani seconded by Member Kirkpatrick and carried unanimously to elevate the items on the Consent Agenda to the full agenda.

VI. CONSENT AGENDA: Items for action to be considered by the Southern Nevada District Board of Health which may be enacted by one motion. Any item 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: January 26, 2017 (for possible action)

Member Giunchigliani noted direction was given to create internal working committees, at Councilwoman Tarkanian's request, and the Board would like a status update.

A motion was made by Member Giunchigliani seconded by Member Tarkanian and carried unanimously to approve the Minutes of the January 26, 2017 meeting as presented.

In response to Member Giunchigliani, Dr. Iser indicated internal discussions have occurred and the intent was to discuss further with Chair Beers; however, he and the Chair were unable to meet this month. Chair Beers recommended a progress report at the next meeting.

2. PETITION #05-17: Approval of Construction Contract between SHF International, LLC and the Southern Nevada Health District for Tenant Improvements to Renovate Space for the Southern Nevada Health District Clinical Laboratory; direct staff accordingly or take other action as deemed necessary **(for possible action)**

A motion was made by Member Giunchigliani seconded by Member Tarkanian and carried unanimously to approve Petition #05-17, Approval of Construction Contract between SHF International, LLC and the Southern Nevada Health District for Tenant Improvements to Renovate Space for the Southern Nevada Health District Clinical Laboratory as presented.

VII. PUBLIC HEARING / ACTION: Members of the public are allowed to speak on Public Hearing / Action items after the Board's discussion and prior to their vote. Each speaker will be given five (5) minutes to address the Board on the pending topic. No person may yield his or her time to another person. In those situations where large groups of people desire to address the Board on the same matter, the Chair may request that those groups select only one or two speakers from the group to address the Board on behalf of the group. Once the public hearing is closed, no additional public comment will be accepted.

1. Memorandum #01-17: Adoption of the Proposed Aquatic Facility Regulations; direct staff accordingly or take other action as deemed necessary **(for possible action)**

Paul Klouse, Environmental Health Manager, Jacque Raiche-Curl, Environmental Health Training Supervisor and Jeremy Harper, Aquatic Health Supervisor, presented the Aquatic Health Regulations package, indicating this regulation is an accumulation of over two years of work, drafting and meeting with numerous individuals in the industry. Ms. Raiche-Curl explained the steps taken to this point as:

- Work started on the regulations in early 2015;
- Industry participated in development of a draft, based on the CDCs Model Aquatic Health Code, which intended to be a basis for a nationwide regulation, to provide a uniform set of standards across the country to regulate recreational water facilities;
- Legal review resulted in extensive language clean up;
- A business impact survey was conducted in May and August, 2016;

- Provisions were made for an extremely long public comment period from mid Aug 2016 thru Dec 9, 2016;
- Two sets of public workshops were conducted, one in October 2016 and the second in November 2016;
- There were extensive changes made following the first set of workshops;
- Industry appeared receptive and pleased with the changes during the second set of workshops in November 2016.

Ms. Raiche-Curl noted the advantages of the proposed regulations as it:

- Allows for modern designs and common industry practices to be used without the need to utilize the variance process:
 - Zero depth entry
 - Raised edge pools and spas
 - Infinity edges
- Provides for consistent and uniform construction requirements without contradictions from other sections, noting the last major update was in 1974.
- Establishes requirements for equipment and processes used today that are not included in the NAC
 - Secondary disinfection (use of UV and Ozone)
 - Use of CO2
 - Automated controllers
 - Salt generators
- Better encompasses the vast variety of recreational water venues present in our community.
- Eliminates cross jurisdictional conflicts and confusion.
- Clearly designates owner/ operator responsibilities and maintenance standards
- Provides clarity and direction with regard to when a facility needs to close and take immediate corrective action prior to resuming operation.
- Clearly outlines staffing responsibilities with regard to the oversight of the venue, lifeguard requirements and qualified operator responsibilities.
- Provides an administrative waiver process that allows for the responsible operation of a facility that would like to deviate from specific requirements outlined in these regulations provided the public health and safety concerns created by that deviation are appropriately addressed by the facility using alternative methods.
- Establishes a requirement for aquatic facilities to promptly notify the Health District when accidents and imminent health hazards occur.

