

# MINUTES

## Clark County District Board of Health Meeting

625 Shadow Lane  
Las Vegas, Nevada 89106  
Clemens Room - 8:00 A.M.  
*Thursday, July 24, 1997*

The regularly scheduled meeting of the District Board of Health was called to order at 8:00 A.M. by Chairman Ferraro and the Pledge of Allegiance was held. Chairman Ferraro noted that he had been provided with Affidavit of Posting of Agenda and the public notice, as required by Nevada's Open Meeting Law. The Affidavit will be incorporated into the Official Minutes.

### Present:

Robert Ferraro	Chairman, Councilman, Boulder City
Sherry Colquitt, RN	Appointee, Las Vegas
Paula Brown	Councilman, North Las Vegas
Kirk Cammack, M.D.	Physician Member At Large
Susan Crowley	Appointee, Henderson
Erin Kenny	Commissioner, Clark County
Donalene Ravitch, RN	Appointee, Boulder City
Gary Reese	Councilman, Las Vegas
Stephanie Smith	Councilman, North Las Vegas

### Absent:

Amanda Cyphers	Councilman, Henderson
Mary Kincaid	Commissioner, Clark County

### Executive Secretary:

Otto Ravenholt, MD, MPH

### Legal Counsel:

Ian Ross, Esquire

Staff: Donald S. Kwalick, MD, MPH, Clare Schmutz; David Rowles; Mike Naylor; Fran Courtney, RN.; Karl Munninger; Maureen Fanning; Mike Sword; Lonnie Empey; Curt Taipale; Carol Emery; Ed Wojcik; Vic Skaar; Philippa Pointon; Jane Shunney; Jeanne Palmer; Peggy Hensley; Kathy Apalategui; Angie Negrete-Markle and Recording Secretaries Diana Lindquist and Montana Garcia

**PUBLIC ATTENDANCE:**

<b><u>NAME</u></b>	<b><u>REPRESENTING:</u></b>
Edward Ochoa	Ochoa Consulting Services
Rosa Ochoa	Derma Teknix
Lorrie Anderson	Anastasia
Harvey H. Irby	H.H. Irby & Associates
Leyla N.	Tattoos-R-Us
Mari Devine	Tattoos-R-Us
Magic	Tattoos-R-Us
Lori Rackley	Southern Nevada Home Builders Association
John Durante	Puncture Body Piercing
Jennifer Neal	Puncture Body Piercing
Shahram Shekhan	Wicked Tattoos
Vicki Sanders	Permanent Make-Up by Vicki
Darian M. Geenen	Tattoo Revolution
Mike Wienburg	On The Wild Side Tattoo
Leslie Long	City of North Las Vegas
Angus MacEachern	Equal Rights Commission
Bill Adomeit, Sr.	City of Henderson License Division
Sharon Frederick	City of Henderson Business License
Tim Hood	Channel 3
Connie Ferraro	Self
Mary Shope-Wiles	Self
Bernie Farr	Self

**PRESENTATION:**

Chairman Ferraro on behalf of the Board of Health and the District presented a plaque to Councilman William Robinson for 14 years of service to the community as a Member of the Clark County District Board of Health in recognition and appreciation for dedication and outstanding service to the citizens and visitors of Clark County.

Member Robinson thanked the Board Members and Staff. He added that it had been a privilege to serve on this vital Board for the state and the community and hoped that the Members and Staff would continue the dedication shown over the years.

**OATH OF OFFICE:**

Ian Ross, Board Legal Counsel administered the Oath of Office to Councilwoman Stephanie Smith

**I. CONSENT AGENDA:**

These are matters considered to be routine by the District Board of Health and which may be enacted by one motion. Any item, however, may be discussed separately per Board Member request.

*Member Colquitt moved to approve the Consent Agenda. Motion was seconded by Member Reese and carried unanimously approving the following Consent Agenda:*

1. **Minutes/Board of Health Meeting** - 06/26/97
2. **Payroll/Overtime for** Periods of 05/17/97 - 05/30/97 & 05/31/97 - 06/13/97
3. **Accounts Payable Register** - #715, 06/20/97-07/02/97; #716, 07/03/97-07/17/97

## II. **PUBLIC HEARING/POSSIBLE ACTION (Approximately 8 A.M.)**

1. **Variance Request** - To Install an Individual Sewage Disposal System on Property Within 400 Feet of a Public Sewer Line Served by an Offsite Water Supply. **Petitioner:** Stephanie J. McCann for Denise Mahar (Continued from June Meeting)

Chairman Ferraro remarked that Staff had received a letter from the applicant asking that the Variance Request be withdrawn.