Ms. Raiche-Curl noted the majority of the new proposed requirements fall under the construction section and the majority of comments received with concern about the construction have to do with Chapter 2 which states “The provisions of this Section apply to construction of a new Aquatic Facility or Aquatic venue, or the substantial alteration to an existing Aquatic Facility or Aquatic venue, unless otherwise noted.”

Ms. Raiche-Curl defined “substantial alteration” as such a major change in an aquatic venue that it would alter the water capacity, involve a complete re-piping or a complete rebuild.

Ms. Raiche-Curl noted there was a great deal of confusion related to Chapter 2, with existing facilities having to comply with things that they don't. The items that existing facilities need to come into compliance with would be:

- Depth markers placed on horizontal surfaces within eighteen inches of the gutter edge of an aquatic venue within two years of the passage of these regulations. This can be complied with by either installing tiles on the deck or stenciling numbers on the deck.

- New diving symbols and new diving lettering in four inch letters, provided on the horizontal surface in the same area as the depth markers, achieved with tiles or stenciling.
- Automated controllers for disinfection and Ph within five years.
- Recirculation system needing to be operated for 24-hours per day.
- The elimination of the use of stabilized chlorine within five years.
- Move toward the National Certification for Qualified Operators.
- A Lifeguard Supervisor when more than one lifeguard is required in a facility.
- The requirement for a responsible individual who oversees the pool or spa at each facility.

With respect to the automatic controllers, the old controllers are very different from the ones established today. They are smaller and do not have to be in association with a liquid chlorine feeder. They range in expense from \$1500 - \$5000 per unit and have a number of safety designs. They also have sensors that constantly read the chlorine and Ph levels which will make the system better able to respond to the increased chemical demand on weekends and peak periods.

Member Tarkanian asked if there were options if the aquatic venue did not have space for the automatic controllers. Ms. Raiche-Curl responded if there is no practical way to install the automatic feeders, there is an administrative process in the regulations called a waiver procedure, where a waiver can be submitted explaining the undue hardship and inability to comply, which will be taken into consideration in lieu of the automated controller requirement.

Member Kirkpatrick asked if there were specifications for the automated controller and was advised by Ms. Raiche-Curl that an industry member was kind enough to provide some of the research and models available for installation. This information was used to determine the price range. The rest of the requirements are what are outlined in the regulations. Mr. Harper noted the original goal was to keep the proposed regulations as similar to the Model Aquatic Health Code as possible. The code, has an annex published with it which is basically the scientific rationale behind everything written in the code.

Member Giunchigliani asked what exactly is attempting to be fixed with this multiple page pool update. Ms. Raiche-Curl advised the regulations are being updated from the 1974 version of the Nevada Administrative Code (NAC), in an effort to allow builders and operators in this diverse industry the flexibility to operate in the confines of the law. Having a waiver system allows the aquatic venue to come up with a plan on how they are going to address the public health concerns associated with certain types of operation and still move forward. The NAC does not allow that flexibility. Member Giunchigliani noted that these types of issues have always been determined by a variance request through the Board and automatic controllers may result in the loss of jobs. Member Giunchigliani also asked why Home Owner Associations (HOAs) are now being called public pools and noted the proposed regulations will not fix Cowabunga Bay. Although she appreciates staff's work on the proposed regulations, she has more questions than answers as to what is trying to be improved. Member Giunchigliani likes the flexibility of the variance requests coming through the Board for review. She does not agree with the automatic controllers and feels that there will be job loss, business will be impacted through the automatic component and less opportunity for people to be able to do some jobs in the industry. After Public Hearing, she hopes these questions will be somewhat addressed.

Regarding Member Giunchigliani's comment to Cowabunga Bay, Ms. Raiche-Curl confirmed that the referral was towards the lifeguard situation. With this regulation, the facilities will be required to notify the District when an accident occurs and will allow for a timely response to do the appropriate investigation. Secondly, in regard to the number of lifeguards, any facility that wants to reduce their number of lifeguards from the current requirement of one lifeguard

for every two thousand square feet has to have a third-party risk management group review and validate that the plan is appropriate. They then do three unannounced audits each season for that facility and provide the District with a copy of the report. It can then be determined whether or not staffing/lifeguard coverage is adequate. Member Giunchigliani asked if the entire code needed to be changed to require the notice of accident or death. Mr. Harper's response was venues could not be required to do anything that was not within regulation, to which Member Giunchigliani disputed, noting that if it was public safety whatever needed to be done could be done.

Regarding the party pools on the strip, Member Marz asked how many instances have been reported that required changes. Ms. Raiche-Curl explained the incidents are not required to be reported to the District and are typically found out well after the incident occurs. When Ms. Raiche-Curl was supervisor over the pool program, she found out about a number of incidents through public records request, when involved parties are engaged in the legal process, seeking damages from accidents that happened and were never reported to the District. When pools have been surveyed, the water quality is often not what it should be and this is when incidents occur. Water quality is huge. A typical party pool doubles to triples the amount of people that the pool and circulation system were designed to handle. Diseases are fought in pools through filtration and disinfection. When the level of contaminants is increased, the disinfection plummets as well as water clarity.

Member Giunchigliani remarked that in Sections 1009.2 and 1009.3 the requirement was removed for having a secondary disinfection system and having a certified operator on site during hours of operation for party pools and spas. Ms. Raiche-Curl explained they will be addressed through the waiver process. They were removed because during the first set of workshops, industry partners presented a very compelling argument that each type of party/day club pool operate so differently with so many unique variables, it did not make sense to establish a uniform set of guidelines. Member Giunchigliani clarified waivers and variances still exist with different components added to it. Mr. Klouse explained waivers did not exist before and this would be the first time, if this regulation is approved, that waivers would be allowed for swimming pools. In the past, anytime industry wanted to vary from the regulation, they would have to come before this board. If the operation and District staff can reach an agreement that it is a safe way to operate, the waiver process will allow them to operate that way. Mr. Harper added that a waiver or variance can be requested for any part of the regulation. The rationale behind getting away from the variance policy if possible, is that it costs almost \$2,000 per variance and a six-week process for each property zone.

Member Kirkpatrick referenced Section 4.301 regarding qualified operator requirements and availability. It indicates that the pool must be checked at least three times per week during peak season or more often if necessary. Member Kirkpatrick asked if the pools have to be checked at least three times currently and if staff could be available on the weekend if there is an issue. Ms. Raiche-Curl explained the requirement for the qualified operator currently exists and is not new; however they are currently called pool operators, pool technicians or pool technician apprentices. There are currently three types of certifications, which becomes confusing. The proposed regulations will combine all into one. Currently, if a person works for a company they are a pool technician or apprentice. If they work for an apartment complex on site, they are a pool operator. Due to fluctuations in the economy, people have gone back and forth between companies and properties and have had to change their license to the appropriate category. This has created another unnecessary obstacle for industry. Today, every single commercial pool, including HOAs and apartments are required to have a certified pool operator associated with that property. Member Kirkpatrick stated the proposed regulations are much harder to read than the old regulations. In response to District staff hours, Mr. Klouse noted that although staff does not work 24-hours, there is always someone available to take the call. Member Kirkpatrick remarked if the District's own staff is not available during peak hours, it doesn't justify the need for all the changes.