2. **Memorandum #15-97** Public Hearing to Consider Amendments to the Clark County Health District Regulations Governing the Sanitation of Tattoo/Permanent Makeup and Body Piercing Establishments to Include Mobile Vehicle Units

Clare Schmutz commented that as directed by the Board, Staff has checked to see if there was another agency interested in establishing education, certification and training requirements for operators of these facilities. Staff has contacted the State Health Division which does not have the capabilities of providing this type of service. We have also contacted the State Cosmetology Board. They are somewhat interested and have invited District Staff to a meeting on October 13, 1997 to discuss the possibility of providing educational and certification requirements for the industry.

During a public hearing in February 1997, the Board adopted amendments to its existing Tattoo and Permanent Makeup regulations and adopted regulations governing the sanitation of body piercing establishments. The public hearing was continued until July 24, 1997.

At the June 26, 1997 Board of Health meeting, a memorandum was submitted regarding the proposed amendments to the Mobile Tattoo/Body Piercing vehicles. Notice of the continued public hearing scheduled for the July 24, 1997 Board of Health Meeting was mailed to all Tattoo/Permanent Makeup Operators and Body Piercing Technicians with current health cards, all owners of Tattoo/Permanent Makeup and Body Piercing establishments, and local business license/zoning agencies. Subsequently, Environmental Health staff drafted the proposed amendments for Mobile Tattoo/Body Piercing Vehicles for Board consideration and possible adoption.

Philippa Pointon, Health District Environmental Sanitarian, explained that survey of various Tattoo and Body Piercing facilities locally revealed that only one (1) permitted establishment is presently seeking to open a Mobile Tattoo/Body Piercing Vehicles. Other permitted Tattoo Establishment operators indicated that they might feel compelled to open Mobile units but would prefer that the patrons come to the permanent locations. In general, the use of mobile facilities was not popular with the operators that were contacted, but something that they would consider doing if it seemed essential or profitable.

Clare Schmutz stated that Mobile Tattoo/Body Piercing Vehicles may be able to comply with Health District regulations and operate in a sanitary manner under close supervision; however their hours of operation would not correlate with normal District hours of inspection and location of the work

would be continuously changing, therefore, supervision would prove difficult and perhaps not feasible.

Philippa Pointon added that other problems that may be encountered in operating these Mobile Tattoo/Body Piercing vehicles would be related to differing local business license and zoning issues within the District entities. Staff has checked with several other health agencies such as the County of San Diego Health Department, Oregon State Health Department, Philadelphia Department of Public Health, South Dakota State Health Department, City of Long Beach Department of Public Health, Washoe County District Health Department and the State of Hawaii Department of Public Health regarding their experience with Mobile Vehicle Units. Of these health agencies, only one has any provision in their regulations for mobile vehicle units.

Clare Schmutz remarked that Staff has received three (3) letters from the industry opposing the adoption of the proposed regulation for mobile units. Staff recommended that the Board not approve the regulations because of problems related to monitoring, enforcement, sanitation and potential hazard to public health and safety

Chairman Ferraro opened the public hearing.

Mike Wienburg, owner of On the Wild Side Tattoo, explained that he was the only individual in the industry at this time that had a mobile unit, which he used in areas outside the Nevada area. The prominent issues on sanitation are well documented. The same procedures that would be used at a fixed location should be administered in the mobile unit. \The Department of Health should only be concerned with the aspect of the sanitation and sterilization of equipment and not in where he does his business of body piercing and tattooing. It is very similar to operating an ice cream truck.

Member Kenny asked what would be the difference for the Health District regulating an ice cream truck as opposed to a mobile body piercing and tattoo unit.

Philippa Pointon explained that when contacting business license and zoning agencies tattoo and body piercing has very strict requirements as far as the location for these facilities. As body piercing is new, there is not much information available. However, in the City of Las Vegas it is zoned commercial and in the County is zoned as M1 or manufacturing. The entities do have health related concerns about mobile units being setup in parks and other public areas.

Discussion followed by the Board and Legal Counsel pertaining to the issue that the Health District was concerned with the sanitation and possible hazards to public health and safety of the community due to these mobile units.

Member Smith asked if there was an age limit to tattooing in order to prevent minors from going to a rock concert and getting a tattoo.

Mike Weinburg stated that as of May 1, 1997 the regulation states that the individual had to be 18 years of age. The industry has started checking for identification. The mobile unit will have the same regulations as a fixed facility. He would be no different in his mobile unit than in his shop. He would still have to follow the regulations. He emphasized that he would not be operating in front of houses but only at special events.

Dr. Ravenholt remarked the applicant with the mobile unit had a couple of other concerns that emerged in the workshops. One was that the 100-gallon water supply is not normally available in mobile units so 40 gallons could be a workable solution. Also, seven (7) days instead of 10 would

be a more workable requirement for notification before a special event. Staff had no objections to these modifications, if the regulations were to be approved.

Darion Gannon, representing Tattoo Revolution, stated that he did not believe having a mobile unit was very safe as it is hard enough to keep the fixed shop clean. He compared the procedure of body piercing and tattooing to that of a physician being allowed to perform surgery at a concert. Presently, in the shops, individuals have to be screened to make sure they are coherent. Generally, at concerts, individuals are there to enjoy themselves. If they get a tattoo at that time it can get infected as well as the potential of exposing others to the blood. Also, there is the problem of disposal of bloody waste materials.

Edward Ochoa, of Ochoa and Associates, wanted clarification that the present public hearing was not covering any action on the possible elimination of the six-month training period from the regulations and that the current regulations will remain as written until October 1997. It was clarified that the regulations for the six-month regulation had been on the books since 1976 and continuing.

Mary Gibbons, owner of Anastasia Salons, remarked that she had went through a great deal of cost and time in order to get her salon licensed and zoned for her to be able to do tattooing and body piercing in a fixed location. She expressed concern over the possibility of a mobile unit not having to go through the same procedures and being able to travel and operate anywhere within the community would not be fair practice. Further, proper sterilization of equipment in a mobile unit would be very difficult.

Anthony Rodriquez, representing Tattoo's R Us, expressed concern as to who would be able to check the mobile units for the sanitation of the equipment at various times of concerts. Disposal of bloody waste and sanitation from the mobile unit would be difficult to control.

Jennifer Neal of Puncture Body Piercing, stated that the District regulations governing tattooing and body piercing of 100 square foot requirement per cubicle would be difficult to do in a mobile unit. Also, there is less chance of the patron being sober, the areas would be crowded and there would be a greater chance for an individual to get infected from some of the contaminated waste.

Chuck Robert, representing Studio Tattoo, emphasized that the majority of the industry did not support the adoption of the proposed regulations for a mobile unit. He commended the

Board and the Health District for regulating the industry. He expressed concern as to what would qualify as a special event.

Rosa Ochoa, owner of Derma Tecknixs, after getting clarification that if the mobile units were allowed/legalized, it would include permanent cosmetic technicians because all permanent makeup artists must have in their possession an Operator's Health Card issued by the Health District. She commented that she primarily worked with cosmetic surgery facilities doing paramedical or scar cover-ups in the Southern Nevada area. She explained that in a sense she was mobile because she would take her tools to a plastic surgeon's facility. Also, she asked for clarification as to what was being proposed for the Board of Cosmetology. She further explained that she is licensed by the Board of Cosmetology to obtain her skin care license. She stressed that she felt that the Health District should not have anything to do with this industry and that it should be governed by a board established by the industry itself.

Philippa Pointon, District Environmental Sanitarian, explained that the Health District has been

invited to attend the State Board of Cosmetology meeting to give them an overview of what was discussed at the February 27, 1997 public hearing and to see what industry is interested in. Any possible regulation of industry by the Board of Cosmetology would have to come as a request from the industry as a group and not from the Board of Health.

Ian Ross, District Legal Counsel, stated that these types of industries should be regulated on a State basis, through the legislature to decide whether this industry should establish its own board as do other professional boards.

Laura Anderson, representing Anastasia, remarked that industry wanted to maintain the standards that they presently have and not develop a bad reputation through inappropriate practices. Also, if special events are held in Tonopah or the Laughlin area, it would be difficult for District Staff to monitor these events. She was opposed to the use of mobile units.

Staff explained these regulations were for Clark County and, therefore, not in Tonopah.

Tony Otto, of Tattoo Revolution, reiterated that the State and the Clark County Health District should govern tattooing and body piercing because of the blood involved with the process. He stated that the potential of acquiring Hepatitis or Tuberculosis is something the Health District should be involved with as the testing helps to ensure the safety of the operator and the customer. He was opposed to the use of mobile units as the potential increases for using dirty equipment.

Mr. Shahram, of Wicked Tattoo, remarked on the huge growth of shops and artists in the industry in the last 3 or 4 years. He expressed concern that if the regulation to allow mobile units was adopted there would be an increase in the number of artists working out of their homes and monitoring would become an uncontrollable problem for the Health District.