Member Woodbury hopes there is no question about why the new regulations are being presented to the Board, as the issue to update the pool regulations has been discussed since he has been on the Board. There have been pool issues over the years and Board members have in fact requested that these regulations are brought up to date to address many of these issues. Member Woodbury thinks this has been a long process and if the Board didn't want it to happen, it should have been stopped a long time ago. Over the last six years it has been encouraged by the Board and industry to bring the regulations up to date. He would like to hear from industry, industry representatives and the public regarding the input they had in the process and how they feel about it.

Member Cherchio is concerned about oversight and decisions not coming to Board, whether it pertains to this issue or any other issue.

The Chair called for a five minute recess at 9:47 a.m.

The meeting resumed at 9:52 a.m. with Members Beers, Cherchio, Dobyne, Giunchigliani, Marz and Nielson present.

*Members Tarkanian and Woodbury returned at 9:55 a.m.
Member Kirkpatrick returned at 9:57 a.m.*

Barbara Holland, First Service Residential, recommends tabling this item.

Harold Barling, President, Desert Pines Village HOA, asks that HOAs are grandfathered into the new regulations.

Susie Breckon, Executive Director, Nevada State Apartment Association, is concerned with the automatic controller and its implementation. It could have issues resulting in water quality that is not acceptable. Ms. Breckon is also concerned about industry leaning too much on automation, the costs of the training aspect and how it will be implemented over the next five years.

Eileen McKyton, On-Site Manager, Elon Association, believes the new regulations will cost an enormous amount of money and cause undue hardships on primarily senior citizen residents. She asks that existing HOAs are grandfathered into regulations.

Forrest Darby does not think the new regulations are a good idea.

Brenda Lovato, Regional Property Manager, representing EBMC, recommends tabling this item and believes HOAs and apartments should have been involved in conversations.

Scott Bowes, First Service Residential, Maintenance Supervisor at Bella Vita HOA, believes auto chlorinators will cost thousands of dollars for perfect pools that have no current issues.

Joe Bravo, Director, Hard Rock Hotel Las Vegas, believes the new regulations would be very expensive to implement and is concerned that not a lot of research was done on what happens at party pools.

Virginia Valentine, President, Nevada Resort Association, read a written statement for the record. [\(Attachment 1\)](#)

Member Giunchigliani left the meeting at 10:24 a.m. and did not return

Member Kirkpatrick asked if any of the issues addressed in the business impact statements were addressed in the regulations. Mr. Harper noted there was no input received from anyone from the survey that was posted on-line. Ms. Raiche-Curl added the business

impact statement was public noticed, sent electronically and posted at the other government entities. The survey was an on-line survey, emailed to about four hundred individuals.

Member Nielson believes the waiver process is very valuable and needs to happen.

Member Marz stated HOAs should not be under same requirements as party pools and apartments and suggests the categories are separated and regulated separately.

Member Dobyne agrees with Member Marz.

Ms. Raiche-Curl noted staff is not opposed to removing the requirement for automated controllers.

Member Woodbury believes removing the requirement for automated controllers would resolve a lot of issues and would like a summary highlighting the differences in how the proposed regulations affect party pools, HOAs and apartments.

Chair Beers is accustomed to seeing comments regarding detriments and from those regulated in the business impact statements. The business impact statement provided appeared to be solely staff's attempt to list the detriments and benefits. Chair Beers would like to see more incorporation of the business impact aspect, and would like to see it brought back to the Board separately. He would also like to see more exploration of the concept that HOAs are more akin to private associations than public pools.

Member Cherchio does not support grandfathering the current HOAs as it would be appeasing the people today and penalizing HOAs tomorrow. He agrees that there needs to be separation between resort pools versus HOAs. Although Member Cherchio agrees with the waiver process, he believes the Board should maintain oversight.

Member Kirkpatrick stated there should be more in Section 5 regarding administrative training, education and ramifications if they do not comply.

A motion was made by Member Woodbury seconded by Member Tarkanian and unanimously carried to have staff revisit the issues that have been discussed and bring back solutions within six months of this meeting.

2. **PETITION #04-17:** Approval of Revision to Southern Nevada Health District Environmental Health Fee Schedule; direct staff accordingly or take other action as deemed necessary (**for possible action**)

Chair Beers proposed to abey this item until the next meeting in order to have time to adequately address it.

Member Kirkpatrick would like a business impact statement and cost allocation information when this item is brought back before the Board.

Member Beers asked staff to prepare a schedule that ties out to the last five years of Comprehensive Annual Financial Reports (CAFRs), showing the annual revenue from property taxes to determine labor costs.

A motion was made by Member Dobyne seconded by Member Tarkanian and carried unanimously to abey Petition #04-17 to the next Board meeting.

VIII. REPORT/DISCUSSION/ACTION

1. **Review/Discuss Petition #06-17**: Approve Appointment of Fermin Leguen, MD to Chief Medical Officer (CMO), Corresponding Chief Medical Officer Classification and Schedule (Schedule 39, (\$135,740.80 - \$188,739.20), and Revised Job Description; direct staff accordingly or take other action as deemed necessary (**for possible action**)

Dr Iser explained under SB314, there is a new requirement to designate a Chief Medical Officer at the District. Dr. Leguen was hired approximately six months ago as Director of Clinical Services, with the understanding that given certain milestones, it would be proposed to name him Chief Medical Officer. The job description written at the time SB314 was passed was designed to be Division Director and Chief Medical Officer. The job description has been updated to combine the Chief Medical Officer duties with those of the Director of Clinical services.

A motion was made by Member Dobyne seconded by Member Tarkanian and carried unanimously to approve the Appointment of Fermin Leguen, MD to Chief Medical Officer (CMO), Corresponding Chief Medical Officer Classification and Schedule (Schedule 39, (\$135,740.80 - \$188,739.20), and Revised Job Description as presented.

2. **PETITION #07-17**: Delegate Authority for Approval of New Classification Specifications to Chief Health Officer; direct staff accordingly or take other action as deemed **necessary (for possible action)**

Dr. Iser reported at direction by the Board from the last meeting, Ms. Bradley reviewed the legality of making this designation.

Member Kirkpatrick will not be supporting this petition and struggles with new positions added to the budget.

Member Woodbury asked if the Union contract required the Board to approve classification specifications. Ms. Bradley stated the Collective Bargaining Agreement (CBA) indicates a position description, salary schedule or title is approved by the Board. It has been interpreted in the past that this refers to new classification specifications only that will be brought to the Board. This will not be the first time that the Board has delegated authority. In 2013 the Board delegated authority to management to independently develop District-wide policies. This has not been taken out of the CBA but there is no language in the CBA that prohibits the Board from delegating authority. Ms. Bradley went on to explain the only component to be delegated will be approval and the obligation of notice and communication with the union is not being abated in any fashion.

Chair Beers proposed a notification process to the Board when new classification specifications are items are added, such as an agenda item.

Member Tarkanian believes adding positions is not fiduciary responsible and if there is an involvement of additional monies that are not allocated in the budget, it the responsibility of the Board. Chair Beers explained this action would not change the budget process or the inability to exceed the budget. Existing dollars are rearranged if new positions are added.

Member Woodbury added most of these decisions are exception not rule, and the Board should not have to hear every one. Employee personnel changes are done all the time without Board approval.

Member Kirkpatrick stated the Board has turned down at least two classification specifications recently and does not agree authority should go to the CHO. Dr. Iser confirmed there have been no classification specifications that were not approved by the Board.

Member Dobyne asked for clarification on the language in the CBA. Ms. Bradley referred to Article 2, Definitions, of both the general and supervisory unit CBA. The last sentence of "Classification" is defined as "A position description, salary schedule and title approved by the Board." Staff and management have always interpreted that to mean new classifications would be brought before the Board.

Dr. Iser explained management is required to give the Union ten working days notice, five days to assess and five days to ask for and have a meeting to hear their objections and concerns. The Union does not approve, nor do they have the authority to approve, new classification specifications.