John Durante, representing Puncture Body Piercing, commented that mobile units would be a bad idea, especially at events. People will see it as a food and beverage booth at a special event and consider it. Individuals who want to get body piercing should go to professional establishments for sanitary reasons.

After brief reiteration by the public, Chairman Ferraro closed the public hearing.

Member Smith stated that it was not the Board's jurisdiction to get into the business of deciding who should get ahead for any industry, we are not referees to make sure that the playing field stays even. However, as a fiduciary body in representing the citizens and as a regulatory agency, the Board has the responsibility and right to make decisions based on the health and safety of the public. The issue of biohazardous waste is an extremely strong issue as well as an individual being able to choose things in a rational manner. Consideration also needs to be given to the fact that generally individuals try to reason things out but substances can be introduced into bodies that alter our rational state of thinking. The Board of Health's issues are health related.

*Member Kenny moved for denial of Memorandum #15-97; Motion was seconded by Member Reese and carried unanimously.*

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

1. Committee Appointments/Development:
  - A. Nomination/Possible Selection for Expiring Members Terms on Air Pollution Control (APC) Hearing Board

Committee Chairman Member Colquitt remarked that the committee reviewed the applications and selected the following individuals for interviews on July 22, 1997:

Professional Engineer:	Peter Karnoski, Jr., P.E.
General Contractor:	Larry Sayers, Bramble Development Group, Inc. Dennis Davis, Kiewitt Western Co.

Following the interviews and discussions with the committee on July 22, 1997, applicant Dennis Davis was nominated for the general contractor position and Peter Karnoski, Jr. for the professional engineer position. Both were recommended to the Board of Health as the candidates for appointment to the APC Hearing Board.

*Member Colquitt moved to appoint Dennis Davis as the general contractor candidate and Peter Karnoski, Jr., as the professional engineer candidate for appointment to the APC Hearing Board. Motion was seconded by Member Brown and carried unanimously.*

**B. Development of Screening Committee for APC/PM<sub>10</sub> Emission Control Research/Advisory Committee Members**

Chairman Ferraro appointed the following members to the Screening Committee for development of the APC/PM<sub>10</sub> Emissions Control Research/Advisory Committee: Committee Chairman, Member Crowley, Member Brown and Member Reese

**2. Petition #44-97 - Award of Bid for Influenza Vaccine**

David Rowles asked that the Board of Health, in compliance with the local government purchasing act, approve General Injectables and Vaccines, Incorporated as the lowest responsive and responsible bidder for 3,000 vials of influenza vaccine.

*Member Kenny moved for approval of Petition #44-97 Award of Bid for Influenza Vaccine to General Injectables, Inc. as the lowest responsive and responsible bidder. Motion was seconded by Member Colquitt and carried unanimously.*

**3. Petition #45-97 - Preliminary Bid Items for Health District Re-roofing and Rotunda Remodeling Project**

David Rowles commented that in discussions with architect Gary Carlson regarding development and publishing of bid specifications for the main center re-roofing and rotunda remodeling project and the need to allow appropriate lead time for fabrication of HVAC units and a digital control system compatible with the design adopted by the Board, it is necessary to prepare and, publish bid specifications prior to releasing them for bid proposals, and the more general re-roofing and rotunda remodeling specifications.

He asked that the Board authorize Staff and Architect Gary Carlson, to prepare and publish bid specifications for custom fabricated HVAC rooftop units, and digital HVAC control panel monitoring and switching systems in conjunction with the subsequent publishing of general bid specifications for the entire District main center re-roofing and rotunda remodeling project. Funds are available in the fiscal year 1997-1998.

*Member Kenny moved for approval of Petition #45-97, to authorize Staff to proceed with plans for the re-roofing and rotunda remodeling project. Motion was seconded by Member Brown and carried unanimously.*

**4. Memorandum #17-97 - Staff Review of Minutes of Public Hearing at the Adoption of State Environmental Commission's Recycling and Amendments to Solid Waste Regulations**

Clare Schmutz remarked that during the public hearing on the possible adoption of the State Environmental commission's recycling and amendments to the Solid Waste Regulations, (which the Board adopted) on June 26, 1997, Member Kincaid directed staff to review the comments from the public hearing and bring a recommendation to the next Board Meeting as to whether there should be a policy statement or additional regulations.

Vic Skaar remarked that staff had reviewed the transcripts of public comment of the June 26, 1997 recycling and solid waste regulations hearing. He outlined public comments and information related to the Boulder City Landfill, recycling statistics on auto fluff, composting operation, recycling magazines, waste tire storage and ground water monitoring systems.

After review of the Board's newly adopted policy and the comments made at the public hearing, staff did not feel that the Board of Health needed to adopt additional policy.