Member Nielson asked if the CBA indicates that classification specifications must be approved by the Board and how is it interpreted that the Board has the ability to delegate that authority to staff. Ms. Bradley replied the Board is a governing body, whether Union or non-Union. It governs management and overarching policies that operate the District. The Board has already delegated as a matter of course, the day-to-day operational issues. There is nothing in the general or supervisory unit CBA that prohibits the Board from delegating its authority. If the Board decides, with whatever restrictions, qualifications or conditions it wants to put on the delegation, they have the ambiguous right to do that.

Member Kirkpatrick would like to see where the funds come from when new positions are created. She feels that precedence has been set for the years this process has been in place and it should be discussed during collective bargaining.

A motion was made by Member Woodbury seconded by Member Dobyne and carried by a vote of 5-3 to Delegate Authority for Approval of New Classification Specifications to Chief Health Officer with notice given to the Board including economic justification for funding the position, and any single Board member can request to amend the item if needed.

It was decided that when a new classification specification is sent to the Union, it will also be sent to the Board.

<u>AYES</u>	<u>NAYS</u>
1. Beers	1. Cherchio
2. Dobyne	2. Kirkpatrick
3. Marz	3. Tarkanian
4. Nielson	
5. Woodbury	

Member Tarkanian left the meeting at 11:30 a.m. and did not return
Members Mars and Cherchio left the meeting at 11:31 a.m. and did not return

- IX. **BOARD REPORTS:** The Southern Nevada District Board of Health members may identify emerging issues to be addressed by staff or by the Board at future meetings, and direct staff accordingly. Comments made by individual Board members during this portion of the agenda will not be acted upon by the Southern Nevada District Board of Health unless that subject is on the agenda and scheduled for action.

There were no Board Reports to be heard.

X. **HEALTH OFFICER & STAFF REPORTS**

CHO Comments

- Dr. Iser notified the Board that the roof is in disrepair and a petition will be brought to the Board as early as next month to delegate authority to expend up to \$500,000 to install a new roof subsidized from the Capital Improvement Fund.
- Dr. Iser also notified the Board that a new position would likely be developed as a "Compliance Officer."

XI. INFORMATIONAL ITEMS

1. Chief Health Officer and Administration Monthly Activity Report
2. Clinical Services Monthly Activity Report
3. Community Health Monthly Activity Report
4. Environmental Health Monthly Activity Report

XIII. PUBLIC COMMENT: A period devoted to comments by the general public, if any, and discussion of those comments, about matters relevant to the Board's jurisdiction will be held. No action may be taken upon a matter raised under this item of this Agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to NRS 241.020. Comments will be limited to five (5) minutes per speaker. Please step up to the speaker's podium, clearly state your name and address, and spell your last name for the record. If any member of the Board wishes to extend the length of a presentation, this may be done by the Chairman or the Board by majority vote.

Justin Harrison, Las Vegas Metro Chamber of Commerce, is concerned that Petition #04-17, Environmental Health Fee Schedule, lacks a Business Impact Statement. Mr. Harrison submitted associated NRS ([Attachment 2](#)) and Assembly Bill ([Attachment 3](#)) that may be helpful to staff when preparing Business Impact Statements. There is a concern from the Chamber as well as some others that Business Impact Statements need to be conducted when fee schedules and potential changes to operating procedures and financial decisions for businesses are made.