Mary-Shope Wiles, Boulder City resident, briefly commented on Staff's review of the public comment and clarified her remarks related to the Boulder City Landfill on the standing by citizens to question the validity of recycling statistics on auto fluff, verification that compliance standards are being followed on composting, financial assurance plans for all class landfills should be on record and approved by their respective entities and the waste management board, and cooperation between entities on construction before an application for a landfill is approved. She commended staff for their efforts.

**5. Memorandum #16-97 - Request for Closed Session of the Board of Health Meeting To Discuss Labor-Management Contract Settlement and Thereafter in Open Session Consider the Recommendations**

David Rowles introduced Angus MacEachern, and Carol Emery members of the labor-management negotiations team and recommended that the Board enter into a closed session to discuss the contract.

*Member Kenny moved to enter into a closed session to discuss the labor negotiations. Motion was seconded by Member Smith and carried unanimously.*

*Member Brown moved to enter into a re-open session to discuss the labor negotiations. Motion was seconded by Member Ravitch and carried unanimously.*

*Member Crowley moved to approve the recommended Labor Contract with the three letters of agreement for non-supervisory and supervisory employees. Motion was seconded by Member Brown and carried unanimously*

*Member Colquitt moved to extend the terms of the contract and letters of agreement to all non-bargaining unit, administrative exempt and confidential employees. Motion was seconded by Member Smith and carried unanimously.*



#### **IV. STAFF REPORTS**

##### **Administration**

David Rowles remarked that the electrical panel upgrade is proceeding on schedule. We should have a conversion in August.

We reached an all time high in Health Card applicants in the month of June. Staff processed over 11,000 applicants, 65% are new applications. We are processing approximately 400 to 500 health card applicants a month in Laughlin and 150-200 a month in Mesquite.

He commended Jeanne Palmer and Angie Markel on their efforts of compiling the Clark County Health District annual report.

The auditors have commenced a study of the District's financial records for a report to the Board in either the October or November 1997 Board meeting.

##### **Air Pollution Control**

Michael Naylor remarked that the permit volume for dust control permits is at an all time high. We are 300 acres above the permits compared to June 1996. We are projecting 18,000 acres of construction activity compared to 14,000 for 1996.

Staff will be conducting a administrative public hearing in the Boulder City Council Chambers on July 29, 1997 for preliminary approval of the Eldorado Energy Power Plant that is proposed for the south end of Eldorado Valley in Boulder City.

The State Interim Finance Committee has approved the District's grant request for \$900,000. These funds will be received by the District and passed on to Clark County to operate a program to identify and compare gross polluting vehicles that operating in the east central valley.

##### **Clinics & Nursing**

Fran Courtney, RN, introduced the new Public Health Nursing Supervisor, Maureen Fanning. Her areas of responsibility will be supervision of the Field Nurses who do the in-home visiting programs for the Health District. All other sections running well.

##### **Environmental Health**

Staff has received a letter from Boulder City requesting withdrawal of their application for a landfill in the Eldorado Valley. All other sections running well.

#### **V. CITIZEN PARTICIPATION**

The Board of Health cannot act upon items raised under this portion of the Agenda until notice provisions of Nevada's Open Meeting Law have been complied with. Therefore, any actions on such items are considered at a later meeting.

Chairman Ferraro asked if any member of the public wished to heard.

Mary Shope-Wiles thanked Staff for their efforts with the proposed landfill in the Eldorado Valley. Further comments were made concerning the Nevada Test Site and Class III landfills. Dr. Ravenholt explained that was not the Health District's jurisdiction.

**VI. INFORMATIONAL ITEMS**

***DULY NOTED***

1. Letter from Environmental Protection Agency (EPA) Reference Acceptance of Improvements in the Health District Air Pollution Control Permit, Enforcement and Inspection Programs, 07/02/97
2. Financial Data
3. Listing of Food Establishments in Plan Review for the Period of 06/01/97 - 06/31/97 Environmental Health Division
4. Air Pollution Control Hearing Officer Meeting Annotated Agendas, 07/02/97
5. Air Pollution Control Monthly Report (Air Quality, Enforcement Activity and Permitting) June 1997
6. Letters of Appreciation to Mark Gillespie, Environmental Health Specialist from Mr. Catering

**VII. ADJOURNMENT**

There being no further business to come before the Board, Chairman Ferraro adjourned the meeting at 9:55 A.M.

**SUBMITTED FOR BOARD APPROVAL**

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Otto Ravenholt, MD, Chief Health Officer  
Executive Secretary

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