Regena Ellis, SNHD, SEIU, commented on the passage of Petition #07-17, stating that language has been in contract for at least ten years and it was negotiated into the contract for a reason. At the time the language was originally put in the CBA, the Board needed to be involved in the creation of new classifications. The Union has not said anything to take any authority away from the administration to direct business at the District. The Union wants the integrity of the CBA maintained. There is language in the contract to that affect. If there is a need to split hairs about who is delegating what to who, that becomes a problem for everyone. The Union maintains that the language in the contract is what it is, and those positions come before the Board. What will happen now, is tax payer dollars will be spent to enter the legal system to argue this point when it could be clarified and settled by the Board. In reference to Dr. Iser's mention about a possible HIPAA complaint, the information that was shared has to do with the risk of public health. District employees are so disengaged, disenchanting, overworked and understaffed, they have to go to the media to talk about these things because they cannot be dealt with by the employer. The Board members are there wondering why they hear things at the meetings and employees are coming to meetings expressing there are major issues at the District. If employees felt that they had the support of management and the administration, there would be avenues for them to go to. But when they do things that go to the public and say that public health is at risk because of certain issues, and it has to be put out there, those are the reasons for it. Adding a HIPAA Compliance Officer is not going to help the people in the public that need to be helped and protected.

Victoria Harding, SNHD, SEIU, now has to figure out how to try and grieve the decision that was just made. She appreciates the fact that the Board took into consideration when making the motion that things would at least informationally come through the Board. The only reason this is coming up is because job classifications have been screwed with so much over the last year, they are critically understaffed and management is heaping other duties on everyone. The definition says that any classification is going to have to be approved by the Board, not just new classifications. If title, duties or salary is changed, it is expected to come to the Board. Ms. Harding stated she was recently retaliated against personally by Mr. Andy Glass. She has seen documentation where Dr. Iser and Jackie Reszetar were emailing back and forth trying to get another employee to file harassment

charges against her. One steward recently resigned. She was one of the most revered people here as an Environmental Health Inspector. She was taken out of a meeting in front of everybody and walked off the property. This is not how we treat people and she is there to stand up for the fact that there are deep concerns about things happening behind the scenes and public health might be in jeopardy. Ms. Harding has had enough and is getting to the point where she is going to file charges against the retaliation, discrimination and hostile work environment that she lives in every single day and so are other employees who speak up. Regena (Ellis) is the only person left who stands up to speak with her. Everybody else who stood up to speak with her is gone, they have left in disgust because they have been treated so poorly by this administration.

Andy Glass, Director of Administration, SNHD stated a long time ago at the advice of the Board, he agreed to not get up and refute things that are said. But when an individual makes a public statement that is absolutely untrue about him, and tells the Board things that he has said that are absolutely untrue, as in Ms. Harding's first public statement, he must object. Mr. Glass has never retaliated against Ms. Harding. That is something that is not in his nature and not how he operates. Mr. Glass assured the Board that her interpretation of what she is calling retaliation is something beyond that, he does not know what she is talking about. Secondly is that when she quotes him as saying that the District will do whatever it wants, whenever it wants and however it wants is just not true.

Norine Clark, SNHD and previous SEIU Chief Steward, stated she is very upset that the current Chief Stewart talks about retaliation and the way she is treated. The reason why Ms. Clark is not the Chief Steward any longer is that she received some letters from the Union telling her to shut up, quit talking negatively about the Union and a few other insinuations. She is no longer in the Union nor does she support it. She does not like the way they talk about the employees and they don't give the employees any information. Ms. Clark has tried to make things better by working with the Employee Events Committee trying to build morale. She works really hard at her job and doesn't have time to listen to rumors and innuendos. It needs to stop. A HIPPA violation is a HIPPA violation. It does not give anyone authority to start blabbing their mouth. There are other ways to solve these problems as she has done so. All she sees is people being badgered and fighting and she is sick of it and there are a lot of employees at the District who are sick of it. Ms. Clark does not like having someone speak on her behalf because that is not what she is saying. She supports everything the District does. Employees need to stand together to work, solve problems and get the community the services they need and desire. The District has been talked about badly in the media. Ms. Clark is a good employee and she loves her clients and does the best that she can for them, but the media doesn't know that because all they know is what they hear.

Seeing no one else, Chair Beers closed this portion of the meeting.

XIV. ADJOURNMENT

The Chair adjourned the meeting at 11:46 a.m.

Joseph P. Iser, MD, DrPH, MSc
Chief Health Officer/Executive Secretary

/jw